



COLUSA COUNTY PERSONNEL RULES

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RULE 1.00 – PERSONNEL RULES

1.100.1 DEFINITIONS

- (A) Allocation: The formal action by the Director of Human Resources assigning a position to a job classification based on the nature of its duties, functions, and minimum qualifications to a job classification.
- (B) Anniversary Date: The annual date to mark a service year of employment. The start date of employment begins the anniversary period.
- (C) Applicant: A person who has filed an application for a position in accordance with the Personnel Rules.
- (D) Application Form: The official form designated by the Director of Human Resources for employment application purposes.
- (E) Appointing Authority: An elected or appointed department head responsible for the operation and functioning of an identified department in the County of Colusa and is the final approver within the department for hiring decisions. An appointing authority may delegate hiring authority to a hiring manager
- (F) Board: The duly elected Board of Supervisors.
- (G) Candidate: A person whose application for examination has been accepted as meeting the stated minimum qualifications for the classification and the general requirements for County employment.
- (H) Class Specification: A written description identifying factors and conditions characteristic of a class; minimum qualifications for performing work in the class; and examples of common duties, responsibilities, and tasks associated with positions in the class. Class specifications set forth Essential Functions as defined by the Americans with Disabilities Act or other applicable laws.
- (I) Continuous Service: All periods of uninterrupted employment in the classified service.
- (J) County: County of Colusa government.
- (K) County Administrative Officer: The Chief Administrative Officer for the County of Colusa or their designee.
- (L) Department: An administrative branch of the County organization headed by an elective or appointed official that delivers County services/programs either internally, externally or both.
- (M) Director of Human Resources: The appointing authority over the Human Resources Department or their designee.
- (N) Eligible Employee: Any person whose name appears on an employment list for a classification within the classified County service.

- (O) Employee: A person holding a position of employment with the County of Colusa.
- (P) Entry Level Class: A classification in which an individual so employed is being trained and gaining experience to perform at the experienced level in the class series.
- (Q) Essential Functions: Those job duties and responsibilities that are determined by department management to be an integral part of a position.
- (R) Examination: A test or group of tests administered to determine employment eligibility.
- (S) Experienced Level Class: A classification for which the minimum qualifications require either appropriate specialized education or experience. The experience may be from employment in an entry level class in the same class series or from other equivalent employment either inside or outside the Colusa County service.
- (T) Flexible Work Schedule: Any alternative employee schedule, mutually agreed upon and approved, that differs from normal business hours from the assigned department.
- (U) Hiring Manager: An appointed or elected department head or their designee that has the authority to authorize a recruitment, selection, recommendation for hire, and/or authorize hiring of candidates. The hiring manager differs from the appointing authority when the latter delegates the authority for hiring decision to a subordinate manager.
- (V) Leave: Authorization to be absent from duty which gives an employee the right to return to his/her position at the expiration of the period.
- (W) Limited term employee: An employee hired to perform in a special or mandated program which funds its positions and on which the position depends; if the funding terminates the position terminates, which shall not be considered a "layoff" as that term is used in accordance with County Layoff Policy 303.
- (X) Marginal Functions: Those job duties and responsibilities that may be assigned to a position but which are ancillary to the position and their removal would not change the nature of the position.
- (Y) Merit Date: The date wherein an employee is eligible to receive a merit increase for job performance. This may be the same as the employee anniversary date, however, the two (2) dates may differ due to extended leaves or position changes requiring a new probationary period.
- (Z) Outside Employment: Any paid work outside of County Employment, including part-time, contracted, self-employed, virtual, or telework.
- (AA) Overfill of a position: A vacant position may be overfilled when personnel salary savings or sufficient budget exist to fund the position at a higher classification and salary. This is typically used for flexibly-staffed positions, but other situations may warrant overfilling a position, such as operational changes.
- (BB) Part-Time Employee: An employee working less than 37.5 hours per week. Any employee funded by two or more departments, and whose work is divided between these individual departments on a part-time basis, shall be designated a full-time employee if he/she works a total of 37.5 or more hours per week.

