

CHAPTER 10.02 INTRODUCTION

<i>10.02.02</i>	<i>Title</i>
<i>10.02.04</i>	<i>Definitions - General</i>
<i>10.02.06</i>	<i>Definitions - Specific</i>
<i>10.02.08</i>	<i>Conflicts With State and or Federal Law</i>

10.02.02 Title

This Title of the Administrative Manual shall be known as the "Personnel Policy of the County of Glenn." Each Chapter hereof shall be applicable to all employees unless otherwise stated.

10.02.04 Definitions - General

Words used in the present tense include the future, except where the natural construction thereof otherwise indicates. Words in the singular number include the plural, and words in the plural number include the singular. The word "shall" is mandatory.

10.02.06 Definitions – Specific

As used in this personnel policy, the following words shall be defined as set forth below:

"Appointing Authority" means the Board of Supervisors, County Officers, Department heads, or any person or group of persons having the power by law or ordinance to make an appointment to any position in a specified department for the County of Glenn.

"Classified Employee" means an employee designed as one of the following: Department of Finance Supervising Accountant (1.0 FTE), Human Resource Agency Supervising Welfare Fraud Investigator (1.0 FTE), Human Resource Agency Administrative Assistant (1.0 FTE), Human Resource Agency Office Assistant III (1.0 FTE), Sheriff's Office Administrative Services Officer (1.0 FTE), Probation Department Administrative Assistant (1.0 FTE), Health Services Administrative Assistant (2.0 FTE), Planning and Public Works Agency Staff Services Manager (1.0 FTE), and Planning and Public Works Agency Supervising Office Technician (1.0 FTE).

"Confidential Employees" are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board of Supervisors upon recommendation of the Personnel Director and in accordance with applicable laws and regulations of the California Public Employment Relations Board through amendment of the List of Classifications and Pay Ranges in accordance with Section 3.04.040 of the Glenn County Code.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The probationary period for confidential employees shall be one year.

"Continuous Service" means service without a break or interruption during which the employee has been employed by the county. Neither military leaves nor other leaves of absence, whether with or without pay, shall be construed as a break in service.

"County Officers" means those certain officers designated in Section 24000 of the Government Code and as set forth in the Glenn County Code as now enacted, or as later may be amended.

"Demotion" means a change of employment from a position with a given salary range to a position of a different class with a lower salary range.

"Department" means all divisions, sections, and budget units within the administrative control of a County Officer.

"Department heads" means those persons who are the head of an established department or office, and who are also County Officers.

"Employees" means all persons employed by the County of Glenn, other than "County Officers" except where the natural construction otherwise indicates.

"Limited Term Employee" means a person employed in a limited term position.

"Limited Term Position" means a program specific position funded predominantly by other than the general fund. The allocation of these positions shall automatically end when either the program ends or the funds backing the position are no longer available.

"Personnel Director" means the person appointed by the Board of Supervisors to have authority over the personnel office, whether the position be called "personnel officer", "personnel director", "personnel analyst" or some other title.

"Probationary Employee" means an employee who is serving a probationary period as a condition to being accorded regular status. The term Probationary Employee includes an employee promoted pursuant to Section 10.08.14 (D).

"Probationary Period" means the period defined in Section 10.08.14 (A) or any lawful extension thereof during which an employee demonstrates his performance ability.

"Promotion" means a change of employment from a position with a given salary range to a position of a different class with a higher salary range, whether in the same or a different department.

"Public Service Employee" means a non-allocated temporary, seasonal or intermittent at-will employee who is hired by a Department Head to perform work that is seasonal, temporary or intermittent, for which it is impractical to hire a regular employee.

"Reclassification" shall mean a change in the allocation of a position by raising it to a higher class, reducing it to a lower class, or changing the title on the basis of substantial changes in the kind, difficulty, or responsibility of duties performed in such position.

"Regular Employee" includes both "Regular Full-Time Employees" and "Regular Part-Time Employees".

"Regular Full-Time Employee" means a person employed in a regular full-time position.

"Regular Full-Time Position" means a position established on a year around basis requiring work on a regular schedule of forty (40) hours per workweek.

"Regular Part-Time Employee" means a person employed in a regular part-time position who has satisfactorily served a probationary period.

"Regular Part-Time Position" means a position established on a year around basis averaging less than forty (40) hours, but 20 or more hours per work week on a continuing yearly basis.

"Supervisory Position" means a position whose assigned duties include the supervision of a work unit of a department. A supervisory position will normally be responsible for training, assigning, reviewing and evaluating the work of at least two (2) employees.

"Transfer" means a change of employment from a position with a given salary range to a position in another department of the same class or a different class with the same salary range providing the minimum qualifications and test are the same.

"Work week" commences on 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday of each calendar week unless specified otherwise in this policy.

"Y-Rate" means the freezing of a salary rate for an employee which is above the appropriate salary range of the position which the employee fills until the salary range for the position increases to that level.

10.02.08 Conflicts With State or Federal Law

If the provisions of this personnel policy are found to be or come into violation of Federal or State law, the provisions of such laws shall take precedence.

CHAPTER 10.04 EMPLOYER-EMPLOYEE RELATIONS POLICY

<i>10.04.02</i>	<i>Statement of Purpose</i>
<i>10.04.04</i>	<i>Definitions</i>
<i>10.04.06</i>	<i>Employee Rights</i>
<i>10.04.08</i>	<i>County Rights</i>
<i>10.04.10</i>	<i>Scope of Representation</i>
<i>10.04.12</i>	<i>Filing of Recognition Petition</i>
<i>10.04.13</i>	<i>County Review of Recognition Petition/Notice to Employees</i>
<i>10.04.14</i>	<i>Challenging Petitions/Overlapping Units</i>
<i>10.04.16</i>	<i>Appropriate Units</i>
<i>10.04.18</i>	<i>Procedure for Modification of Established Appropriate Units</i>
<i>10.04.20</i>	<i>Procedure for Decertification of Exclusively Recognized Employee Organizations</i>
<i>10.04.22</i>	<i>Election Procedure</i>
<i>10.04.24</i>	<i>Granting Exclusive Recognition</i>
<i>10.04.26</i>	<i>Appeals</i>
<i>10.04.28</i>	<i>Meeting and Conferring</i>
<i>10.04.30</i>	<i>Initiation of Impasse Procedures</i>
<i>10.04.32</i>	<i>Mediation</i>
<i>10.04.34</i>	<i>Fact-finding</i>
<i>10.04.36</i>	<i>Board of Supervisors</i>
<i>10.04.38</i>	<i>Cost of Impasse Procedures</i>
<i>10.04.40</i>	<i>Construction</i>
<i>10.04.42</i>	<i>Severability</i>

10.04.02 Statement of Purpose

This Chapter implements Chapter 10 (commencing with Section 3500) of Division 4, Title 1 of the Government Code, captioned "Local Public Employee Organizations", by providing orderly procedures for the administration of employer-employee relations between the County and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of State law, County ordinances, resolutions and rules which establish and regulate the merit system, or which provide for other methods of administering employer-employee relations. This Chapter is intended, instead, to strengthen merit and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the County.

It is the purpose of this Chapter to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by Federal or State law.

10.04.04 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

"Appropriate unit" means a unit of employee classes or positions, established or modified pursuant to this Chapter.

"Confidential employee" means an employee, who, in the course of his or her duties, has access to information relating to the County's administration of employer-employee relations.

"County" means the County of Glenn, and where appropriate herein, refers to the County Board of Supervisors or any duly authorized County representative as herein defined.

"Day" means calendar day unless expressly stated otherwise.

"Employee" means any person employed by the County in an authorized position as listed in the current County Budget, except elected officers and appointed department heads.

"Employee organization" means any bona fide organization which includes employees of the County and which has as one of its primary purposes representing such employees in their relations with the County.

"Exclusive recognition" means formal recognition by the County of an employee organization to the exclusion of other employee organizations pursuant to a vote of the employees in an appropriate representation unit.

"Exclusively recognized employee organization" means an employee organization which has gained exclusive recognition in an appropriate representation unit pursuant to a vote of the employees in the unit. No other organization may represent employees in such a unit except as provided in 10.04.20 below.

"Impasse" means that the representatives of the County and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

"Management employee" means any employee having responsibilities for the formulation or administration of County policies and programs, as designated by the County.

"Management representative" means the County Personnel Director or any persons duly designated by the County to act as a representative of the County for employer-employee relations.

"Mediation" means the efforts of an impartial third person, or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestions, and advise.

"Meet and confer in good faith" means performance by duly authorized management representatives and by duly authorized representatives of a recognized employee organization of their mutual obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period of time in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. This mutual obligation shall not require either party to agree to a proposal or to make a concession.

"Professional employees" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses, engineers, architects, and the various types of physical, chemical, and biological scientist.

"Proof of employee support" means the documentation on forms approved by the County presented by an employee organization to the Personnel Director indicating approval by the required number of employees whom the employee organization purports to represent. Only signatures of employees currently employed in authorized positions within the proposed representation unit on the date the petition is filed, and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of employees in a proposed representation unit shall be determined by using the Position Allocation List, adjusted to reflect the positions occupied as of the closing date of the payroll period immediately preceding the date on which the petition is filed.

"Representation unit" means a unit composed of County employees organized for the purpose of employee representation, and which has been established in accordance with this chapter.

"Scope of representation" means those matters relating to employment conditions and employer-employee relations, including wages, hours, and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

"Supervisory employee" means any employee other than a management employee regularly having authority in the interest of the county to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate, or discipline other employees or the responsibility to assign work to and direct them or to adjust their grievances or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical nature, but requires the use of independent judgment.

10.04.06 Employee Rights

Subject to the provisions of this Chapter, employees of the County shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters of employee relations. Employees of the County shall also have the right to refuse to join, support, or participate in the activities of employee organizations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of his exercise of these rights.

10.04.08 County Rights

A. Nothing in this Chapter shall be construed to restrict any legal or inherent exclusive County rights with respect to matters of general legislative or managerial policy, which include, among others, the exclusive right to determine the methods, means, and personnel by which County Government operations are to be conducted, as well as to exercise complete control and discretion over its organization, operations and technology of performing its work including the contracting out of work; to determine the mission, function and necessity of all or part of each of its constituent departments, boards, and commissions and take all necessary actions to carry out their mission, functions and necessity, or any part thereof, as well as set standards of service to the public.

B. The County also retains the sole right to administer the County Personnel Policy and Ordinance, to classify and reclassify positions, add or delete positions or classes to or from the County Budget or Salary Resolution; to establish standards for employment, selection and promotion of employees; to direct its employees, establish rules and regulations, take disciplinary action for proper cause, to establish work schedules and work assignments, and to relieve its employees from duty for lack of work or other legitimate reasons. The County retains the right to be the sole judge of the qualification and competence of its officers and employees.

C. The County reserves the right to take whatever action may be necessary in an emergency situation; however, an exclusively recognized employee organization affected by the action shall be notified promptly of any such emergency action which affects matters within the scope of representation.

10.04.10 Scope of Representation

A. Upon request, an exclusively recognized employee organization shall have the right to meet and confer in good faith to negotiate wages, hours, and other terms and conditions of employment with the appropriate level of management. Terms and conditions of employment mean health and welfare benefits, leave and transfer policies, safety conditions of employment, procedures to be used for the evaluation of employees, layoff procedures, and procedures for processing grievances and disciplinary appeals.

B. If agreement is reached by the representatives of the County and a recognized employee organization, they shall jointly present to the Board for its consideration and ratification a written memorandum of such understanding.

C. The County may adopt reasonable rules and regulations after consultation in good faith with representatives of the employee organizations concerning the administration of employee relations under this Chapter.

D. The County shall give reasonable written notice to each exclusively recognized employee organization of any proposed ordinance, rule or regulation relating to matters within the scope of representation set forth in this Chapter.

10.04.12 Filing of Recognition Petition

An employee organization seeking to be formally recognized as the exclusive employee organization representing the employees in an appropriate unit shall file a petition with the Personnel Director containing the following information and documentation:

- A. Name and address of the employee organization.
- B. Names and titles of its officers.
- C. Names of employee organization representatives who are authorized to speak on behalf of the organization.

D. A statement that the employee organization has, as one of its primary purposes, representation of employees in their employment relations with the County.

E. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.

F. Certified copies of the employee organization's constitution and bylaws.

G. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose.

H. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, age, national origin or handicap.

I. The job classification or titles of employees in the unit claimed to be appropriate and the approximate number of employees therein.

J. Proof of employee support, as herein defined, means that at least thirty percent (30%) of the employees in the unit claimed to be appropriate desire the named organization to represent them in employer-employee relations.

K. A request that the County formally recognize the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

L. The petition, including all accompanying documents, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officers of the employee organization executing it.

10.04.13 County Review of Recognition Petition/Notice to Employees

Following receipt of the petition, the Personnel Director shall determine whether:

A. The petition complies with the requirements of this chapter, and

B. The proposed representation unit is an appropriate unit in accordance with Section 10.04.16.

If an affirmative determination is made by the Personnel Director on the foregoing two matters, he shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for twenty (20) days thereafter. Posting the request in conspicuous County locations shall constitute written notice to the employees. If either of the foregoing matters are not affirmatively determined, the Personnel Director shall offer to consult thereon with such petitioning employee organization, and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 10.04.26.

10.04.14 Challenging Petitions/Overlapping Units

Within twenty (20) days of the date of written notice to the affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally recognized as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing documentation evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) of the employees in the unit claimed to be appropriate and otherwise in the same form and manner as set forth in Section 10.04.12. If such challenging petition seeks establishment of an overlapping unit, the Personnel Director shall consult with the petitioning employee organizations for the purpose of ascertaining the more appropriate unit. Thereafter, the Personnel Director shall determine the appropriate unit or units in accordance with the standards in Section 10.04.16. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Personnel Director to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 10.04.26.

10.04.16 Appropriate Units

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the County and its compatibility with the primary responsibility of the County and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- A. The unit shall include the broadest feasible groups of employees based upon internal and occupational community interest. Fragmentation of units is to be avoided.
- B. The effect of the proposed unit on the efficient operation of County services and on sound employer-employee relations.
- C. Consistency with the organizational patterns of the County.
- D. The history of employee relations in the unit, among other employees in the County, and in similar public employment.
- E. Similarity of duties, skills, and working conditions of employees.
- F. No County employment classification title shall be included in more than one representation unit.
- G. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such employees.
- H. Management and Supervisory employees may only be represented by an organization or organizations composed solely of such employees but shall not represent any employee organization which represents other employees of the public agency.
- I. Confidential employees may not be represented in a bargaining unit together with nonconfidential employees.
- J. Notwithstanding the provisions of this Section to the contrary a unit shall consist of at least ten (10) employees.
- K. Elected and appointed officials shall not be members of any unit.

10.04.18 Procedure for Modification of Established Appropriate Units

A. Requests by employee organizations for modifications to established appropriate units may be considered by the Personnel Director only during the period of 120 to 150 days prior to the expiration date of the Memorandum of Understanding. Such documentation shall be submitted in accordance with the requirements set forth in this Section and shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth herein. The Personnel Director shall process such requests as stated below.

B. The Personnel Director may on his own motion propose during the period specified in this Section, that an established unit be modified and shall process such proposal as stated below.