- (CC) Permanent Employee: An employee who has passed the probationary period.
- (DD) Permanent Status: Status of an employee in the classified service who has completed a probationary period.
- (EE) Position: A group of current duties (essential and marginal) and responsibilities requiring full-time or part-time employment.
- (FF) Position Description: A written description of a classification prepared by the Human Resources Department that identifies the essential functions of the position and qualifications required to perform the job...
- (GG) Probationary Status: Status of an employee who has been appointed to a permanent position, but who has not completed the probationary period and has not attained permanent status.
- (HH) Probationer: A legally appointed employee who has not yet attained permanent status.
- (II) Promotion: An advancement of an employee to a class allocated to a higher salary range. Promotions may be departmental internal or County-wide internal. Departmental internal promotions are used when a promotional opportunity for a department-specific job classification is being offered or when a department-specific classification for a specific time may be a requirement for the promotional opportunity. County-wide internal promotions are used for classifications that exist within multiple departments when a sufficient pool of qualified individuals exist within the county and the hiring manager desires to hire within the County. Flexibly staffed position promotions are known as flexibly staffed advancements and do not go through a promotion process, nor do they trigger a new probationary period.
- (JJ) Provisional Appointment: An appointment made to a permanent classified position under narrowly defined circumstances under which the individual does not attain permanent status.
- (KK) Qualifying Act of Violence: Means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:
- (1) Domestic violence.
 - (2) Sexual assault.
 - (3) Stalking.
 - (4) An act, conduct, or pattern of conduct that includes any of the following:
 - a. In which an individual causes bodily injury or death to another individual.
 - b. In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.
 - c. In which an individual uses, or makes reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

- (LL) Retired Annuitant: An employee retired from CalPERS or another California public retirement system.
- (MM) Series: Two (2) or more classes with similar and related duties, and differing as to responsibilities and difficulties, arranged in a sequence of steps in a normal pattern of promotion.
- (NN) Trainee Class: A classification whose positions are filled by examination but whose minimum qualifications require no prior work experience and in which an individual so employed is being trained or gaining experience to perform at the experienced level in the class series.
- (OO) Transfer: Assignment of an employee to another position:
- (5) In the same class, in another department,
 - (6) In a different class which has the same salary range, in the same or another department, or
 - (7) In a different class which has a different salary range, in the same or another department when, in the judgment of the Director of Human Resources, both classes are equivalent with respect to duties and responsibilities.
- (PP) Unclassified Service: Includes all positions exempted from the classified service.
- (QQ) Under-fill of a position: A position may be filled at a position within the same job family (example: Accounting Technician I under-filling an Accounting Technician II) wherein on the job training may be the most cost-effective way to fill a position and promote internal advancement opportunities. This is typically used for flexibly-staffed positions.
- (RR) Victim: Means either of the following.
- (1) An individual against whom a qualifying act of violence is committed.
 - (2) For the purposes of paragraph (2) of subdivision (a) of Section 12945.7 of the Government Code only, a person against whom any crime has been committed.
- (SS) Voluntary Demotion: Voluntary reduction of an employee in a position in the classified service to another position in a class having a lower salary range.
- (TT) Volunteer: A volunteer is an individual/intern who performs services without compensation or benefits.
- (UU) Working Days: Days that the general public offices of the County are open for official business.

1.100.2 PURPOSE

- a) The Human Resources Director shall be responsible for the administration of and shall ensure compliance with the provisions of these rules except as otherwise specifically provided herein. The Human Resources Director shall at the request of the Board act as

the official county spokesperson on employer-employee relations, shall direct the enforcement of personnel policies established by the Board, and shall specify such administrative procedures, forms, records and reports as s/he deems necessary for the proper administration of these rules.