C. The Personnel Director shall give written notice of the proposed modifications to all affected employee organizations and shall hold a meeting concerning the proposed modifications, at which time all affected employee organizations shall be heard.

D. Thereafter, the Personnel Director shall determine the composition of the appropriate unit or units in accordance with Section 10.04.16 and shall give written notice of such determination to the affected employee organizations.

E. The Personnel Director may after notice to and consultation with affected employee organizations, allocate new classifications, or positions, reallocate classifications or positions, or delete classifications in accordance with the provisions of Section 10.04.16.

F. The allocation of new classifications or the deletion of abolished classifications may be done at any time and may not be considered a modification of the unit if in the determination of the Personnel Director such additions or deletions have no significant impact on the appropriateness of the unit.

G. If a unit is modified pursuant to the decision of the Personnel Director hereunder, employee organizations may thereafter file petitions for a new appropriate unit or units pursuant to Section 10.04.12.

H. There shall not be more than one election in a twelve (12) month period affecting the same bargaining unit.

I. Any determinations made by the Personnel Director are subject to appeal as provided in Section 10.04.26.

10.04.20 Procedure for Decertification of Exclusively Recognized Employee Organizations

A. Proof of employee support alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Personnel Director only during the period of 120 to 150 days prior to the expiration of the agreement. Such documentation may be filed by two or more employees, their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
2. The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.
3. An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
4. Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the Personnel Director within the time limits specified in the first paragraph of this Section.

B. The Personnel Director shall initially determine whether the documentation has been filed in compliance with the applicable provisions of this Section. If his determination is in the negative, he shall offer to consult thereon with the representatives of such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such documentation to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 10.04.26. If the determination of the Personnel Director is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition documentation to the incumbent exclusively recognized employee organization and to unit employees.

10.04.22 Election Procedure

A. If less than 60% of the employees in the unit claimed to be appropriate sign the petition or in some other way demonstrate to the Personnel Director their support, an election shall be conducted pursuant to this section. Within twenty (20) calendar days of the last date that a recognition petition can be filed, as determined by the Personnel Director or as decided by an appeal, the Personnel Director shall arrange for a secret ballot election to be conducted in accordance with the provisions of this Chapter. All employee organizations that have filed petitions which have been determined to conform to Section 10.04.12 shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in full-time and part-time regular positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the County in the same unit on the date of the election.

B. The election shall be conducted by the California State Conciliation Service unless both parties agree on another party hereinafter referred to as the Election Supervisor.

C. Costs of conducting elections, if any, shall be borne in equal shares by the County and each employee organization appearing on the ballot. If the election is called at the request of the County, the County shall bear all normal election expenses. The party desiring observers shall provide for those observers at its own expense.

D. The Election Supervisor shall have the final authority to make such arrangements and ruling as he deems necessary to carry out the election. No later than twenty (20) days prior to the election, the Election Supervisor shall meet with the eligible employee organizations to discuss the election arrangement and rules. Such rules shall be made available to the organizations no later than ten (10) days prior to the election.

E. An employee organization shall be formally recognized as the exclusively recognized employee organization for the appropriate unit following an election or runoff election if it receives a numerical majority (more than 50%) of the valid votes cast.

F. In an election where there are more than two choices on the ballot, including the choice of no organization, and none of the choices receive a majority of the votes cast by the employees within the representation unit, a runoff election shall be conducted between the choices receiving the largest and second largest number of votes.

G. Each eligible employee organization shall submit to the Personnel Director the designation it desires on the ballot no later than twenty (20) calendar days before the election. Such designation shall be the official name of the organization as submitted in their bylaws pursuant to Section 10.04.12 or an abbreviated version thereof. If any organization fails to submit such designation, the Personnel Director shall prepare a designation for use on the ballot. The order in which the eligible choices appear on the ballot shall be determined by lot.

H. The ballots shall include the question "Do you wish to be represented in respect to wages, hours, and other conditions of employment by?" Following the question the eligible choices shall be listed on the ballot in the order determined by lot. The eligible choices shall also include the choice of "No organization."

I. A notice of election in a form approved by the Elections Supervisor shall be posted at locations serving employees in the unit involved at least five (5) days prior to the election.

J. If agreed to by the organizations appearing on the ballot and the Personnel Director, each eligible employee organization and the County are authorized to provide one observer at each polling place. Each party shall be responsible for the presence of his observers and no balloting or counting shall be delayed because of the absence of one or more observers.

K. Any authorized observer may challenge the eligibility of a voter. It shall be the duty of the Election Supervisor or his designee to place the challenged ballot in a sealed envelope indicating that the voter in question has cast a challenged ballot.

L. The Election Supervisor shall subsequently determine the eligibility of the voter who cast a challenged ballot and either count or reject said vote. The decision of the Election Supervisor shall not be subject to appeal and shall be final and binding on all parties. The Election Supervisor may employ at no expense to the eligible registered organizations as assistants in the conduct of the election, persons normally employed as elections officials by the County who are not County employees. The Election Supervisor may also use the services of the Registrar of Voters and his staff and such persons that are used by the Election Supervisor are charged with strict neutrality in the conduct of their duties.

M. Voting locations shall be agreed to by the parties or designated by the Election Supervisor after consultation with the parties no later than fifteen (15) days before the election. The election will be by secret ballot and voters will be allowed to vote without fear or restraint or coercion.

N. At the conclusion of the election, the Election Supervisor, after disposing of the challenged ballots, shall count all the ballots and certify the results of the election. These results shall be final and binding on the parties.

O. The Election Supervisor is hereby authorized to make such administrative and procedural rulings as he or she deems necessary to carry out the elections. A violation of these rules by a party may serve to void the election. The Election Supervisor shall have the sole authority to make a ruling under this section.

P. Any of the above election procedures as set forth in paragraphs B through O may be altered or waived by mutual agreement of the parties.

10.04.24 Granting Exclusive Recognition

Upon a determination that an employee organization has received a majority of ballots cast in an election, the Board of Supervisors shall, by resolution, grant exclusive recognition for the appropriate bargaining unit. A new exclusively recognized employee organization shall assume the terms and conditions of any existing memorandum of understanding.

10.04.26 Appeals

An employee organization aggrieved by an appropriate unit determination by the Personnel Director may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Sections 3507.1 and 3507.3, or may, in lieu thereof, appeal such determination to the Board of Supervisors for final decision within ten (10) calendar days of notice of the Personnel Director's determination.

10.04.28 Meeting and Conferring

A. Only exclusively recognized employee organizations in established representation units shall be entitled to meet and confer with duly designated management representatives on wages, hours, and other terms and conditions of employment for such units.

B. The County is under no obligation to meet and confer with employee organizations who are not exclusively recognized, or who willfully violate any of the provisions of this Chapter, or who are engaged in any illegal action against the County.

C. Meeting and conferring shall not be required on any subject preempted by Federal or State law, rule, or regulation. Proposed amendments to this Chapter shall be subject to consultation after reasonable notice.

D. Agreements reached as a result of meeting and conferring shall be incorporated in a written memorandum of understanding signed by the County representative, his designee when appropriate, and the duly designated representative of the recognized employee organization with whom the agreement has been reached. Such memorandum of understanding shall not exceed a three-year term. Signed memorandums of understanding shall be mutually submitted to the Board of Supervisors, but shall not be in effect or binding on the parties until formally approved by the Board of Supervisors.

10.04.30 Initiation of Impasse Procedures

If the meet and confer process has reached impasse as defined in this Chapter, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled within ten (10) calendar days by the Personnel Director. The purposes of such impasse meeting shall be as follows:

- A. To identify and specify in writing the issue or issues that remain in dispute.
- B. To review the position of the parties in a final effort to resolve such disputed issue or issues; and
- C. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

10.04.32 Mediation

A. Either party may request mediation. Such mediator shall be selected from a panel to be provided by the California State Conciliation Service unless both parties agree to another mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.

B. If the parties fail to resolve the dispute through mediation within fifteen (15) calendar days after the mediator commences meeting with the parties, the parties may mutually agree to submit the impasse to fact-finding.

10.04.34 Fact-Finding

If the parties mutually agree to submit the impasse to fact-finding, they may agree on appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three shall be appointed in the following manner: one member of the panel shall be appointed by the County; one member shall be appointed by the exclusively recognized employee organization, and those two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of names to be provided by the California State Conciliation Service. The following constitute the jurisdictional and procedural requirements for fact-finding:

- A. The fact-finders shall consider and be guided by applicable Federal and State laws.
- B. Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
 - 1. As relevant to the issues in dispute, the fact-finders shall compare the total compensation, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the total compensation, hours, and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; medical and hospitalization benefits; and insurance, job injury, disability pension and welfare benefits.
 - 2. The fact-finders shall then adjust the results of the above comparisons based on the factors of equitable employment benefits relationships between job classifications and positions within the County, the benefits of County job stability and continuity of employment, and the difficulty, or lack thereof, of recruiting and retaining qualified personnel.
 - 3. The fact-finders shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the County to implement them, taking into account other legislatively determined and projected demands on agency resources, assurance of sufficient and sound budgetary reserves, and statutory or other limitations on tax and other revenues and expenditures.
- C. The fact-finders shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the County and the designated representative of the exclusively recognized employee organization.
- D. If the parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall submit them for consideration by the Board of Supervisors in connection with the Board's legislative consideration of the issues at impasse.

10.04.36 Board of Supervisors

If the parties agree to submit the impasse directly to the Board of Supervisors, or if the parties do not resolve the impasse through mediation or do not agree to fact-finding, the Board of Supervisors shall take such action regarding the impasse as it in its discretion deems appropriate in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding.

10.04.38 Cost of Impasse Procedures

The costs, if any, for the services of a mediator and fact-finder or chairperson of a fact-finding panel utilized by the parties, and other mutually incurred costs of mediation and fact-finding, shall be borne equally by the County and the employee organization. The cost for a fact-finding panel member selected by each party and other separately incurred costs shall be borne by such party.

10.04.40 Construction

This Chapter shall be administered and construed as follows:

A. While this Chapter shall prevail over any other policy, resolution, rule or memorandum of understanding, nothing in this Chapter shall be construed to deny to any person, employee, organization, the County, or any authorized officer, body or other representative of the County, the rights, powers and authority granted by Federal or State law.

B. This Chapter shall be interpreted so as to carry out its purpose as set forth in Section 10.04.02.

C. Nothing in this Chapter shall be construed as making the provisions of California Labor Code Section 923 applicable to County employees or employee organization, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work. In the event employees engage in such actions, they shall subject themselves to possible disciplinary action up to and including termination and may be deemed to have abandoned their employment. If an employee organization is found by the County, after a public hearing, to have engaged in such activity the County may withdraw all rights accorded the organization under this Chapter and other County law for a period up to one year from commencement of such activity.

10.04.42 Severability

If any provisions of this Chapter or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 10.06 SALARY ADMINISTRATION

- 10.06.02 *Performance Evaluation Reports*
- 10.06.04 *Anniversary Date*
- 10.06.06 *Salary Plan Administration*
- 10.06.08 *Dispatch Training Officer Differential*
- 10.06.09 *Advanced Certification Differential (Planning and Public Works Agency of Glenn County, Building Inspection Division)*
- 10.06.10 *Advanced Certification Differential (Assessor's)*
- 10.06.11 *Intern Supervisory Differential for Qualifying Individuals Holding a License as a Marriage and Family Therapist (MFT) or as a Licensed Clinical Social Worker (LCSW)*
- 10.06.12 *Confidential Employee*
- 10.06.13 *Classified Employee*
- 10.06.14 *Advanced Professional Public Works Differentials*
- 10.06.15 *HIPPA Privacy and Security Officer Differential*

10.06.02 Performance Evaluation Reports

A. All regular employees of the County shall have their work performance evaluated at regular intervals by their immediate supervisors and department head. The employee's department head or supervisors shall discuss such evaluation with the employee. A copy of the performance report shall be made a part of the employee's permanent personnel file.

B. Probationary Employees. For probationary employees, employee performance evaluation reports may be completed at the end of the third month of service and shall be completed before the end of the sixth month of service.

C. Regular Employees. Annual performance evaluation reports on regular employees shall be completed at least fourteen (14) calendar days prior to the employee's anniversary date. A department head may conduct an unscheduled evaluation at any time.

D. Appointed Department Heads. Appointed department heads shall be evaluated annually and at other intervals when appropriate utilizing the guidelines, method and procedures established by the Board.

10.06.04 Anniversary Date

A. Appointment. Every regular employee who begins employment on any date from the first through the fifteenth of a month shall have an anniversary date on the first of that month. Every regular employee who begins employment on a date from the sixteenth through the end of the month shall have an anniversary date on the first of the following month. If an employee begins employment on the first working day of a month, it shall be considered for the purpose of this section that such employment began on the first calendar day of the month.

B. Promotion. When an employee is promoted he or she shall receive a new anniversary date in accordance with paragraph A, above, unless otherwise provided in this Title.

C. Absence without Pay. Any absence without pay exceeding eleven (11) working days shall cause the employee's anniversary date to be postponed a number of months equal to the nearest number of months for which the leave is granted based on the number of days of such leave.

D. Rehire From Layoff.

1. The anniversary date for a former employee rehired from a layoff of thirty days or less shall be their anniversary date at the time of layoff.
2. The anniversary date for a former employee who is rehired from a layoff in excess of thirty days shall be calculated by determining the anniversary date that would apply to the employee as a new hire under paragraph A, and adjusting that date by crediting the employee with the number of days from the employee's pre-layoff anniversary date to and through the day of layoff and debiting the employee for days applied to the pre-layoff anniversary date under paragraph B.

10.06.06 Salary Plan Administration

A. Personnel and Time Records. Each department head shall be responsible for maintaining the personnel and time records of his or her department, and shall furnish monthly payroll and attendance reports to the County Director of Finance, on forms approved by the Director of Finance, and on such dates as specified by the Director of Finance. Time keeping procedures in each department shall be in accordance with procedures prescribed by the Director of Finance.

B. Pay for Regular Employee, Less than Full Pay Period. A regular employee who works less than a full pay period, other than while on paid vacation, compensatory time or sick leave, shall have his pay computed on a pro rata basis unless governing law or statutes provide otherwise.

C. Pay for Regular Part-Time Employees. A regular part-time employee shall be paid on an hourly rate which bears the same relationship to the rate he would receive if he were a regular full-time employee in the same position, in accordance with the conversion table.

D. Submission of Payroll. Each department head shall cause to be prepared and shall certify a payroll report showing attendance for the specified pay period of all persons serving in his or her department or under his or her jurisdiction.

E. Salary on Appointment. New employees shall be hired at Step A of the classification to which appointment has been made, provided however that a new employee must possess the education, experience, licensure, if any, and other qualifications required by the class specification. However, with approval of the Personnel Director, a new employee may be hired at step B or C. The Board of Supervisors may, by minute order, and upon recommendation of the department head and Personnel Director set the starting salary of any employee at any step in the salary range for the classification to which the position is allocated. Appointments starting above Step A shall only be made to those positions for which there are recruiting difficulties, to recognize an unusual degree of training or experience or for other reasons acceptable to the Board of Supervisors.