- b) These rules shall apply alike to all officers and employees of the county, regardless of the time of creation of the office or the appointment of the officer or employee.
- c) Subject to compliance with these rules, any procedures or requirements adopted by the Colusa County Board of Supervisors ("Board"), and pertinent federal and state laws and regulations, the head of each department shall have the authority to employ necessary personnel to ensure the efficient and effective operation of the County.
- d) The Human Resources Director shall be responsible for the administration of these rules except as otherwise specifically provided herein. The Human Resources Director shall at the request of the Board act as the official county spokesman on employer-employee relations, shall direct the enforcement of personnel policies established by the Board, and shall specify such administrative procedures, forms, records and reports as s/he deems necessary for the proper administration of these rules.
- e) The Human Resources Director may re-delegate to his/her subordinates any power, duty, or function which has been delegated to her/him by the Board, unless by board rules or express provisions of law s/he is required to act personally.
- f) Unless otherwise prohibited, whenever a power is granted or a duty imposed upon an appointing authority, the power may be exercised or the duty performed by a deputy of the appointing authority or by a person authorized by the appointing authority to act.
- g) Each appointing authority shall keep or cause to be kept accurate records reflecting the application of these rules and shall comply with such requirements for administrative procedures, forms, records and reports as the Human Resources Director or auditor may specify.
- h) These rules shall at all times be construed in a manner consistent with the provisions of any pertinent federal or state law, as amended, and the regulations promulgated thereunder.
- i) References to sections in these rules may be stated as "Personnel Rules section" or by section number with equal validity.

PERSONNEL RULE 1.101 – EQUAL OPPORTUNITY EMPLOYER

- a) Colusa County is an Equal Opportunity Employer. See EEO Policy 309

PERSONNEL RULE 1.102 – STATUS

Positions are created and utilized to perform job functions and responsibilities in the county service. This rule deals with the kinds of positions established and the status of persons filling them.

1.102.1 CLASSIFIED AND UNCLASSIFIED SERVICE DEFINED

- a) **Classified Service:** The classified service includes those positions which entitle incumbents to civil service status. Selection and retention for these positions are on the basis of merit principles. Upon successful completion of the probation period, incumbents attain permanent status in their positions.
- b) **Unclassified Service:** The unclassified service includes all positions exempted from the classified service.

1.102.2 Appointments to Positions in the Classified Service

- a) **Probationary Appointment:** Probationary appointments are made to positions in the classified service upon original entry or subsequent promotion, except in the case of a promotion within a flexibly staffed position. Incumbents who are appointed on a probationary basis are evaluated, retained or terminated in accord with the provisions of any probationary period rules herein.
- b) **Permanent Appointment:** Incumbents of positions in the classified service are awarded permanent appointment upon successful completion of a probationary period. Permanent status confers a legally protected right to continued employment in the position.
- c) **Conditional Appointment:** Conditional appointment to a class either from an employment list resulting from a competitive selection process or, in some instances, from the suspension of competition when a recruitment yields insufficient experience or licensure. Employment on this basis will require additional education, certification, licensure, or work experience in attempting to meet the minimum qualifications to advance to the entry level of a class series. Appointments on this basis are limited to two (2) years but extensions may be granted by the Director of Human Resources under extenuating circumstances.
- d) **Provisional Appointment:** Provisional appointments are those made to permanent classified positions allocated as permanent (as opposed to extra-help) in the following circumstances:
 - 1) Pending competitive selection process and in the absence of an employment list. Appointment on this basis may be for a reasonable time to allow for examination and selection process, but in no event to exceed three (3) months. Immediate prior consecutive time served in a provisional appointment in the same classification in the same department is credited toward completion of the probationary period if the incumbent is appointed on a probationary basis.
 - 2) Pending a suspension of competition action by the Director of Human Resources, appointments on this basis may not exceed three (3) months. This would typically occur when a recruitment yields less than three candidates. Immediate prior consecutive time served in a provisional appointment in the same classification in the same department is credited toward completion of the probationary period if the incumbent is appointed on a probationary basis.

- 3) In each of the circumstances above, individuals must meet the minimum qualifications for the job classification in which hired. Individuals while on a provisional appointment do not attain permanent status.
- e) **Rejection during Provisional Appointment:** Employment may be terminated during a provisional appointment at any time.

1.102.3 Appointments to Positions in the Unclassified Service

- a) **Extra-Help Appointment:** Extra-help appointments are made to meet seasonal or temporary work needs of departments, as authorized by the County Administrative Officer (CAO). Extra-help candidates must complete and submit an employment application to the Human Resources Department and meet the minimum qualifications for the position. Extra-Help candidates may be appointed for a limited period of time and may be released without recourse at any time by the appointing authority.
 - 1) **Employment Limitations:** Usage of any individual on an extra-help basis is limited to the following maximum hours.
 - 2) Maximum of twenty-eight (28) hours worked per week, including overtime hours; and
 - 3) Maximum of nine hundred and sixty (960) hours worked per fiscal year.

1.102.4 Annuitants

There are two (2) types of retired annuitant employments: “extra-help” and interim (or acting) “vacant position” employment.

- a) **Annuitant – Extra-help Positions**

The retired annuitant employment restrictions for extra-help positions are authorized by Government Code sections 7522-56, 21224, 21227, and 21229. Annuitants must meet the following restrictions:

 - 1) **Limited-Duration Work:**

The annuitant possesses the skills needed to perform work of limited duration or employment is needed during an emergency (such as floods, earthquakes, etc.) to prevent stoppage of public business. While these workloads may last more than one fiscal year, the employment should terminate when the limited-duration work that the annuitant was hired to perform is completed. Examples of work of limited duration are work to eliminate a backlog, work on a special project, and work that is in excess of what regular staff can do. An annuitant cannot be employed in any regular staff position such as “seasonal,” “permanent intermittent,” “exempt from civil service,” “exempt from membership,” “TAU,” or any other “temporary” position other than a retired annuitant position.
 - 2) **Compensation:**

The hourly pay rate the annuitant receives cannot be less than the minimum, or exceed the maximum, paid to other employees performing comparable duties as listed in the employer’s publicly available pay schedule. Also, annuitants cannot receive any benefit, incentive, compensation in-lieu of benefits, or other form of

compensation in addition to the hourly pay rate. For example, vacation benefits cannot be provided to a retired annuitant. The only exception would be if the employee is being reimbursed for job-related expenses (for example, mileage reimbursement).

3) *960-Hour Limit:*

The hours worked cannot exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined. There are no exceptions to this limit. The County must enroll and report annuitant hours to CalPERS, per Government Code section 21220.

4) *Unemployment Insurance Payments:*

A retiree cannot be appointed as a retired annuitant if they received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date. Upon accepting employment, the annuitant must certify in writing to the employer that they comply with this requirement.

b) **Annuitant – Vacant Positions**

Annuitants may be appointed to an interim position by the governing body of an employer as authorized by Government Code sections 7522-56 and 21221(h). The employment must meet all the requirements above for extra-help positions and the following additional requirements below. Examples of these positions include CAO, individual department head, director, CEO, etc.

Additional requirements:

1) **Active Recruitment**

Before an annuitant is hired, the County must have in place an active recruitment for a permanent replacement for the vacant position.

2) **Limited-Duration Work**

Annuitants can be hired only as an interim or acting appointment during the period of recruitment; they cannot work in a permanent capacity or for an indefinite period of time.

3) **Single Appointment**

Annuitants can be appointed only once to the vacant position.

4) **Compensation**

The hourly pay rate cannot be less than the minimum, or exceed the maximum, for the vacant position as listed on the County's publicly available pay schedule. As noted above, an annuitant cannot receive any benefit, incentive, compensation in-lieu of benefits, or other form of compensation in addition to the hourly pay rate.

1.102.5 Unclassified Appointments

Appointment to positions in the unclassified service may be made by selection of individuals who meet the qualifications established for the job classification and are subject to approval by the Director of Human Resources.

1.102.6 Step Placement for Appointments

Any appointment to a class shall be at a step of the salary range based on the knowledge, skills, abilities, and experience of the candidate, except as provided herein.

- a) A salary justification for step placement will accompany all candidate placements equal to or above an entry Step 1 of any salary range.
- b) Prior to the appointment, the Director of Human Resources, based on consultation and written justification from the hiring manager can approve hiring a candidate up to the mid-point of the salary range.
- c) The Director of Human Resources, based on consultation and written justification from the hiring manager, can recommend hiring a candidate (excluding department heads) above mid-point of the salary range, which shall require the approval of the County Administrative Officer.
- d) The Director of Human Resources, will provide written justification to the County Administrative Officer, who can recommend hiring a department head at any point of the salary range, which shall require both the approval of the County Administrative Officer and the approval of four-fifths (4/5) of the Board.