F. Salary on Reemployment. A person reemployed in the same class in which he or she previously held regular status or in a similar class, and who was previously separated in good standing, may, upon recommendation of the department head in which department he or she is to be employed, and with the concurrence of the Personnel Director, be appointed to the same step of the salary range as he or she occupied at the time of separation. If the Personnel Director does not concur, the department head may ask that the Board of Supervisors consider the recommendation.

G. Merit Step Increases. Employees shall be eligible for consideration for advancement to Step B of the salary range after twelve (12) months of continuous service on Step A. Eligibility for other or further step advancements shall be after twelve (12) months continuous service on each step until the top of the salary range is reached.

H. Based on Performance. Merit step increases are not automatic and shall only be given on the affirmative recommendation of the department head. Such recommendation shall be made on the basis of continued satisfactory performance on the job and based on a performance evaluation.

I. Overlooked through Error. Should an employee's anniversary date be overlooked through an error, upon discovery of the error, and if the employee is to be recommended for the anniversary increase, the County Director of Finance's office shall on the following month's payroll compensate the employee for the additional salary he or she would have received dating from the anniversary date.

J. Salary on Promotion. Any regular employee who is promoted to a position in a class having a higher salary range than the class of position which he or she formerly occupied shall receive the nearest higher salary in the new salary range as of the date upon which the appointment becomes effective. Where promotion by this method results in a salary increase of less than five percent (5%), the employee shall be advanced to the next higher step in the range. For purposes of further step increases within the range, he or she shall receive a new anniversary date as provided in Section 10.06.04.

K. Salary on Demotion.

1. Demotion for Reasons Other Than Unsatisfactory Performance or Misconduct. Whenever a regular employee is demoted for reasons other than unsatisfactory performance or misconduct that employee shall be placed on the nearest salary step of the new salary range that does not exceed the pay immediately prior to demotion and shall retain his or her anniversary date.

2. Demotion for Unsatisfactory Performance. Whenever a regular employee is demoted for reasons of unsatisfactory performance his or her compensation shall be adjusted to the salary step on the new salary range which is nearest to five percent (5%) lower than the salary he or she was receiving but not to exceed the top of the new range and shall receive a new anniversary date. If the five percent (5%) salary reduction would result in a salary placement between steps of the new range then the salary shall further be reduced to the next lower step.
3. Demotion for Misconduct. Whenever an employee is demoted for reasons of misconduct the employee will be placed on the salary step in the new range which is at least five percent (5%) below the employee's salary immediately prior to demotion, or at any lower step on the new range which the Department head deems appropriate.

L. Salary While on Suspension. An employee on suspension shall be placed on leave of absence without pay and shall not accrue any benefits while on leave.

M. Salary on Transfer. Any regular employee who is transferred from one position to another in the same class or in the same salary range shall be compensated at the same step in the salary range as he or she previously received. For purposes of further annual increases within the salary range, his or her anniversary date shall remain the same as it was before transfer. A transfer does not change the employee's accrued days of vacation or sick leave.

N. Salary on Range Change. An employee whose job classification receives a range change shall remain on the same step of the new range and the anniversary date shall remain unchanged.

- O. Salary on Reclassification. The salary of an employee in a position which is reclassified shall be determined as follows:
1. If the position is reclassified to a class having the same salary range, the salary and anniversary date of the employee shall not change.
 2. If the position is reclassified to a class having a higher salary range the employee so appointed shall receive the next higher salary in the new salary range as of the date upon which the appointment becomes effective. The employee shall receive a new anniversary date upon appointment.
 3. If the position is reclassified to a class having a lower salary range the salary and anniversary date of the employee shall not change. If the employee's salary results in a salary placement between steps of the new range the salary shall be reduced to the next lower step of the new range. However, if the employee's salary is greater than the maximum step of the new range it shall be Y-rated and remain frozen until such time as the top of the new salary range exceeds the employee's salary.

P. Board Authority to Specify Salary. Notwithstanding any provisions of this Title to the contrary, the Board of Supervisors, in order to correct inequities, to reward outstanding achievement and performance, or for other reasons acceptable to them, may, by minute order, adjust the salary of an incumbent of any particular position to any step within the salary range for the classification to which the position is allocated.

Q. Appointed Department Heads with an overall evaluation rating of "Meets Expectations" shall advance, on an annual basis, (each twelve (12) months of continuous service) on each step until the top of the salary range is reached. Merit increases are not automatic, and shall only be given on affirmative recommendation from the Board of Supervisors, or designee, via a "meets expectations" rating on the annual evaluation.

10.06.08 Dispatch Training Officer Differential

Persons in the class of Emergency Dispatcher who are required to train Emergency Dispatcher Trainees in addition to performing work as an Emergency Dispatcher shall be paid a differential of 5% of their base salary provided all the following conditions are met:

- A. They are a regular employee of the Sheriff's department in the class of Emergency Dispatcher and have held such position for more than one year.
- B. They train Emergency Dispatcher Trainees as directed by the department head or designee.
- C. The payment of this differential is authorized by the department head.
- D. No more than one such differential shall be paid by the department.
- E. Payment of this differential shall cease when any of the conditions in A through D above is no longer met, or when payment of this differential is terminated by the department head, whichever occurs first.

10.06.09 Advanced Certification Differential (Planning and Public Works Agency of Glenn County, Building Inspection Division)

Qualified individuals in the classes of Supervising Office Technician, Office Technician II, and Office Technician I within the Building Inspection Division of the Planning and Public Works Agency shall be paid an Advanced Certification Differential of 5% of the base salary for acquiring and retaining the Permit Technician certification, and an Assignment Differential of 5% of the base salary for duties not covered under the job description of the "Office Technician Series".

To retain this advanced certification differential pay, qualified individuals must meet the following conditions:

- A. The individual is a regular employee of the Glenn County Planning and Public Works Agency, Building Inspection Division.
- B. The ICC Permit Technician Certificate held is current.
- C. The employee has maintained a "Satisfactory" performance record based on an annual Performance Evaluation.
- D. Payment of this differential shall cease when any of the conditions in A through C above is no longer met or when payment of differential is terminated by the department head, whichever is first.

10.06.10 Advanced Certification Differential (Assessor's)

Persons in the class of Appraiser, Senior Appraiser, Assistant Assessor, or Assessor shall be paid a differential of \$80.80 per biweekly pay period provided all the following conditions are met:

- A. They are a regular employee of Assessor's Office.
- B. They have three years experience with the Glenn County Assessor's Office in the class of Appraiser or a higher class.
- C. They have received an Advanced Appraiser's Certificate (§ 671 of the Revenue and Taxation Code) issued by the State Board of Equalization and must continue to maintain the certificate, as required by § 671 (b) of the Revenue and Taxation Code.
- D. The payment of this differential is authorized by the department head.
- E. The employee has maintained a "Satisfactory" performance record based on a Performance Evaluation.

Payment of this differential shall cease when any of the conditions in A through E above is no longer met, or when payment of this differential is terminated by the department head, whichever occurs first.

10.06.11 Differential for Qualifying Health Care Professionals Working Within the Health and Human Services Agency Holding Designation as a Marriage and Family Therapist (MFT) or Licensed Clinical Social Worker (LCSW); or Registered Nurse (RN), Public Health Nurse (PHN), or Registered Dietitian (RD)

Qualified persons perform in class specifications which require above referenced license or designation and hold a current designation as described shall be paid a differential equal to 10-15 percent of their base salary provided all the following conditions are met:

- A. They have completed the required courses to qualify them for the purpose of obtaining such designation; license or certification.
- B. The individual holds above said designation; certificate, license or intern license in good standing with the respective issuing body, and performs duties as a primary function of their position which requires the license or certification.
- C. The employee has maintained a "Satisfactory" or greater performance record based on the Performance Evaluation in most recent period.
- D. Individual works in a Classification of Program Manager I, Coordinator or non-management which requires a designation described above. Director, Deputy or Branch Director, and Program Manager II are not eligible for a differential under this section.
- E. The Payment of this differential is authorized by the Department Head.
 - (1) LCSW or MFT Intern designation – 10% differential
 - (2) LCSW or MFT License – 15% differential
 - (3) Individuals with designation in a Program Manager I or equivalent classification – maximum differential is 10%
 - (4) RN, PHN, or RD Designation or Certification/License – 10% differential

Payment of the differential shall cease when any of the conditions in A through E above is no longer met, or when payment of this differential is terminated by the Department Head, whichever occurs first.

10.06.12 Confidential Employee

Persons in a non-represented Confidential classification shall be paid a differential of five percent (5%) of their base salary provided the following conditions are met:

- A. The individual must occupy a position that has been classified as Confidential on the List of Classifications and Pay Ranges in Accordance with Section 3.04.040 of the Glenn County Code or the individual must occupy a position that has been designated as Confidential on the Position Allocation List in accordance with Section 3.04.050 of the Glenn County Code.
- B. The payment of the differential is authorized by the Department Head.

10.06.13 Classified Employee

Persons in a position designated as Classified may be paid a differential of five percent (5%) of their base salary provided the following conditions are met:

A. The individual must occupy a position that has been classified as Classified on the List of Classifications and Pay Ranges in Accordance with Section 3.04.040 of the Glenn County Code or the individual must occupy a position that has been designated as Classified on the Position Allocation List in accordance with Section 3.04.050 of the Glenn County Code.

- B. The payment of the differential is authorized by the Department Head.

10.06.14 Advanced Professional Public Works Differentials

Qualified persons designated as either Road Commissioner, County Engineer, and/or County Surveyor, and/or Qualified Industrial Storm Water Practitioner shall be assigned a 5% differential provided all the following conditions are met:

- A. The employee is a regular employee of the Public Works Agency.
- B. Employees appointed by the Board of Supervisors in accordance with Streets and Highways Code 2006 as either Road Commissioner and/or County Engineer must be registered as a Professional Civil Engineer with the State of California in good standing with California Department of Consumer Affairs, Board for Professional Engineers, Land Surveyors, and Geologists (CBPELSG).
- C. Employees appointed by the Board of Supervisors as County Surveyor must be registered as a Professional Land Surveyor with the State of California in good standing with CBPELSG.
- D. Employees designated as Qualified Industrial Storm Water Practitioner (QISP) in good standing with the California Water Board and the California Stormwater Quality Association.
- E. The employee has a satisfactory performance rating based on an annual performance evaluation.
- F. The payment of the differential(s) is authorized by the Department Head or designee.

10.06.15 HIPPA Privacy and Security Officer Differential

Qualified persons designated as HIPPA Privacy and Security Officer shall be assigned a 10% differential provided all the following conditions are met:

- A. The employee is a regular employee of the County of Glenn.
- B. The employee is designated as Health & Human Services Agency Administrative Services Analyst II/III
- C. The employee has a satisfactory performance rating based on an annual performance evaluation.
- D. The payment of the differential is authorized by the Department Head.

**CHAPTER 10.08
RECRUITMENT AND APPOINTMENT**

- 10.08.02 *Recruitment*
- 10.08.03 *Personnel Director Coordination*
- 10.08.04 *Recruitment/Hiring Procedures*
- 10.08.05 *Post-Offer/Pre-Employment Medical Examinations*
- 10.08.06 *Fingerprints*
- 10.08.07 *Appointment*
- 10.08.08 *Limited Term*
- 10.08.09 *Probation*

10.08.02 Recruitment

A. Purpose. The purpose of this Chapter is to attract, select, and promote qualified applicants without regard to race, creed, marital status, veteran or non veteran status, color, national origin, religion, sex, age (over 40), citizenship or disability, or any other characteristic protected by law.

B. Request for Recruitment. A department head shall notify the Personnel Department in writing, on the approved Recruitment Request Form of his or her intent to fill a vacant regular position.

C. State Merit System. The Child Support Services and Social Services Departments shall utilize the recruitment and selection procedures prescribed by the State Merit System.

10.08.03 Personnel Director Coordination

A. The recruitment and selection of persons for regular full-time and regular part-time positions are to be coordinated with the Personnel Department. Such coordination shall include, but not be limited to, the following:

1. Verification of a vacant allocated position (regular full-time and regular part-time);
2. Determination of the skills, knowledge and abilities needed to perform the duties of the position;
3. Method of recruitment;
4. Methods of selection of the most qualified persons to be interviewed for the position; and
5. Recruitment/Hiring Procedures.

B. No payroll documents shall be approved by the Personnel Department if such coordination has not been accomplished.

10.08.04 Recruitment/Hiring Procedures

A. Position Authorization

1. Pursuant to County Code 03.040.050, a Position Allocation List shall be adopted, by resolution via the Board of Supervisors, for each department.
2. The Personnel Director or designee, upon the receipt of a Recruitment Request Form, shall ensure that an applicable vacant allocated position exists within the requesting department's Position Allocation List.

B. Announcements

1. Following the receipt of a Recruitment Request Form, the Personnel Department will advertise the approved vacancy.
 - a. A formal announcement of the vacancy will be published which shall include a description of the position, the minimum job qualifications, and the relevant testing criteria.
 - b. The position announcement will be published for a minimum of one (1) week, including advertising internally for five (5) working days within the county.
 - c. The Personnel Department will provide consultation to the hiring department in developing a recruitment plan. The County's Recruitment Request form and Recruitment Process Timeline document serves to facilitate this process.

C. Application Form(s)

1. All applicants shall complete an approved County application form and any other required documents as specified during recruitment.
2. Application packets may vary with the position sought and shall include all documents identified in the job announcement by the Personnel Director in consultation with the Appointing Authority; provided, that at a minimum an application packet shall include the Glenn County Application, a resume, and a Minimum Qualification Statement. Other requested materials may include: letters of recommendation, college transcripts, etc.
3. Veterans Preference Points - Applicants for open, non-promotional examinations who have served in the United States' Armed Forces as defined in Government Code Section 18540 and who qualify as veterans shall be eligible for five (5) veterans' preference points to be added to their score, provided that they achieve a passing score in the overall examination. Qualified veterans with a service-connected disability of 30% or more shall be eligible for an additional five points to be added to a passing score of an open, non-promotional examination. To receive the additional five (5) veterans' preference points, a copy of an official statement, dated within the last twelve (12) months, from either the Department of Veterans Affairs, or a branch of the Armed Forces indicating that applicant's disability is 30% or more must be attached to each specific Application for Examination.

For the purposes of this section, a veteran means any person who has served in the United States' Armed Forces and who has been discharged or released under conditions other than dishonorable and who served:

- During the period December 7, 1941 to July 1, 1995; or
- At least 181 consecutive days since January 31, 1995; or
- During the Gulf War from August 2, 1990 through January 2, 1992; or
- In a campaign or expedition for which a campaign medal has been authorized, including El Salvador, Grenada, Haiti, Lebanon, Panama, Somalia, Southwest Asia, and Bosnia.
- The campaign in Iraq and the war on terrorism.
- In any other campaign approved by the Board of Supervisors.

To receive veterans' preference points, each eligible veteran shall submit to the Personnel Director during the announced recruitment period for each specific open, non-promotional examination, a written request for veterans' preference and written proof of eligibility (DD-214 Form).

D. Screening

1. After the closing date for submission of applications, the Personnel Department will screen the application packets for completeness and satisfaction of the minimum job qualifications, including but not limited to relevant experience, education, training, skills, and other abilities relating to the position to be filled.
2. The Personnel Department will determine which of the applicants are deemed qualified and eligible to move to the next step in the recruitment process.
3. An applicant pool must possess a minimum of three (3) qualified applicants in order to be certified by the Personnel Department. When the number of applicants meeting the minimum qualifications for the position is less than three (3), the Personnel Director, after consultation with the Appointing Authority may:
 - a. Cancel the recruitment entirely; or
 - b. Modify the conditions of the recruitment.