1.102.7 Nepotism Prohibited

- a) See Nepotism *Policy 320*

1.102.8 Volunteers

- a) See Volunteer *Policy 321*

PERSONNEL RULE 1.103 – CLASSIFICATION

The Director of Human Resources is responsible for the maintenance of the County Classification Plan. Job classification studies and special development are conducted in consultation with appointing authorities. Studies are conducted, positions allocated, and class specifications developed for both classified and unclassified positions.

- a) **Administration of the Classification Program:**

The Director of Human Resources or his/her designee, is responsible for making classification studies of proposed additional or presently authorized positions when:

- 1) Upon written referral, authorization for a new position is indicated.
- 2) A written request establishing need for a classification review of an existing position is made by an appointing authority, the incumbent of the position, or his/her authorized representative.
- 3) During the midyear and annual budget process or when circumstances dictate, the Director of Human Resources identifies the need for a review of an existing position or group of positions.

- 4) When negotiated with a bargaining unit.

b) **Appointing Authority Responsibilities:**

- 1) Appointing authorities shall work incumbents within their current designated classification.
- 2) Appointing authorities shall request a classification study immediately when a significant modification of a position's duties is made on a permanent basis. This written request will include the date on which the change took place and a specific description of the nature of the change in duties.
- 3) Appointing authorities are responsible for identifying and maintaining an essential function inventory for each position within their respective department utilizing a position description or other available departmental inventory mechanism(s) of individual positions. Class specifications do not establish essential functions.

1.103.1 Class Specifications – New and Revised

When a position study determines the need for a new classification(s), the Director of Human Resources or his/her designee develops and implements the new class title, salary range/band, and specification covering the proposed class. Each new or revised specification will be provided to the respective bargaining unit for review and approval. Following bargaining unit approval, the Board approves all new and revised specifications, with a fiscal impact, for implementation.

Procedure for Implementation of Class Changes: The Board approves allocation of positions and new or revised specifications with a fiscal impact, and takes appropriate action of recommended salary matters, in conjunction with the Director of Human Resource and the County Administrative Officer.

The Director of Human Resources through County Administration can make class changes after meet and confer. Classification changes with a budgetary impact must be approved by the Board of Supervisors. Classification actions of the Director of Human Resources, which have no fiscal impact, will become final when approved by the County Administrative Officer.

- a) **New Classification:** When a new classification is added to an existing organizational structure and there are non-promoting employees affected by this new classification, ensuring correct class compaction, the affected employee will be placed at the step in the new range closest to, but not less than, their current salary.
- b) **Reclassified (Reallocated) Positions – Status of Incumbent:** The Director of Human Resources determines whether the reclassification of a position constitutes downward, lateral, or upward movement of the level of the position relative to its former allocation. The following actions prevail with regard to each of the following kinds of changes.
 - 1) **Downward:** The incumbent is reassigned to a vacant position in the same class in that department. In-lieu of reassignment, the incumbent may demote to an appropriate vacancy if one exists. If neither of these alternatives is utilized, layoff procedures per Layoff and Rehire Policy 303 will be invoked.

- 2) **Lateral:** The status of the incumbent will remain unchanged in the class to which the position is reallocated.
- 3) **Upward:** The Director of Human Resources will grant status to the incumbent when either:
 - a. There has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or
 - b. There has been a gradual change in the duties and the incumbent has performed the higher-level tasks for at least six (6) months.
- c) **Emergency-/Operational-Necessity Work Assignments:** During any period of operational necessity arising from an emergency declared by Federal or State emergency, natural disaster, or as declared by the Board, individuals may be required to temporarily work out of their assigned job class either in the same department or another department.
- d) **Out of Class Assignments:** An employee may be requested to perform an out of class assignment for a limited term for a higher-level position. Employees will be compensated for out of class assignments as negotiated by the respective bargaining unit. Out of class assignment pay is not reportable to CalPERS and is not considered as a part of CalPERS retirement benefit calculation.
- e) **Job Analysis:** Job Analysis may be conducted as an aid in meeting the County's Equal Employment Opportunity rule and is undertaken as specified by the Director of Human Resources to provide a basis for the development of more valid selection processes and to restructure job classifications to eliminate artificial employment barriers, if such exist, and to ensure that any requirements are job related.
- f) **Classification Records:** The Human Resources Department is responsible for maintaining a listing of all classifications and files of specifications for each classification.