E. Disqualifications.

1. The Personnel Department may reject an application or subsequently refuse to certify an applicant who:
 - a. Does not possess the minimum qualifications established for the position;
 - b. Is physically or psychologically unfit for the satisfactory and safe performance of the duties of the position including addiction to narcotics or drugs or habitually using intoxicating liquors;
 - c. Has been dismissed for good cause from public service;
 - d. Has used or attempted to use any personal or political influence to further eligibility or appointment;
 - e. Is engaged in and would refuse to discontinue employment, activity, or enterprise which, if continued while a County employee, would be incompatible and conflicting with County duties;
 - f. Has practiced or attempted to practice any deception, fraud or omission of a material fact in the application or examination, or in securing eligibility for appointment;
 - g. Has been convicted of a criminal offense involving moral turpitude. The word "convicted" shall be construed to

- mean a conviction by a verdict, by plea of guilty or nolo contendere or upon a judgment of the court, a jury having been waived, without regard to subsequent disposition of the case by suspension of sentence, probation or otherwise. The word "moral turpitude" shall be construed to mean any act of baseness, vileness, or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives;
- f. Has been convicted of a crime other than a parking violation or an infraction with a penalty of less than \$50.00.

F. Examinations/Testing

1. When necessary, selection procedures shall include tests for proficiency. All selection criteria shall be established prior to reviewing applications.
2. All tests, whether written or electronic must be reviewed and approved by the Personnel Department prior to use.
3. Each applicant will be notified by mail of his/her test results and, if successful, of his/her final grade.

G. Hiring Screening Panel

1. The Appointing Authority will select and appoint the members of the Hiring Screening Panel ("panel") and will work closely with the Panel to develop screening criteria and an approved list of questions to be used during the interview process. Screening Criteria and Questions shall be developed prior to screening applications.
2. The panel will be composed of a minimum of three (3) members, all qualified by education and/or experience, to evaluate the job applicants' qualifications for the posted position. It is recommended to structure panels so that they are diverse in terms of gender, ethnicity, and disability. The panel may be composed of employees and other industry professionals, as deemed appropriate by the Appointing Authority. The Appointing Authority may either appoint a panel chair, or, in the absence of an appointment, the panel may self-vote a Chair. The Chair is responsible for coordinating the panel process.
3. The panel shall be unbiased and are required to demonstrate objectivity, fairness, and equality of treatment for all applicants.
4. The Screening process is broken into two (2) categories: Paper Screening (determining who to interview) and the Oral Interview.
5. Before the Screening Process commences, the panel will be provided an orientation regarding the review criteria for the selection, the minimum requirements for the position, the duties and responsibilities of the position, clarification of the interview questions, the interview standards, and application of those standards, rating procedures, and use of the ranking worksheets.
6. Personnel Department approved ranking sheets will be used by the panel.
 - a. All applicants will be provided with a "GLENN COUNTY CONVICTION RECORD" form at time of oral interview. The form will have an attached stamped envelope with instructions for the form to be completed and mailed to the Personnel Department.
 - b. A recruitment may require more than one interview by the same or different panels before the top applicants are selected.
 - c. The panel will assign each applicant an overall rating in relationship to all others after the interviews are completed and certify the top rated applicants to the Appointing Authority for consideration and appointment. The panel must forward a minimum of two (2) names and a maximum of five (5) names to the Appointing Authority.
 - d. The Appointing Authority may interview applicants certified by the panel or repeat the interview process.
 - e. All phases of the hiring process are confidential. Each member of a panel will accept the responsibility for maintaining confidentiality.

H. Duration of Eligible Lists.

1. County may establish lists of eligible candidates for County positions. Such lists shall remain active for six (6) to twelve (12) months unless depleted sooner. A list may be considered depleted when there are less than five (5) viable names on the list. A candidate may be considered as nonviable for purposes of determining whether a list has been depleted if one or more of the following situations exists:
 - a. Candidate has declined to interview or failed to appear for interview for the position in question;
 - b. Candidate has been interviewed by the Panel and/or Appointing Authority previously, and has been determined to be an inappropriate choice for that department;
2. Notwithstanding the above, the Personnel Director may declare a list as exhausted if three (3) or more persons on the list have been selected for County employment. The Personnel Director may extend an eligible list on a month to month basis, for an additional six (6) month period, not to exceed twelve (12) months.

I. Reference Checks

1. Prior to making a conditional offer of employment to an acceptable applicant, the appointing authority will obtain a minimum of two references from previous employers or other persons in similar positions of authority approved by the Personnel Director.

10.08.05 Post-Offer/Pre-Employment Medical Examinations

A. A medical examination may be required of all new regular employees. The Personnel Director shall maintain a list of those classifications for which a medical examination shall be required of all newly hired employees. This list may be modified by resolution of the Board of Supervisors as necessary.

B. The standards of such medical examination, which shall include a chest x-ray or tuberculin skin test, shall be prescribed and determined by the physician appointed by or contracted with the County to conduct such examinations. The prospective employee may have the health examination by such physician without charge.

C. The results of the medical examination must be received by the Personnel Department before employment begins.

D. In all cases the physician shall determine whether the employee meets prescribed county medical standards.

10.08.06 Fingerprints

The department head may require the taking of fingerprints of new employees as a condition of employment.

10.08.07 Appointment

A. Minimum Qualifications. Department heads shall only appoint persons to regular county positions who meets the minimum employment standards stated in the class specifications.

B. Examinations. When an examination has been given, department heads shall only appoint persons who have successfully passed the examination.

C. Under filling a Position. In cases of recruiting difficulty an appointment may be made at a lower level classification than that allocated.

D. Appointment Form. Appointment shall be made in writing on approved County Appointment forms.

E. Processing Forms. All completed forms shall be sent by the department head to the Personnel Department for verification and approval at least one week prior to the first day of appointment, unless otherwise arranged. A copy of the appointment form shall be forwarded to the Department of Finance by the Personnel Department.

F. Candidates, who participated in the oral screening process(s), not selected will also be notified promptly in writing or by other appropriate means if the appointment is by internal promotion, by the Appointing Authority.

G. Employment of Relatives. A person may not be employed by the County in any department when such person is a parent, spouse, child, brother, sister, grandparent, grandchild or in-law of the department head. No person shall supervise a person in such a relationship.

10.08.08 Limited Term

A. A Limited Term Employee shall have all the rights, benefits, and responsibilities of, and shall be subject to the same rules, ordinances, and policies as a Regular Employee, except as follows:

1. A Limited Term Employee who is not a current member of CalPERS. and whose term is established at less than six months shall not be eligible for CalPERS retirement or for any County provided insurance until the employee has worked 1,000 hours (Government Code § 20336).
2. A Limited Term Employee shall not earn seniority.
3. A Limited Term Employee shall be automatically terminated, with no rights under the layoff provisions of Section 10.10.04, when the allocation for the limited term position ends.

B. Should the Limited Term Position be converted to a Regular Full Time or Regular Part Time Position the incumbent must compete for the Regular Position with other qualified applicants as provided for in Chapter 10.8, this Manual.

10.08.09 Probation

A. Probationary Period. Employees entering county service by appointment to a regular position shall be required to serve a probationary period of 1040 working hours (pro-rated for regular part-time employees) of employment. Employees who are employed as peace officers, as defined in Section 830.1 of the Penal Code, in the District Attorney's, Marshal's and Sheriff's office shall be required to serve a probationary period of 2080 working hours (pro-rated for regular part-time employees), commencing on the effective date of employment. Employees in the classifications of Sheriff's Jailer, Jail Corporal, Correctional Sergeant, Emergency Dispatcher, Juvenile Hall Counselor I & II, Deputy Probation Officer, Senior Deputy Probation Officer, and Sheriff's Support Services Supervisor shall also serve a probationary period of 2080 working hours (pro-rated for regular part-time employees. A department head may extend the probationary period of an employee for reasons of performance for an additional period not to exceed 1040 hours (pro-rated for regular part-time employees), by notifying the employee in writing with a copy of the notice to the Personnel Director prior to the expiration of the probationary period. Under no circumstances shall an employee serve a probationary period greater than 2080 working hours (pro-rated for regular part-time employees).

B. No Right to Appeal. A probationary employee may be separated from county service at any time during the probationary period without the right of appeal.

C. Absence. Any absence from work shall cause the employee's probationary period to be extended by the number of hours of such absence. Such absences shall be cumulative during the probationary period. The extension of the probationary period shall be based on the number of hours of such absence. Absences because of holidays and because of authorized sick leave up to 96 hours shall be excluded from this subdivision.

D. Promotions. All employees serving in a regular position who are promoted to a position in a classification with a higher salary range shall serve a probationary period of 1040 working hours (pro-rated for regular part-time employees) from the date of promotion.

E. Return to Previous Position. If an employee is not recommended for regular status because of inability to perform the duties of the position, he or she shall be entitled to return to the previous position if vacant or held by another probationary employee. If he or she is not recommended for regular status for any other reason he or she shall not be entitled to be restored to the previous position.

**CHAPTER 10.09
PUBLIC SERVICE EMPLOYEE**

<i>10.09.01</i>	<i>General</i>
<i>10.09.02</i>	<i>Conditions of Employment</i>
<i>10.09.03</i>	<i>Rules of Use</i>

10.09.01 General

A Public Service Employee is a non-allocated temporary, seasonal or intermittent at-will employee who is hired by a Department Head to perform work that is seasonal, temporary or intermittent, for which it is impractical to hire a regular employee. There are five levels of Public Service Employee:

Public Service Employee I is the equivalent of an entry-level position for which little or no training is required.

Public Service Employee II is the equivalent of a fully trained journey level position within the department.

Public Service Employee III is the equivalent of a fully trained professional level position within the department.

Public Service Employee IV is the equivalent of a fully trained managerial level position within the department.

Public Service Employee V is the classification reserved for a Poll Worker function.

Public Service Employee VI is the equivalent to a fully licensed professional position within the department, such as attorney, psychiatrist, civil engineer, etc. who is hired by the department with the agreement of the Personnel Director.

PSE's shall not be used instead of regular budgeted positions, nor shall they be used to circumvent the County's regular employee recruitment and classification system.

10.09.02 Conditions of Employment

1. PSE must only be utilized as temporary, seasonal or intermittent employees.
2. PSE's are "at-will" employees.
3. PSE service does not count as credit towards regular employment.
4. PSE positions do not accrue any benefits except as follows:
 - (a) PSE's who are active members of CalPERS will be reported to CalPERS. The County shall pay the employers contribution; the employee shall pay the employee contribution through payroll deduction. A California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year. (If a CalPERS retiree works for multiple CalPERS Employers, the total hourly limit for all employers is 960 hours in a fiscal year.)
 - (b) PSE's who are not active members of CalPERS and who work 1000 hours or more in a fiscal year, or who worked 125 days in a fiscal year, if paid on a per diem basis, shall be enrolled in CalPERS. The County shall pay the employers contribution; the employee shall pay the employee contribution through payroll deduction. In such cases membership becomes effective no later than the first day of the next pay period after the completion of 1000 hours or 125 days in a fiscal year. The Department Head shall monitor the hours worked by the PSE. All hours the employee is compensated for must be counted towards membership qualification, even if the compensation would not be reportable to CalPERS, if the employee was a member (e.g. compensation for overtime hours).
 - (c) PSE's who are considered "full-time", as defined by the IRS, under the Affordable Care Act will be offered health care coverage. The co-share of premiums (if any) will be determined via the Premium Plan Rates. The employee's contribution shall be made through payroll deduction.
5. PSE's shall work hours as scheduled by the appointing authority. There is no guaranteed minimum of hours to be worked.
6. PSE Range shall be as follows:

PSE I between Range 154 to Range 267 \$8.18 to \$17.41

PSE II between Range 268 to Range 300 \$14.40 to \$20.52

PSE III between Range 301 to Range 360 \$16.96 to \$27.68

PSE IV between Range 361 to Range 443 \$22.89 to \$41.86

PSE V flat amount stipend as determined by the County Assessor

PSE VI between Range 444 to Range 516 \$34.62 to \$60.25

7. Within the above ranges the appointing authority may place the PSE on any Range and Step commensurate with their education, training, and the duties to be performed. PSE's shall not be paid more than Step A of the regular classification performing substantial the same duties.

8. PSE's shall not work more than 990 hours in any fiscal year, without the prior approval of the Board of Supervisors. Effective July 1, 2017, PSE's shall not work over 960 hours in a fiscal year.

9. PSE's shall not work more than 25 hours per week, without the prior approval of the Board of Supervisors.

10. PSE's shall not work in more than one department or budget unit, without the prior approval of the Board of Supervisors.

11. PSE's shall not work more than 1040 hours in any consecutive twelve-month period. Effective July 1, 2017, PSE's shall not work more than 960 hours in any consecutive twelve month period.

12. PSE's shall only be hired for duration of the fiscal year in which they are employed. If employment must continue into a new fiscal year, a new hiring process, contract, etc. shall be executed.

13. PSE'S are not to be used instead of regular budgeted positions, nor shall they be used to circumvent the County's regular employee recruitment and classification system.

14. For layoff purposes, PSE positions do not accrue seniority. The appointing authority must release all PSE's within the Department who perform similar duties before laying-off Regular County employees.

15. The Personnel Department shall maintain a listing of PSEs and hours worked. The Department Head will be notified with a copy to the PSE when a PSE in his/her department exceeds 860 hours in one fiscal year. The notification will advise the Department Head that the PSE will be separated from employment when the PSE reaches 960 hours. The Personnel Director shall have the authority to separate the PSE from employment with the County when he/she reaches 960 hours.

16. Hiring Public Service Employee (PSE)

A. California Public Employees Retirement System (CalPERS) retiree shall not work in excess of 960 hours in a fiscal year. (If a CalPERS retiree works for multiple CalPERS employers, the total hourly limit for all employers is 960 hours in a fiscal year). Non-retired extra help employees shall not exceed 990 hours of work in a fiscal year.

B. Under the CalPERS law, if an employee retires before his or her normal retirement age ("early retiree"), that employee must have a bona fide separation from service with the County, as documented by a Personnel Action Form (PAF) submitted to Personnel by the employee's department, before that early retiree may be re-hired in an extra-help capacity.

1. A "bona fide separation from service" is defined as follows:
 - a. There is no predetermined agreement between the County and the early retiree prior to retirement to return to work for the County after retirement; and
 - b. There is a separation in service of at least 60 calendar days between the date of the early retiree's retirement and the first day of work for the County in a non-allocated temporary, seasonal or intermittent at-will capacity. The 60 days commences on the day after retirement.
2. The term "normal retirement age" is the age stated in the employee's retirement benefit formula. For example, the normal retirement age for a 2% at 55 benefit formula is 55. For example, if an employee is covered under the 2% at 55 formula at the time he/she retires from employment with Glenn County, but

part of the employee's retirement benefit is based upon previous employment with a CalPERS agency that had a retirement formula with a higher age factor (e.g., 2% at 60), the employee's normal retirement age will be that of the highest formula (60, in this example).

3. An early retiree whose re-hire date in a PSE capacity is within 180 days of his or her retirement date shall not be required to submit fingerprints for the purpose of conducting a criminal history check unless otherwise required by law or required by the early retiree's appointing authority. An appointing authority's decision to not require the submission of fingerprints from an early retiree does not relieve an appointing authority from the requirement to consider the early retiree's criminal history and other job related information in the hiring process.
4. An employee wishing to work in a PSE capacity subsequent to retirement must, before starting work in the PSE capacity, provide a copy to Personnel of his or her annual statement from CalPERS that shows the retirement formulas upon which retirement benefits are calculated.
5. Departments may not start working a retiree in a PSE capacity until it is determined if the individual is an early retiree as defined above.

C. As for employees who retire at or beyond their normal retirement age, the following shall apply:

1. Such an employee may, prior to his or her retirement date, be moved directly from regular to PSE status at an appointing authority's discretion upon recommendation of the Personnel Director and approval from the Board of Supervisors.
2. If the employee is not moved directly from regular to PSE status as stated above, resulting in a separation from service that precedes the hiring in a PSE capacity, the provisions set forth in this chapter shall apply to the re-hiring of employees in a PSE capacity who retire at or beyond their normal retirement age.

D. Under the CalPERS law, if a CalPERS retiree receives unemployment insurance (U.I.) benefits arising out of an extra-help appointment with Glenn County, the CalPERS retiree will not be eligible for a subsequent extra-help appointment with Glenn County for a period of at least twelve months after the date of retiree's last receipt of Unemployment Benefits.

E. Under the CalPERS law, the term "appointment" refers to an appointment of a CalPERS retiree (1) that does not exceed a total of 960 hours for all CalPERS employers in any fiscal year and (2) that is either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing work of limited duration. A complete separation from County service is not required to establish a new appointment.

10.09.03 Rules of Use

Identification of Need for and Initial Hiring of PSE.

Departments who wish to use Public Service Employee (PSE) must use the following procedures.

1. The Department staff shall first identify and document the following:
 - a. The duties and responsibilities to be assigned;
 - b. the required knowledge, skills, abilities, licenses, certificate(s), and experience;
 - c. the expected number of hours to be worked per pay period;
 - d. the expected duration of the assignment; and the proposed rate of pay.
2. This information listed in "1" above shall be provided to the appointing authority.
3. The appointing authority, in coordination with the Director of Personnel, shall determine if a PSE or a regular position is required to fulfill the department's needs.
4. If the appointing authority determines that a regular position is required, the Department shall follow normal County budgeting, allocation and recruitment policies.
5. If the appointing authority determines that a PSE I, II or III, IV, or V position is appropriate the Department may seek qualified applicants to fill the PSE position.
6. The Department is responsible for the PSE hiring process. Applicants must complete a County of Glenn Employment

Application (GCPER 41) with Item 1. Job Title completed as follows: "Public Service Worker — [Department Name]". Applications shall be collected and maintained by the Department.

7. The Department is responsible for and will prepare and obtain all advertising necessary for the PSE recruitment.
8. The Department will interview, select and validate the potential PSE's qualifications through an appropriate background check. If the Department deems that a physical examination is necessary, the County Personnel Department will be contacted to schedule the examination.
9. At hire the PSE shall be provided a notice of employment status which shall include, but is not limited to the following:
 - a. Statement that the PSE is an at-will position.
 - b. Statement that the PSE position is paid on an hourly basis only for time worked.
 - c. Statement that as payment for services rendered will only be made by Direct Deposit using the procedures developed by the Department of Finance.
 - d. Statement that the PSE position works only as needed, and that there is no guarantee of any minimum hours worked within any pay period.
 - e. List of duties.
 - f. Performance standards
 - g. Conduct standards
 - h. Starting rate of pay
 - i. Anticipated length of employment.
 - j. A signature line where the PSE indicates that they have been provided a copy of the notice and that they have read the notice.

The original of this notice shall be retained by the Department. A copy of the notice shall be attached to the pay action form that appoints the PSE.

During Employment

1. All PSE's should be advised that they are at-will, non-benefited employees (unless identified as full-time) of the County and should be encouraged to apply for regular County positions as they become available.
2. The appointing authority must monitor PSE utilization to ensure that the PSE does not work more than 990 hours in a fiscal year or more than twelve consecutive months with an average more than 20 hours per week.
3. The Personnel Director shall monitor PSE utilization to evaluate the employee's full-time status.
4. The appointing authority should provide notice to the PSE at 900 hours or at the end of the tenth consecutive month of employment that their service will end at the completion of 990 hours or twelve months respectively.

Extensions/Changes of Status/Promotions

1. If an appointing authority requires that the services of a PSE must extend beyond 990 hours in a fiscal year or beyond twelve consecutive months with an average weekly employment of twenty hours per week. The appointing authority must submit a detailed request for extension through the Personnel Director to the Board of Supervisors for approval. If a request is not submitted, or the request is denied the employee must be terminated at or before the completion of 990 hours or twelve consecutive months.
2. PSE are not eligible for promotion. If work requirements change that a higher level PSE or an increase in compensation is justified (i.e. greater responsibility, complexity or independence is required) the Department must follow the steps outlined above under initial hiring. The current incumbent may be considered for the higher level position, if qualified.

Monitoring and Enforcement

On a quarterly basis, the Personnel Department shall provide a PSE Utilization Report to all appointing authorities and to the Board of Supervisors. The Department Head shall review this report to ensure that each PSE is being utilized in compliance with this Policy. Corrective action shall be taken immediately upon discovery that a PSE is being utilized inconsistent with this policy.

CHAPTER 10.10
GENERAL POLICIES & STANDARDS

- 10.10.02 *Purpose*
- 10.10.04 *Layoffs*
- 10.10.06 *Political Activity*
- 10.10.08 *Electronic Systems Policy*
- 10.10.10 *Alternate Work Week*
- 10.10.12 *Nepotism*

10.10.02 Purpose

The policies and standards set forth in this chapter shall apply to all employees whether or not represented by a bargaining unit, unless and only to the extent that the memorandum of understanding provides otherwise.

10.10.04 Layoffs

A. General.

1. Reason for Layoff. A layoff may become necessary because of any shortage in work, lack of funds, material change in organization or for other valid reasons.
2. Layoff by Classification Within a Department. The determination of which employees shall be laid off first shall be made within each department on a classification by classification basis. The County shall designate the classifications to be affected. The County shall consider seniority in determining layoff. Probationary employees shall be laid off first.
3. Notice of Layoff. The County shall give an employee a written layoff notice at least fourteen (14) calendar days prior to layoff. Such notice shall include a notice of right to appeal.
4. Appeal. Although the decision to effect layoffs and the decision as to which classification will be effected by layoffs is not appealable, an employee may appeal to the Board of Supervisors the decision to lay him or her off if the procedure set forth herein has been grossly ignored. A written notice of appeal shall be given to the Personnel Director within 15 days after the employee is given the notice of layoff. The Personnel Director shall place the matter before the Board of Supervisors in a closed hearing. The decision of the Board of Supervisors shall be final.
5. Re-employment. Employees laid off shall be given first consideration for rehire to their former classification, even if already rehired in another class, in their department for a period up to one year from the date of layoff. The county by first class mail, addressed to the employees last known address, will notify laid off employees of such county vacancies.

B. Layoff By Seniority. The county shall effect layoffs by seniority. The requirements set forth in this section shall be followed.

1. Determining Length of Seniority. In determining length of classification seniority, all time spent in said classification and any higher classification shall be counted as classification seniority, including all time spent (full-time equivalency) as a probationary, or regular part-time employee. In computing classification seniority, if the employee separated from the county service and has subsequently returned to the county service, then any and all service prior to the separation shall not be counted in determining classification seniority. If the previous classification of an employee has been abolished all such time spent in that classification shall count towards the classification seniority of the present classification. If an employee has been temporarily promoted his classification seniority shall be computed based on his regular classification and shall include all time spent in the higher classification. In determining continuous county service seniority, all uninterrupted employment with the county including all time served as probationary, or regular part time employee shall be counted as continuous county service seniority. A separation from county service shall be the only cause for interrupting employment with the county. An employee on authorized leave of absence shall retain his or her seniority but time spent on leave shall not count towards seniority.
2. Order of Layoff. The order of layoff shall be in reverse order of the employee's classification seniority. If two (2) or more employees have identical classification seniority status, then such employees shall be laid off in reverse order of their countywide seniority status.

3. Bumping and Demotion in Lieu of Layoff. A regular or probationary employee who is to be laid off shall have the right to bump an employee of lesser seniority in a class in which he or she previously held regular status within the department. If there are two or more employees to be laid off and they opt to exercise this right and request to bump to the same position, then the employee with the greatest classification seniority shall have the right to fill such position. If the classification seniority of these employees is equal, then the employee with the greatest continuous county service seniority shall have the right to fill such vacancy.

4. Promotion to Former Classification. Employees demoted by bumping shall receive first consideration for promotion when a vacancy occurs within their department at their former classification.

10.10.06 Political Activity

The political activity of county officers and employees shall be governed by Chapter 9.5 (commencing with Section 3201) of Division 4 of Title 1 of the Government Code, entitled "Political Activities of Public Employees". Violation of these provisions shall make the employee subject to dismissal. The political activity of peace officers shall also be governed by Section 3302 of the Government Code as part of the "Public Safety Officers Procedural Bill of Rights Act."

10.10.08 Electronic Systems Policy

1. Electronic Systems Use—General.

Glenn County electronic equipment, software, and all information created sent or received via the equipment are the sole property of the County and/or the State of California.

Glenn County does or has the capability to and reserves the right to monitor, log and/or recover all network and PC activity with or without notice, including, but not limited to network, internet and e-mail activity and usage. Therefore users should have no expectation of privacy in their use of these resources.

Use of these systems is intended for official County business. However, some limited incidental personal use is allowed. Discretion must be exercised to ensure that personal use does not result in a direct cost to the County or hinder staff productivity. Inappropriate use could result in misuse of an employee's work time and therefore productivity, as well as an abuse of Glenn County computing resources, and may result in disciplinary action as determined by the employee's department head.

All users granted the privilege of accessing the County computing and information resources must read and sign statement acknowledging receipt and understanding of this policy. All users are expected to act in a responsible manner by complying with all policies, relevant laws and contractual agreements related to computers, networks, software, other intellectual property, and computer information.

Unauthorized use of these systems is strictly forbidden and subject to discipline under the County personnel rules (Title 10 Glenn County Administrative Code/Glenn County General Unit MOU/Glenn County Mid-Managers Association MOU/Glenn County Peace Officer Association MOU/ Glenn County Deputy Sheriff's Association MOU).

Unauthorized use includes but is not limited to:

- a. Operation or use of any system for personal, financial, or political gain.
- b. Solicitation of County employees.
- c. Operating any system in an unsafe or reckless manner.
- d. Unapproved movement or disconnection of equipment.
- e. Illegal copying or altering of software.
- f. Unauthorized deleting installed programs or data.
- g. Loading any software that is not authorized by the department head or his/her designee.
- h. Removing equipment, software, or data from department/agency premises without prior authorization.
- i. Knowingly accessing, creating or transmitting any discriminatory, offensive or unprofessional information or messages.
- j. Knowingly disseminating false information.
- k. Publishing information on the Internet unless expressly approved by the department head or his/her designee.
- l. Purchasing commercial Internet services such as America Online or Web pages designed without the approval of the department head or his/her designee.

- m. Operation or use of any system to conduct or engage in any illegal or prohibited activities, in violation of State, Federal or local laws, regulations, rules, county regulations, policies or directives.
- n. Assume another person's identity or use another person's name, unless expressly authorized by the department head or his/her designee.
- o. Distribution of protected passwords without the authorization of the department head or his/her designee.
- p. Encrypting data files without the authorization of the department head or his/her designee.
- q. Copying another employee's electronic messages, voice mail, e-mail, or other personal communication without the permission of the employee for whom the message was intended. This covers unauthorized copying by an employee, and does not in any way prohibit Glenn County management access to, or right to copy, pursuant to Section 1 of this policy.
- r. Any form of harassment.
- s. Knowingly introducing malicious programs into Glenn County's networks or servers (e.g. viruses, worms, Trojan Horses, e-mail bombs, etc.)

Glenn County will not be responsible for any damages that employees may suffer from or related to their use of any County electronic information resources, including, but not limited to loss of data resulting from delays or service interruptions. Users must recognize that the use of such electronic information resources is for work-related purposes.

As information stored on portable computers (e.g. laptops and Personal Digital Assistants) is especially vulnerable and more susceptible to issues such as theft and loss, users should exercise special care in the handling, storage, and transportation of this equipment.

2. Electronic Systems and Information Assets Defined.

The following is a non-inclusive list of electronic systems, it includes, but is not limited to:

- Cellular telephones
- Copy machines
- Data processing systems
- Electronic mail (e-mail)
- Electronic tablets
- Facsimile machines (fax)
- Internet facilities or other modem accesses
- Laptops
- Pagers
- Personal computers
- Personal Digital Assistants (PDAs)
- Printers
- Scanners
- Servers
- Shredders
- Social media (e.g.: Facebook, Twitter, Instagram, etc.)
- Software
- Telephone system
- Voice mail systems

Information assets include all data and software, whether internally developed or acquired from outside Glenn County. Information may be represented in a variety of formats, including, but not limited to:

- CD Rom
- Hard copy
- Microfiche
- Magnetic tape
- Microfilm
- Diskettes
- Other methods of storage or transmission
- Terminal display

3. Electronic Systems—Internet and Electronic Mail Communications

Glenn County electronic mail (e-mail) is provided for the purpose of conducting the business of the County. However, as previously mentioned, limited incidental personal use is allowed. Discretion must be exercised to ensure that personal use does not result in a direct cost to the County and does not hinder staff productivity. Personal e-mail communications should be limited similar to personal phone calls, which will be discussed in the next section.

Staff shall not knowingly distribute any offensive, discriminatory, obscene or unprofessional material through the County network. Staff shall not knowingly disseminate any false or fraudulent information.

County e-mail messages are not private communications. Glenn County management reserves the right to retrieve and read any e-mail message composed, sent, or received on agency equipment, without prior notice to the employee.

E-mail is subject to the policies concerning other forms of communication, as well as all other applicable policies including, but not limited to, confidentiality, conflict of interest, general conduct and sexual harassment.

Unless a specific legal exemption applies (confidentiality), all e-mail messages, even those that have been erased, may be considered public records subject to disclosure under the Public Records Act. It is possible that persons involved in litigation with the County might also access those messages.

E-mail messages that are pertinent to departmental operations and functions must be maintained in accordance with applicable federal, state and local requirements governing the operations of the department, the same as hard copy records are maintained.

All department/agency employees and other team members should be aware that even when a message has been erased, it might still be possible to recreate the message.

External personal e-mail accounts such as *Yahoo*, *AOL*, *MSN*, etc. should not be accessed from Glenn County networks, without department head authorization on a case by case basis.