PERSONNEL RULE 1.104 – SELECTION PROCESS

Locating, attracting and promoting the best-qualified personnel available, either internally or externally, are at all times the primary objectives of any recruitment for personnel.

The procedure used in filling County vacancies is founded on active recruitment to attract the most qualified individuals possible for employment consideration and is consistent with appropriate Equal Employment Opportunity guidelines. This process consists of searching out persons presently or potentially in the job market and making the attributes of County employment known to them.

When competitive examinations are used, eligibility lists are established, which rank individuals in accordance with their final scores. This is followed by a review of candidates in order of rank to the department for employment consideration. Candidates may be called from the eligibility lists for an interview. Once tentative selections are made the pre-employment investigation is conducted, followed by the final step in the selection process, completion of the required probationary period.

When a position is promotional in nature, the recruitment and selection process may be limited to County or departmental employees only (internal recruitment) as determined by the Director of Human Resources. The nature of recruitment undertaken depends upon the feasibility of process and ability to attract qualified applicants and is structured to take into consideration the needs of the department, the County and the community. In the event that a position cannot be filled through normal recruitment efforts, the Director of Human Resources may modify a recruitment process, when it is in the best interest of the County.

- a) **Recruitment and Examination Basis:** The Director of Human Resources has the responsibility for developing and disseminating recruitment publications. Recruitments are conducted on a Regular, Continuous, Open Until Filled or Limited basis and are opened on either a Departmental Promotional, County Promotional (Internal) or Open to the Public basis as explained below. Announcements generally include information regarding the job to be filled, minimum qualifications, relative test weights, filing dates, and special instructions, if any. Announcements shall also include reference that the County is an Equal Employment Opportunity Employer.
- b) **Recruitment Basis and Filing Conditions:** Recruitments are normally opened for a specified period of time shown on the announcement. Announcements shall be posted in the Human Resources Department for the duration of the filing period. Applications cannot be accepted outside the established period as described below:

Regular Recruitment: This is the basis upon which most recruitments are announced. Regular recruitment announcements specify a filing period of 4 to 30 business days or more and clearly state a final filing date.

Continuous Recruitment: In instances where staffing needs are frequent or continuing, or there is a labor market scarcity, the Director of Human Resources may announce recruitments with no final filing date and conduct the recruitment of sufficient duration to assure that the County's needs are met.

Open until Filled: In instances where a position is known to be difficult to fill, the Director of Human Resources may announce recruitments that are Open until Filled with a review date and conduct recruitment of sufficient duration to assure that the County's needs are met. Announcements should specify that the recruitment may close at any time following the specified review date.

Limited Recruitment: When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the Director of Human Resources may take steps to limit the size of the applicant group through:

- 1) A shorter filing period than that required for regular recruitment; or
- 2) Specifying a maximum number of applications which will be accepted, and the recruitment shall close immediately when that number is reached; or
- 3) Other means which are appropriate to the circumstances.

1.104.1 Types of Recruitments – Eligibility Lists

The type of recruitment to be conducted for a given job classification is dependent upon the location and level of the vacancy. The Human Resources Department determines which type of recruitment will be conducted and employment lists created, based on the guidelines described below.