4. Electronic Systems—Telephones and Voice Mail

Personal calls shall be discouraged and strictly limited to those necessary to maintain the health, safety, and well being of the employee's family unit. Personal calls should not be of a social nature, only of necessity. To the extent feasible, personal calls made from the office should be undertaken during break or lunchtime. Only under exceptional circumstances should calls by employees be made when they are not on break. All long distance telephone calls must be charged to the employee's personal credit card or home telephone. Excessive incoming personal phone calls are to be discouraged.

Employees traveling on agency business are allowed one personal phone call at County expense for every twenty-four hours they are assigned to be out of the County. Said call(s) shall be reasonable in duration. The employee may be liable for payment of phone calls that exceed the above-mentioned limit or are excessive in duration. This policy does not apply to hotel access charges. The County shall consider these charges, if not excessive, to be a legitimate business expense.

Cellular phones may be assigned to Glenn County department/agency team members who have a clear business need. Cellular phones are to be used for County business only, when necessary in the performance of job duties. County employees may privately purchase a second line for the County cellular phone for personal use.

Glenn County department heads have the authority and responsibility to limit inappropriate or excessive personal use of telephones.

Voice mail messages should be limited to County business. Voice mail should not be used for conducting outside business pursuits. However, messages which are necessary to maintain the health, safety, and well being of an employee and their family are acceptable.

5. Social Media

Social Media websites, e.g.: Facebook, Twitter, Youtube, etc., have become a part of our everyday lives. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Glenn County departments may consider participating in social media to reach a broader audience. Glenn County supports the use of social media to further the goals of the County and the missions of its departments where appropriate.

Glenn County endorses the secure use of social media tools to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity improvements. However, their application must not compromise data confidentiality and integrity. This policy establishes guidelines for the use of social media.

A. Purpose:

This policy establishes consistent standards for, and ensures appropriate use of, Social Media administered by employees and agents representing the County of Glenn. For the purpose of this policy, the term "Social Media" refers to media that allow users to collaborate and share information with a network of other users or the community as a whole, including but not limited to Facebook, Twitter, and Youtube, and text messaging.

B. Scope:

This policy applies to all Glenn County sponsored social media sites, and social media use by County employees. This policy is not intended to regulate the personal activities of Glenn County employees or contractors with respect to the use of social media. A Glenn County sponsored social media site is one designed and administered by a Department to represent the Department in an official capacity.

C. Policy:

- (1) All official Glenn County presences on social media sites are considered an extension of the County's network and subject to all related administrative policies, including but not limited to policies on computer use.
- (2) Only authorized individuals shall have permission to create, publish or comment on behalf of the County of Glenn on County sponsored Social Media sites.
- (3) The official websites for County of Glenn remains the County's primary and predominant Internet presence.
- (4) Content on County of Glenn-Sponsored Social Media sites shall not be offered in lieu of official information on the County's official website, except when immediate and temporary disclosure of information is appropriate.
- (5) County of Glenn-Sponsored Social Media sites shall contain a link back to the County's official websites, where the announcement, press release, form(s), document(s), online services and/or other information relevant to the matter shall be posted.
- (6) County of Glenn-Sponsored Social Media site posts are a public record subject to disclosure under the California Public Records Act (Government Code §§ 6250 to 6270). Therefore, all Social Media content must be archived and managed in accordance with the applicable records retention schedule.

D. Public Comments:

- (1) Employees and contractors maintaining County of Glenn-Sponsored Social Media sites that permit public comment shall inform visitors of the intended purpose of the site and provide a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion and notified that inappropriate posts are subject to removal, including but not limited to the following types of postings, regardless of format (text, video, images, links, documents, etc.):
 - a. Comments not topically related;
 - b. Profane language or content;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regards to public assistance, national origin, physical or mental disability or sexual orientation;
 - d. Sexual content or links to sexual content;
 - e. Solicitations of commerce;
 - f. Conduct or encouragement of illegal activity;
 - g. Information that may tend to compromise the safety or security of the public or public systems; or content that violates a legal ownership interest of any other party.
- (2) Employees and contractors maintaining County of Glenn-Sponsored Social Media sites that permit public comment shall prominently display, or provide a link to, the below Comment Policy on each online page that displays discussion content.

E. Content of Posts:

- (1) Employees and contractors using Social Media to communicate on behalf of a County of Glenn on a County of Glenn-Sponsored Social Media site should be mindful that statements posted represent the County of Glenn, including its elected officials. Therefore, employees and contractors should use discretion before posting.
- (2) Posts should be designed to increase the public's knowledge, trust, and use of County services.
- (3) Posts should always relate to matters within the scope of the County of Glenn's function and should be consistent with the County's public service mission.
- (4) To help distinguish County of Glenn-Sponsored Social Media sites from non-official (or personal) uses of these tools, County sponsored Social Media sites must state that they are maintained by the County and that they are subject to the County's Social Media Policy.
- (5) County of Glenn-Sponsored Social Media sites must identify the department responsible for the information displayed, including all descriptions, logos, images, etc. representing County of Glenn services.
- (6) Confidential or non-public information must not be shared.
- (7) Postings must respect copyright laws and reference or cite sources appropriately.
- (8) Only information authorized under this Policy shall be posted.
- (9) Employees and contractors must not use County sponsored Social Media sites for political purposes or to conduct private commercial activities, except as such uses are specifically permitted by the Glenn County Board of Supervisors. For this reason, links to political or commercial websites are prohibited, unless the Glenn County Board of Supervisors specifically permits such links.

F. Responsibilities

- (1) County of Glenn Department Heads and designees are responsible for:
- (2) Managing the department or County's site(s) in a manner consistent with this Policy, including content monitoring;
- (3) Granting authority to specific individuals to post content on the department or County's Social Media site(s) while ensuring that posts aren't made by unauthorized representatives;
- (4) Maintaining a list of Social Media sites hosted by the department or County, active account logins and passwords;
- (5) Changing passwords periodically and when an individual is removed as an administrator; and
- (6) Ensuring that all authorized representatives read the Policy for Official Use of Social Media Sites and sign the acknowledgment form signifying that they agree to follow the Policy and all related standards and guidelines
- (7) A County of Glenn department may develop a supplement to append to this Policy that includes policies or procedures unique to systems or services specific to that department, provided that such supplements shall not be less restrictive than this Policy. All such supplements must be reviewed and approved by the County Information Services Committee for consistency with applicable technical policies and standards.

6. Electronic Systems--Information Safeguards

All information maintained by Glenn County departments/agencies is considered an asset of the County and shall be protected from damage, loss, misuse, or inappropriate disclosure. Management is responsible for administering adequate controls to ensure the security, confidentiality, and integrity of information. Glenn County employees are required to maintain proper levels of protection for information assets.

Managers and supervisors are responsible for those Glenn County information assets that are held within their department. Individual managers and/or employees may be assigned custodial responsibility at the department or application system level to ensure accuracy, integrity, security, adequate controls, and confidentiality of agency information assets.

Where proprietary software or property has been provided to the County under confidentiality agreements, it is the responsibility of the department/agency to ensure compliance with the terms of such agreements.

Employees or other department/agency team members who disclose, alter, or willfully destroy information that adversely impacts County services, or who violate copyright laws will be subject to applicable federal, state, and local criminal laws, as well as to disciplinary action pursuant to County policies and procedures.

Each Department is responsible for designating an individual who will be responsible for approving staff access to County networks, internet, e-mail, etc. Including but not limited to:

- a. Approving and revoking access to County networks, internet, and e-mail, when appropriate. The level of access granted will be determined by the employee's immediate supervisor or manager. This should be accomplished and documented through the use of a system access form.

- b. Determining appropriate activities of staff on the County network and internet.
- c. Investigate suspected non-compliance with this policy and determining what corrective actions should be taken.

All computers connected to the County network must continually execute approved virus-scanning software with a current virus database.

7. Passwords

a. Overview

Passwords are essential to system security. Passwords provide one layer of security for access to data residing in the Glenn County information systems infrastructure. Passwords must meet a minimum standard of complexity to ensure Glenn County information systems and resources are protected from exploitation.

b. Purpose

The guidelines listed below are the minimum standard required by all information systems under Glenn County. This policy is not intended for departments that must conform to HIPAA, PII, or HITECH. Individual departments under the constraints of HIPAA, PII, or HITECH must have an internal policy to meet these standards.

c. Scope

This policy pertains to all personnel that have or are responsible for an account (or any form of access that supports or requires a password) for any system that resides at any County facility, has access to the County network, or stores any non-public County hosted/stored information.

d. Policy

General Guidelines

- (1) All system-level password (Service Accounts, System Accounts, Any account not logged into by a user) must meet the minimum password standard as follows:
 - (a) 12 characters in length (minimum)
 - (b) Two out of three (minimum): Special Character (Include, but are not limited to: !@#\$%^&*()_-=+?.,",":;<>[]{}|), Uppercase Letter, Number
 - (c) Must be changed upon the termination of any employee with Domain Administrator access to the information systems infrastructure.
- (2) All Domain Administrator level accounts (IT Administrators, Contracted IT staff) must meet the minimum password standard as follows:
 - (a) 10 characters in length (minimum)
 - (b) Two out of three (minimum): Special Character1, Uppercase Letter, Number
 - (c) Must be changed every 45 days
- (3) All User accounts (accounts with system access) must meet the minimum password standard as follows:
 - (a) 8 characters in length (minimum)
 - (b) Two out of three (minimum): Special Character1, Uppercase Letter, Number
 - (c) Must be changed every 90 days
 - (d) Must be unique to the end user and not a password assigned by IT staff
- (4) All endpoint devices that have access to Glenn County information systems (Mobile Phones, Tablets, etc) must meet the minimum password standard as follows:
 - (a) 4 characters in length
 - (b) May contain numbers or letters
- (5) All passwords must be different than the previous 6 passwords.
 - (a) This guideline is enforced by IT Administration
- (6) All system passwords must be changed from their default password

- (7) County system passwords should not be used for external accounts. For example:
 - (a) DSL Accounts
 - (b) Web based email accounts
- (8) All passwords, if written down or stored
 - (a) Must be stored in a secure location:
 - Locked file cabinet
 - On your person
 - Secured network location (Is any location on the network that only that individual has access and it must require a password to get to the location)
 - (b) Do not share your County passwords with co-workers.
 - (c) Here is a list of things to avoid:
 - Talking about a password in front of others.
 - Hinting at the format of a password (e.g., "my family name").
 - Writing in your password on questionnaires or security forms.
 - Sharing your password with family members.
 - Telling your co-workers your passwords while on vacation.
 - Never use the "Remember Password" feature of applications (e.g., Internet Explorer, FireFox).
- (9) If a password is suspected to be compromised
 - (a) Password must be changed immediately
 - (b) Incident must be reported to IT personnel or security officer
 - (c) An investigation of activities may be performed on the account in question
- (10) Staff Termination
- (11) Accounts must be disabled immediately

Violators of this policy may be subject to disciplinary action up to and including employment termination, termination of agreements, denial of service, and/or legal penalties, both criminal and civil.

8. Confidential Information

Communication on the internet is not secure and should be used accordingly. Users are warned that any confidential information sent through the Internet or e-mail could be intercepted, modified, misdirected or destroyed by unauthorized persons if adequate access controls are not in place.

When sending confidential information through e-mail users should:

- a. Have a compelling reason for sending confidential information and take every precaution to ensure the security of the information.
- b. Prior to sending confidential information, users should also confirm the correct e-mail addresses of the intended recipients.
- c. Include the word CONFIDENTIAL in the subject line of the message.
- d. Never include any confidential or sensitive information in the subject line of the e-mail.
- e. Include a disclaimer such as the following in the body of the e-mail message:

"This electronic message may contain information that is confidential and/or legally privileged. It is intended only for the use of the individual(s) and entity named as recipients in the message. If you are not an intended recipient of the message, please notify the sender immediately and delete the material from any computer. Do not deliver, distribute, or copy this message, and do not disclose its contents or take action in reliance on the information it contains. Thank you."

Encryption of e-mail is appropriate in some instances to secure the contents of an e-mail message. Each user should be cognizant of the sensitivity of information contained in e-mail.

9. Copyrighted Material

Users may download copyrighted material, but its use must strictly be within the limitations posed by the author or current copyright law. The Federal Copyright Act at 17 U.S.C. 101 et seq. protects “intellectual property” rights and prohibits misuse of all original works of authorship in any tangible medium of expression.

It is against County policy to download any information in violation of copyright laws. This includes, but is not limited to music, movies, pictures, etc.

10. Public Domain Material

Any user may download public domain images, documents, etc. for County business use, but does so with the knowledge that by doing so, the employee assumes all risks regarding whether or not the material was in the public domain.

11. Downloading

Users are reminded of the potential dangers associated with downloading information from the Internet, such as the possibility of exposing the County network to Viruses, Worms, Trojan Horses, Spyware, etc. which may be spread through downloaded software and files.

Users shall consult their Department’s policies and procedures prior to downloading information from the internet. Users should download information from trusted sites, when possible.

The downloading of any executable software is prohibited unless done with case by case knowledge and approval of the department head or his/her designee.

12. Electronic Systems – Policy Violation Notification

An employee or team member learning of violations of this policy should notify his/her manager or supervisor as soon as possible.

10.10.10 Alternate Work Week

Notwithstanding any other provisions of the Administrative Manual of the County of Glenn; Department Heads shall have the authority to establish an alternate work week for employees who work a flexible work schedule, provided that Section 12.02.04 “Hours of Operation” is complied with. The Personnel Department and the Department of Finance shall establish a county wide procedure for the implementation of alternate work weeks.

10.10.12 Nepotism

PURPOSE:

The purpose of the Nepotism Policy is to establish guidelines in dealing with the issue of employing, supervising or promoting persons who are related to County employees or elected officials. These guidelines shall ensure that hiring and supervision within the County are conducted in a manner which enhances public confidence in the County and prevents situations that have the potential for adverse impact on the County or give the appearance of preferential treatment, improper influence, or conflict of interest.

DEFINITIONS:

A. For purposes of this Policy, “employee” is defined as person who receives wages from the County for services rendered to the County on a full-time basis, part-time basis, or as a Public Service Employee.

B. For purposes of the Policy, “relative” means, with respect to the County employee, an individual who is related to the County employee such as spouse, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

POLICY:

It is the intent of the County of Glenn not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, or applicants on the basis of familial or marital status.

An applicant shall not be denied the right to file an application and to be considered for employment because a family

member is an employee of Glenn County. However, the County retains the right to refuse to hire or place a person under the direct supervision of a family member or in the same department in which a family member is employed if such action has the reasonable potential for creating an adverse impact on supervision, safety, security, or morale, or which involves reasonably potential conflicts of interest.

No employee shall appoint or participate in a hiring decision involving any person within his/her immediate family, nor use his/her position to influence another County employee to hire a member of his/her immediate family. County employees shall not directly or indirectly supervise a "relative". Relatives shall not be employed in the supervisory-subordinate relationship even if it results from marriage after the employment relation was formed. The supervisor-subordinate relationship shall be interpreted to include all levels of supervisors within the chain of command, not just the immediate supervisor.

In the event a marriage, after employment, creates a relative relationship within the chain of command one of the effective employees will be transferred to a different chain of command as soon as possible. In the interim, these relatives shall have no influence to hire, promote, reclassify, supervise, direct, evaluate, or make a salary recommendation, assign work or resources, approve leave requests, give any benefit, or terminate employment for the family member and will recuse self from influencing any employment related decision.

As of the effective date of this Policy, County employees who are related (as defined herein) and work in the same department, may continue in their respective positions as long as their mutual employment does not create an adverse impact on supervision, safety, security, or morale.

In determining rules and regulations governing the employment of County employees who become related, as defined herein, after commencement of County employment, the County is guided by the principles enunciated in the California Fair Employment and Housing Act (FEHA) which prohibits discrimination on the grounds of marital status. However, FEHA and its regulations defining the same do authorize restrictions being placed upon married County employees (or upon people deemed related as a result of marriage [i.e., in-laws]) where for business reasons of supervision, safety, security or morale, the employer may refuse to place one spouse or other relative under the direct supervision of another spouse or other relative and refuse to place both spouses or other relatives in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples or other relatives than for other persons.

CHAPTER 10.12 EMPLOYEE WORKING CONDITIONS

10.12.02	<i>Purpose</i>
10.12.04	<i>Overtime</i>
10.12.06	<i>Standby Pay on Call Pay</i>
10.12.08	<i>Call Back Pay</i>
10.12.10	<i>Working in Higher Classification</i>
10.12.12	<i>Vacation</i>
10.12.14	<i>Holidays</i>
10.12.16	<i>Sick Leave</i>
10.12.18	<i>Salary Increase for Longevity</i>
10.12.19	<i>Uniform Allowance</i>
10.12.20	<i>Short Term Disability Insurance</i>
10.12.22	<i>Group Insurance Coverage</i>
10.12.23	<i>Annual Leave</i>
10.12.24	<i>Bereavement Leave</i>
10.12.25	<i>Emergency Aid Volunteer Leave</i>
10.12.26	<i>Grievances</i>
10.12.28	<i>Disciplinary Action</i>

10.12.02 Purpose

The policies and regulations set forth in this chapter shall apply to all employees not governed by a current memorandum of understanding.

10.12.04 Overtime

A. No overtime shall be worked by an employee without specific authorization from the department head. Overtime shall be paid to employees working in excess of eight (8) paid hours a day when assigned to a five-day (5) work schedule out of the seven-day (7) work period and in excess of ten (10) paid hours when assigned to a four-day (4) work schedule. Employees shall also receive payment for overtime in excess of forty (40) paid hours within the seven (7) day work period. Paid hours include hours actually worked by the employee, vacation days if scheduled at least two (2) weeks in advance, and callback pay. Paid hours do not include on-call pay, holiday pay, sick leave, other leaves of absence, or any other condition of compensation not included above.

B. Overtime hours shall be compensated at 1-1/2 times the employee's regular rate of pay. Department heads may allow employees to accumulate no more than 60 hours of compensatory time off in lieu of paid overtime. Once accrued compensatory time off may not be converted to cash except as follows:

1. At separation; or,
2. Upon transfer of the employee to another county department; or
3. During the last quarter of the fiscal year if directed by the department head and there is sufficient funds in the department's budget to pay for the conversion to cash.

C. Elected officials, department heads, and employees occupying positions specifically designated as exempt from the provisions of this section by the Board of Supervisors shall not be eligible for paid overtime.

10.12.06 Standby Pay on Call Pay

A. When an employee is assigned standby pay he/she shall be informed of the dates and inclusive hours of such arrangement. The employee shall be compensated at the rate of two dollars (\$2.00) per hour of standby duty. Standby duty requires the employee so assigned to (1) be ready to respond to calls, (2) be reachable by telephone or pager, (3) be able to be at the employee's work station within 45 minutes, and (4) refrain from activities which might impair the employee's ability to perform the employee's assigned duties. An employee shall not receive standby pay and call back pay simultaneously.

B. This section shall not apply to department heads.

10.12.08 Call Back Pay

A. When an employee is called out to work or an employee returns to work because of a departmental request made after the employee has completed the employee's normal work shift and left the premises, the employee shall be credited for a minimum of two (2) hours work plus any time worked in excess of two (2) hours at time and one-half (1-1/2). An employee shall not receive standby pay and call back pay simultaneously.

B. This section shall not apply to department heads.

10.12.10 Working in Higher Classification

Pay for Work in Higher Classification. An employee assigned duties of a higher job classification shall be paid the rate of pay equivalent to the first step "A" or at least 5% more than the employee's regular assignment while working in the higher classification after said employee has performed the duties five days. This section shall not apply to employees performing any or all duties of the department head.

10.12.12 Vacation

A. Effective January 18, 2005, the County shall provide accrued vacation credit for those regular full-time County Department Heads who have completed any combination of years of employment with the State of California or California Local (City or County) Government.

Accrual Schedule. Regular employees, except elected County Officers, shall accrue vacation credit according to the following schedule:

0-2 full years: .0424 hours per scheduled hour in a paid status, not to exceed regularly scheduled hours (up to 88 hours per year, approximately 2 weeks).

3-12 full years: .0616 hours per scheduled hour in a paid status, not to exceed regularly scheduled hours (up to 128 hours per year, approximately 3 weeks).

After 12 full years: .0808 hours per scheduled hour in a paid status, not to exceed regularly scheduled hours (up to 168 hours per year, approximately 4 weeks).

After 19 full years: .1 hours per scheduled hour in a paid status, not to exceed regularly scheduled hours (up to 208 hours per year, approximately 5 weeks).

B. Maximum Accruals. Each regular employee shall be permitted to accumulate the unused portion of vacation time to his or her credit, provided, that it shall be the responsibility of department heads to see that an employee does not accumulate credit for vacation in excess of two times the annual accrual rate.

C. Compensation for Excess Accruals. An employee who is unable to take his or her scheduled vacation due to unusual and extenuating departmental needs shall, upon request, or determination by the department head, be compensated for all vacation hours accrued each pay period in excess of the accrual limitation.

D. Minimum Usage. A department head may require an employee to use up to one half of the vacation hours the employee accrued in that year.

E. Compensation Upon Termination. Upon termination of his or her service or employment, an employee shall be entitled to a lump sum payment for any unused or accumulated vacation time to his or her credit as of the date of termination.

F. Scheduling. Vacations shall be scheduled by request of the employee and approval of the department head. Consideration shall be given to effectuating the wishes of those employees requesting specific vacation periods. As between those employees requesting specific vacation periods, employees with the most general seniority shall receive preference with respect to vacation scheduling; provided, however, that the request is made on or before the earlier of January 31st of that calendar year or 90 days prior to the scheduled vacation; no scheduled vacation shall be canceled by the County except in cases of emergency.

10.12.14 Holidays

A. The following holidays are recognized by Glenn County:

1. January 1 known as New Year's Day.
2. Third Monday in January known as Martin Luther King's Birthday.
3. Third Monday in February known as President's Day.
4. Last Monday in May known as Memorial Day.
5. July 4 known as Independence Day.
6. First Monday in September known as Labor Day.
7. November 11 known as Veteran's Day.
8. Last Thursday in November known as Thanksgiving Day.
9. Last Friday in November known as the Friday after Thanksgiving Day.
10. December 24 known as Christmas Eve.
11. December 25 known as Christmas.
12. December 31 known as New Year's Eve.

B. These enumerated holidays are vested so that no matter which day of the week they may occur, employees will be paid for them, or receive compensable time off. Holiday pay shall be paid at the straight time rate.

C. Employees in regular part-time positions who are classified as no less than half-time (.5 FTE), shall accrue and be eligible for holiday benefits as such part-time classification bears to regular full-time service.

D. Employees shall be allowed to take compensatory time off for accrued holiday time. Such use normally shall be at a date determined by the employee with due consideration given to the efficient operation of the department, however, the department head shall have final authority on such use. Use shall not be unreasonably denied by the department head. An employee is expected to use compensatory time off but when unable to use his or her accumulated time due to unusual and extenuating departmental needs shall, upon request or determination by the department, be paid for all days accrued and unused.

E. An employee must be employed the last working day before, and the first working day after, the holiday in order to receive holiday compensation. Employees on leave without pay shall not accrue holiday benefits on leave.

F. In addition to the above enumerated holidays, Unrepresented Employees and Department Heads will also receive one (1) floating holiday per calendar year. The floating holiday shall not carryover from year to year. Floating holidays shall be scheduled in the same fashion as vacation. If an Unrepresented Employee or Department Head should separate from the County before the end of the calendar year and not use the floating holiday, he/she would not be entitled to compensation for such.

G. Many County employees work a Monday through Friday schedule. For these employees, when a holiday falls on a non-workday – Saturday or Sunday – the holiday usually is observed on Friday (if the holiday falls on Saturday) or Monday (if the holiday falls on Sunday). The Board of Supervisors shall adopt the Annual Holiday Schedule the first meeting in December of each year.

10.12.16 Sick Leave

A. Regular employees shall accrue .0462 hours of sick leave with pay for each scheduled hour in a paid status, not to exceed regularly scheduled hours. Sick leave shall be credited at the end of each pay period worked. All unused sick leave may be carried forward into each ensuing year.

B. Effective July 1, 2015, Temporary employees shall accrue 0.0333 hours of sick leave with pay for each scheduled hour in a paid status, not to exceed six (6) days of maximum accrual. Sick leave shall be credited at the end of each pay period worked. All unused sick leave may be carried forward into each ensuing year, not to exceed six (6) days per year. Temporary employees are limited to using a maximum of three (3) days of sick leave in any given calendar year, and must take sick leave in increments of greater than two (2) hours.

C. Sick leave may be used for:

- (1) Diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee.
- (2) Diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee's family member.
- (3) Certain purposes related to the health and safety of an employee who is a victim of domestic violence, sexual assault, or stalking.

D. A "Family Member" is defined as:

- (1) Child: biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis regardless of the child's age or dependency status.
- (2) Parent: biological, adopted, foster parent, stepparent, legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- (3) Spouse or Registered Domestic Partner. Grandparent or Grandchild.
- (4) Sibling.

E. Sick leave shall only be granted upon approval of the department head. It is requested that requests be made in writing in advance, when possible. All employees may be required to submit evidence in the form of a physician's certificate if such absence exceeds three (3) working days or when the department head deems necessary. When an employee is absent from work in each of four (4) successive months or who utilizes sick leave immediately preceding or following weekends, schedule days off, or holidays, the department head may require evidence in the form of a physician's certificate for the most recent illness.

F. Sick leave may be used for medical and dental office appointments when absence during work hours for this purpose is authorized by the department head. Employees are requested to secure medical and dental appointments on their own time, but where this is not possible, appointments shall be secured to reduce to a minimum the time away from work.

G. A regular employee who is on a regularly scheduled vacation and becomes ill may use sick leave for the period of disability provided a physician certified as to the disability. An employee shall notify his department head immediately of such illness.

H. No payment for accumulated sick leave shall be made upon termination of employment.

I. If, in the opinion of the department head, an employee is unable to satisfactorily perform the employee's duties because of injury or illness, the department head may require such an employee to be examined by a physician designated and paid by the County to determine if the employee can properly and safely perform the employee's job.

10.12.18 Salary Increase for Longevity

A. The County shall provide a Longevity differential of 5% above the employee's base rate of pay for those regular full-time employees who have completed ten (10) years of employment with the County.

B. The County shall provide a Longevity differential of 6% above the employee's base rate of pay for those regular full-time employees who have completed fifteen (15) years of employment with the County. The total Longevity differential shall not exceed 6%.

C. The County shall provide a Longevity differential of 7% above the employee's base rate of pay for those regular full-time employees who have completed twenty (20) years of employment with the County. The total Longevity differential shall not exceed 7%.

D. The County shall provide a Longevity differential of 8% above the employee's base rate of pay for those regular full-time employees who have completed twenty-five (25) years of employment with the County. The total Longevity differential shall not exceed 8%.

E. The County shall provide a Longevity differential of 9% above the employee's base rate of pay for those regular full-time employees who have completed thirty (30) years of employment with the County. The total Longevity differential shall not exceed 9%.

F. The County shall provide a Longevity differential of 6% above the employee's base rate of pay for those regular full-time County Department Heads who have completed any combination of twelve (12) years employment with the State of California or California Local (City or County) Government.

G. The County shall provide a Longevity differential of 7% above the employee's base rate of pay for those regular full-time County Department Heads who have completed any combination of twenty (20) years employment with the State of California or California Local (City or County) Government. The total longevity differential shall not exceed 7%.

10.12.19 Uniform Allowance

Persons in the classifications of Animal Control Officer, Undersheriff, and Sheriff’s Lieutenant shall be paid an allowance of \$20.80 per biweekly pay period provided the following conditions are met:

- A. They are a regular employee of the County.
- B. They are required by the Department head to wear a uniform on a regular basis.

10.12.20 Short Term Disability Insurance.

A. The County will make available for regular County employees a noncontributory Short Term Disability Insurance Program.

- B. An employee must be classified at no less than half-time (.5 FTE) in a regular position to be eligible for this benefit.
- C. This benefit shall be covered by the plan document issued by the company contracted to provide the insurance.

D. Effective, April 1, 2018, the County will make available for regular County employees a contributory Short Term Disability Insurance program through California State Disability. The Disability Insurance (DI) benefits shall be extended to employees in accordance with the terms and conditions of the State Disability Insurance Program. Each employee, excluding elected officials and those positions appointed by the Governor, shall contribute to the plan through payroll deductions. Accrued sick leave shall be used to supplement the disability benefit and must be exhausted prior to the use of other accrued leave balances. An employee may elect, in advance, to use accrued vacation, or CTO time to supplement the disability benefit. The total compensation from accrued leaves and disability benefits shall not exceed the employee's base salary at the time of disability. Disability benefits will be considered the primary benefit and used leave accruals will be treated as secondary to supplement the employee's earnings. Paid Family Leave Insurance will be administered as described above, except employees will be required to use other leave balances after Family Sick Leave (if appropriate) has been exhausted.

10.12.22 Group Insurance Coverage

A. The County will make available for regular employees and their dependents a Group Insurance Program consisting of Health, Dental, Vision, Life, and Accidental Death and Dismemberment Insurance Plans.

B. An employee must be a regular employee or deemed full time under the Affordable Care Act of the County to be eligible for coverage.

C. The term of enrollment, termination, and continuation of each plan is contained in the Plan Document for the plan.

D. Health Plan Monthly Premium Contributions.

1. For regular employees the County shall contribute towards the employee health insurance premium as follows:

Effective for the premium payment for January 1, 2008, the County shall contribute towards the employee health insurance payment as follows:

- Employee only 90% of the premium for Blue Shield Access + HMO plan
- Employee + 1 The previous years contribution plus the dollar amount added to the employee only rate
- Employee + 2 The previous years contribution plus the dollar amount added to the employee only rate

2. Employees shall be responsible for the payment of the premium amount in excess of the County Contribution Rate.

3. Employees hired prior to July 2, 2017 who opt out of the County’s Health Plans shall receive an additional \$500.00 per month effective the first full pay period following ratification of the MOU. To qualify for this payment the employee must provide the Personnel Department with proof of other health insurance coverage annually. Employees hired on or after May 1, 2017 or current employees who are not currently signed up for cash in lieu shall not be entitled to receive payment in lieu of health insurance.

Effective 26 pay periods following ratification, employees hired prior to July 2, 2017 who opt out of the County’s Health Plans shall receive an additional \$400.00 per month. To qualify for this payment the employee must provide the Personnel Department with proof of other health insurance coverage annually. Employees hired on or after May 1, 2017 or current employees who are not currently signed up for cash in lieu shall not be entitled to receive payment

in lieu of health insurance.

Effective 52 pay periods following ratification, employees hired prior to July 2, 2017 who opt out of the County's Health Plans shall receive an additional \$300.00 per month. To qualify for this payment the employee must provide the Personnel Department with proof of other health insurance coverage annually. Employees hired on or after May 1, 2017 or current employees who are not currently signed up for cash in lieu shall not be entitled to receive payment in lieu of health insurance.

Employees who are eligible to Opt Out of the County sponsored health insurance will receive a net cash payment minus all required employer contributions and employee deductions for payroll taxes, retirement and insurance premiums that are directly tied to compensation.

E. For covered employees hired prior to November 1, 2017 who are vested and retire from active County service the retiree medical premium will be paid as follows:

1. The County will continue to pay the statutory minimum contribution amount prescribed by Government Code Section 22892 directly to CalPERS.
2. CalPERS will deduct the balance of the medical premium from the retiree's monthly PERS pension payment.
3. Concurrent the same day an employee receives their monthly PERS pension payment, the County will reimburse the retiree by EFT to the employee's bank account. If the employee does not provide the County with their bank account information for EFT reimbursement, the County will mail a paper check to the employee on the 1st day of each month based upon the agreed County's contribution amount stated in Article 7.1.4: The County will pay 90% of the employee only premium for the Blue Shield HMO. The County contribution for Employee + 1; and Employee + 2 shall be increased by the dollar amount of the Employee only increase. The employee will pay the amount of the premium that exceeds the County's contribution. Should the Blue Shield HMO no longer be available the parties agree to meet and confer on the base premium rate.
4. No retiree will be adversely affected by this change in how the County's retiree medical benefit is administered as the County's reimbursement payment will arrive the same day as the PERS pension payment. If an employee is adversely affected by error or other unforeseen consequence of this change the County agrees to "make whole" the employee.
5. The County will notify all current retirees of this change in retiree medical benefit administration in writing no later than October 1, 2017.

For covered employees hired on or after November 1, 2017 who are vested and retire from active County service; the retiree medical premium will be paid as follows:

1. The County will continue to pay the statutory minimum contribution amount prescribed by Government Code Section 22892 directly to CalPERS.
2. CalPERS will deduct the balance of the medical premium from the retiree's retirement payment.

F. The County shall make available a Dental Plan for all regular County employees and their dependents.

1. The County shall pay 100% of the employee's premium.
2. The employee shall pay 100% of the dependent premium. Should the dependent premium contain the employee premium as a component of a composite premium, the County shall pay the amount equal to the employee-only premium.

G. The County shall make available a Vision Plan for all regular County employees and their dependents.

1. The County shall pay 100% of the employee's premium.
2. The employee shall pay 100% of dependent premium. Should the dependent premium contain the employee premium as a component of a composite premium, the County shall pay the amount equal to the employee-only premium.

H. The County shall provide a Group-term Life Insurance Policy for all regular County employees and their dependents.

1. The policy value is:

- \$50,000 for Department Heads;
- \$50,000 for regular County employees;
- \$1,000 for covered spouse of the regular County employee;
- \$100 for covered children ages 14 days to less than 6 months;
- \$1,000 for covered children ages 6 months to less than 19 years (25 years if a full-time student)

2. The County shall pay the requisite premium for this policy.

I. The County shall make available to regular county employees an Internal Revenue Code (IRC) Section 125 plan for the purpose of allowing employees to pay their insurance premiums with pre-tax dollars.

J. The payment of the employee's contribution towards the required premiums shall be made through payroll deduction.

10.12.23 Annual Leave

A. Effective January 1, 2001 and on each January 1 thereafter, each salaried (FLSA Exempt) regular employee shall be credited with eighty (80) hours of Annual Leave. This leave may be taken at any time, with the approval of the Department head, as a reward for working extended hours. Annual Leave shall not be reasonably denied. Annual Leave does not accrue from year to year. Annual Leave not used by the end of the calendar year shall be forfeited. A salaried employee hired after January 1 of a given year shall be credited with a pro rata share of Annual Leave on their date of hire.

B. Effective December 2001, and every December thereafter, each Department Head shall be allowed to cash out up to 40 hours of annual leave in December of each year with payment to be made in the first pay check in the following January, provided that the Department Head has taken any combination of vacation and annual leave equaling 80 hours during the preceding twelve months, December through November.

C. Sections 10.12.23 A. and 10.12.23 B. shall not be applicable to Elected Officials who are also Department Heads. In lieu of Annual Leave Elected Department Heads shall, effective in the first pay check in January 2002, and every January thereafter, be paid the equivalent of 40 hours base pay.

10.12.24 Bereavement Leave

Bereavement leave with pay because of death in the employee's immediate family shall be granted not to exceed forty (40) hours for each instance. However, a department head may authorize more than forty hours leave based on extenuating circumstances, but all such leave in excess of forty (40) hours shall be charged to the employee's regular accumulated sick leave.

Immediate family shall mean spouse, child, parent, grandparent, sibling, and those family relationships recognized by law such as in-law, half, step, adopted, and foster family members. This section shall not apply to elected officials.

10.12.25 Emergency Aid Volunteer Leave

A. Emergency Aid Volunteer Leave is hereby established as policy and shall be granted to County employees should any disaster require many days and/or hours of volunteer help.

B. In addition, the Board of Supervisors must declare that volunteerism in the time of disaster is a matter of public interest and therefore not an improper use of government finances.

C. This policy is effective for all disasters declared after 8/15/2005. To be eligible for re-instatement of part of the time used, the employee and/or disaster would have to conform to the following criteria:

1. A disaster must be declared by either a State Governor or a Federal government agency prior to starting leave to facilitate becoming a volunteer.
2. The employee must volunteer with a Federal Emergency Management Agency recognized organization.
3. The employee must gain permission from his/her supervisor and approval of the Department Head.
4. The employee must use vacation time or compensatory time off for this volunteer service.

5. The Employee must provide written proof of valid service to a disaster area within 30 days of return for restoration of time.
- D. The County shall restore half (½) of the time used. Amount restored shall not exceed two (2) weeks or eighty (80) hours.
- E. The volunteer work is not a County directed activity and any expenses related to the volunteer service are the responsibility of the employee.

10.12.26 Grievances

A. Definition. A "grievance" shall be defined as a violation of any law, directive, rule, regulation or section of this policy. This section shall not apply to County rights specified in Section 10.04.08 or to disciplinary actions pursuant to Section 10.12.28. There shall be an earnest effort on the part of all parties to settle a grievance promptly through the steps listed below.

B. Appeal Procedure.

1. Step I - Supervisor. An employee's grievance must be submitted orally or in writing to his or her first line supervisor or management representative immediately in charge of the aggrieved employee within fourteen (14) calendar days after the event giving rise to the grievance or after the employee would be reasonably expected to have knowledge of the event having taken place. The supervisor or management representative will give his or her answer to the employee by the end of the seventh (7th) calendar day following the presentation of the grievance. Such answer will terminate Step I.
2. Step II - Department Head. If the grievance is not settled in Step I, the grievance shall be reduced to writing by the employee, on the County grievance form approved by the Personnel Department, fully stating the facts surrounding the grievance, setting forth the law, directive, rule, regulation or section of this Policy which has been violated and detailing the remedy sought. The grievance shall be signed and dated, and presented to the department head or his or her designated representative with a copy to the Personnel Department, within fourteen (14) calendar days after receipt of the required answer in Step I. A meeting with the employee, employee representative and department head, or their designees, will be arranged at a mutually agreeable location and time to review and discuss the grievance. Such meeting shall take place within seven (7) calendar days from the date the grievance is presented to the department head or his or her designee. The department head or his or her designee shall give a written reply to the grievance by the end of the seventh (7th) calendar day following the date of the meeting. Such written reply will terminate Step II. Time limits as set forth above may be extended by mutual agreement between the parties, but neither party may be required to so agree. If the County, or any management representative of the County, fails to respond within the time periods contained above, the grievant may automatically proceed to the next step of the grievance procedure. If the grievant fails to meet the time requirements, the matter is considered to be abandoned.
3. Step III Personnel Director Review. Within fourteen (14) calendar days of the department head's decision, the employee may apply to the Personnel Director for review. The Personnel Director shall within seven (7) calendar days meet with the employee, department head, and other persons as are deemed necessary in an attempt to resolve the grievance. The Personnel Director shall resolve the grievance and shall send a response in writing to the grievant and shall advise the grievant of the right to appeal further. If the Personnel Director declares the matter not subject to the grievance procedure, each party shall present evidence to an arbitrator who shall decide whether or not the matter is arbitrable before proceeding to Step IV of the grievance procedure.
4. Step IV - Arbitration. Within ten (10) calendar days of the Personnel Director's review and decision, the employee may request in writing to the Personnel Director a desire to submit the matter to advisory arbitration.

As soon as possible, and in any event, no later than five (5) calendar days after the Personnel Director receives the written notice of the desire to arbitrate, the parties shall attempt to agree upon an arbitrator. If no agreement is reached within said five (5) calendar days, an arbitrator shall be selected from a list of five (5) arbitrators submitted by the American Arbitration Association or California State Mediation and Conciliation Service by alternately striking names until one name remains. The party to strike the first name shall be selected by lot.

Either the County or the aggrieved employee may call employees as witnesses and the County agrees to release said employees from work if on duty. The aggrieved employee shall not call an excessive number of employee witnesses

who are on duty.

The arbitrator shall have no power to alter, amend, change, add to, or subtract from any of the terms and conditions of this policy nor any other rules, policies or procedures except where State or Federal laws, rules, and/or regulations prevail. The decision of the arbitrator shall be based upon the evidence and arguments presented to him or her by the respective parties in the presence of each other.

The decision of the arbitrator is advisory to the Board of Supervisors whose decision shall be final and binding on both parties. Each party shall bear the expense of the presentation of the party's own case.

All fees and expenses of the arbitration shall be shared equally by the parties. If the employee elects to proceed to arbitration, the employee will pay half of the arbitration fee in advance. In no event will the County pay more than half the expenses.

5. Step V - Board of Supervisors Appeal. The Board of Supervisors may consider the decision of the arbitrator, hear the grievance de novo or by resolution or minute order refer it to such persons or body as it deems necessary for hearing. The Board of Supervisors shall further determine whether or not the decision reached by such other person or body shall be final and binding or advisory in nature. Any costs related to proceedings before the Board of Supervisors or proceedings before another person or body referred by it shall be shared equally by the parties.

The employee may elect to bypass Step IV of the grievance procedure and request a review and hearing before the Board of Supervisors in closed session. All decisions under Step V by the Board of Supervisors in the matter shall be final and binding on all parties.

- C. Employee Exclusions. This grievance procedure shall not pertain to County department heads.

10.12.28 Disciplinary Action

A. Disciplinary Action - General. Disciplinary action may be taken against any employee who has regular status by the appointing authority for cause. This section shall not apply to employees dismissed while on probation. As used in this section "disciplinary action" means dismissal, demotion, reduction in pay or suspension for not to exceed thirty (30) calendar days. As used in this section, "appointing authority" means the Board of Supervisors or the appropriate elected official or department head exercising supervisory authority over the employee against whom disciplinary action is taken.

B. Causes for Disciplinary Action.

1. Falsifying personnel records or county records or providing false information concerning employment qualifications.
2. In competency.
3. Inefficiency.
4. Inexcusable neglect of duty.
5. Willfully disobeying a reasonable order or refusal to perform job as assigned.
6. In possession of or under the influence of or trafficking in habit forming drugs or narcotics while at work or on county property.
7. In possession of or under influence of alcoholic beverages while at work or on county property.
8. Intemperance.
9. Unauthorized absence without leave.
10. Conviction of a felony or misdemeanor related to the performance of duties of the job. A plea of guilty or nolo contendere to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
11. Indecent conduct which has an adverse effect on the county image.
12. Discourteous treatment of the public or other employees.
13. Improper political activity as defined in the Government Code or county regulations.
14. Misuse of county property or damage to public or private property resulting from misuse or negligence.
15. Violation of Conflict of Interest Code.
16. Abuse or misuse or excessive use of sick leave, vacation or other employee benefits.
17. Gambling on county premises.

18. Failure to properly report absenteeism.
19. Excessive tardiness.
20. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.
21. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his or her department or to the county.

C. Notice of Disciplinary Action. The appointing authority may initiate disciplinary action against an employee for just cause by serving upon the employee a written notice of disciplinary action. The notice shall be served upon the employee personally or by mail and shall include:

1. A statement of the nature of the disciplinary action.
2. A statement of the causes therefor.
3. A statement in ordinary and concise language of the acts or omissions which the causes are based.
4. Copies of all documents and materials upon which the action is based.
5. A statement advising the employee of his or her right to respond to notice before disciplinary action is taken or before seven (7) calendar days after the date of service orally, or in writing, or both,
6. A statement advising the employee that if disciplinary action is imposed, he may appeal such action to a qualified arbitrator as provided in Paragraph D, below, by filing a written request to the Personnel Director for arbitration within thirty (30) calendar days of service of this notice.

D. Appeal to Arbitration. If a request for arbitration is filed, in all cases an attempt shall be made to mutually agree upon a joint written submission of the issues to be submitted to the arbitrator. If no such joint submission is reached, each party shall submit to the arbitrator its own statement of the issues. The basic issues to be submitted to the arbitrator are as follows: Was the employee given disciplinary action for reasonable cause? If not, to what remedy is the employee entitled under the provisions of this Title?

E. Arbitration Hearing. The arbitration hearing shall be private unless the appealing employee requests a public hearing. Each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, subpoena evidence and witnesses, and to rebut evidence against him. Oral evidence shall be taken only under oath or affirmation. The hearing need not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence may be admitted if it is the sort of evidence responsible persons are accustomed to rely on in the conduct of serious affairs.

F. Decision of Arbitrator. Following the hearing, the arbitrator shall consider the evidence presented, shall make findings regarding the existence of cause. Should the arbitrator find that the discharge, demotion, suspension or reduction was without reasonable cause, the arbitrator shall make a written decision as to the appropriate action to be taken. Copies of the decision and recommendation shall be sent to the employee and the department head and one copy shall be sent to the Personnel Director to be filed in the employee's permanent personnel record.

G. Implementing Arbitration Decision. If it is the arbitrator's decision that the department's order should be modified, the employee shall be restored to a position in his former class, subject to forfeiture of pay and fringe benefits for all or a portion of the period of time he was removed from duty by the department head, as determined by the arbitrator. Should the arbitrator find that the department's order of dismissal should be rescinded, the employee shall be reinstated to a position in his former class and shall receive pay and fringe benefits for all of the period of time he was removed from duty by the department.

H. Appeal to the Board of Supervisors. The decision of the arbitrator may be appealed by either party to the Board of Supervisors who shall retain the authority to make the final and binding decision. Any such appeal must be presented within thirty (30) calendar days.

I. Other Procedures. At all steps of the appeal process, the employee may represent himself or he may be represented by a representative of his choosing. The expense of the arbitrator, including reporter's expense if one is used, shall be borne equally by the County and the employee.

J. This section does not apply to department heads or to persons in the class of Undersheriff.