- a) **Departmental (Internal) Promotional Recruitment:** This type of recruitment may be conducted to fill vacancies in a classification which exists in only one department. The applicant group is limited to employees who meet the minimum qualifications specified on the announcement.
- b) **Eligibility Lists:** The Departmental Promotional eligibility list resulting from the recruitment and any associative testing, is a list, in rank order, of final scores. Candidates will be called for interviews from the list based on the qualifications provided by the candidates and the individual needs of the department. The hiring manager may choose to eliminate the oral interview and may provide justification to Human Resources to select candidates for appointment. When no additional testing is associated with the recruitment, all eligible candidates will be placed on the eligibility list and may be called for an interview.
- c) **Internal Promotion Eligibility List:** When classifications are progressive in nature, wherein a certain amount of time in the role, in addition to specialized training is required to promote to the next level (not flexibly-staffed) the internal promotional recruitment will not require a full job application. Instead, following a formal internal promotional opportunity announcement, interested employees may submit a letter of interest, resume, and qualification support documents (certifications, etc.) to Human Resources for consideration to be placed on the qualified candidate eligibility list. All candidates that meet the minimum qualifications will be placed on the eligibility list. The hiring manager will work with Human Resources to determine which assessment mechanisms will be used depending on the needs of the department and the position needing filled.
- d) **County Promotional (Internal) Recruitment:** This type of recruitment may be conducted to fill vacancies above entry level. County promotional recruitments limit the applicant group to current employees that meet the minimum qualifications specified on the announcement.
- e) **County Promotional Eligibility Lists:** The County Promotional Eligibility list is a result of an internal recruitment to current County employees. Candidates on this list may be called for interviews, depending on the required competencies required for the job. Promotional employment lists are established for a duration of twelve (12) months. They may be extended up to an additional twelve (12) months at the discretion of the Director of Human Resources depending on the critical nature of the business need or other extenuating circumstances.
- f) **Open to the Public Recruitment:** The hiring manager may request that any recruitment be conducted on an open basis.
- g) **Open to the Public Eligibility Lists:** The Open to the Public Eligibility list results from the examination process is a list of all eligible candidates that meet the minimum qualifications required for the position. To assist departments in narrowing down those candidates with the most relevant experience required for the position, Human Resources may conduct additional screening and applicant scoring based on position-

specific criteria (aligned with the job specification) provided by the hiring department. The refined list of candidates will be provided to the hiring department in rank order of final scores for further consideration. Open to the Public Eligibility lists will remain in place for twelve (12) months and may be extended at the discretion of the Director of Human Resources. Any candidate that has been placed on a refined qualification list that is unsuccessful at obtaining the position following an interview will remain on the full Open to the Public Eligibility list until the list expires.

h) Other Types of Eligibility Lists - Duration:

- 1) **Rehire Eligibility List (*as a result of Layoffs & Reclassifications*):** Rehire lists include the names of employees who have been laid off from County employment or who have demoted to a lower class as a result of a layoff procedure (See Layoff and Rehire Policy 303) or who have been demoted through reclassification of their position to a lower classification. An individual's rehire eligibility extends for a period of two (2) years from date of layoff. Names are placed on such lists in inverse order of layoff.
- 2) **Reemployment Eligibility List (of Separated [Non-Retiree] Employees):** The Re-employment List includes the names of employees who have separated from County employment not as a result of a layoff procedure (see Layoff and Rehire Policy 303) or due to a demotion through a reclassification. An individual's rehire eligibility extends for a period of two (2) years from date of separation.

To be eligible for placement on the reemployment list, the employee must be a former Colusa County employee who completed a probationary period AND performed at a "fully successful/effective performance" level, or above, on all formal performance evaluations on file with the Human Resources Department. Individuals who were terminated for cause or who left voluntarily while an investigation was pending are ineligible.

The employee requesting reemployment must complete the Re-Employment Request form and gain approval from the Human Resources Department for placement on the Reemployment Eligibility List. Department Head discretion governs in the event more than one former employee seeks reemployment.

Eligibility to be on a reemployment list expires two years (2) from separation. If eligible, placement will be to the same class where permanent status was most recently attained or to a job class having the same or a lower salary range within the same occupational area (i.e., a job classification with sufficiently similar duties, responsibilities, and qualification requirements such that they can be given the same position title, salary grade, and for all administrative and compensation purposes, be treated alike).

1.104.2 Applications for Employment or Promotion

Each individual interested in County employment or promotion must file an official application with the Human Resources Department or submit a letter of interest and resume (when applicable) within the established filing period. Applicants must meet the stated minimum qualifications and general requirements for County employment. Those who do not qualify are notified. Once submitted, applications become the property of the County.

- a) **Appeal Procedure for Applications Rejected for Employment or Promotion:** When an applicant has received notice from the Human Resources Department confirming the rejection of an application due to not meeting the stated minimum qualifications and general requirements for County employment, the applicant may submit an appeal in writing as follows:
- 1) **Initial Appeal to Human Resources Staff:** The initial appeal must be addressed to the Human Resources Department no later than five (5) business days after the date of the rejection notice, specifying the reasons which substantiate the applicant's appeal. Human Resources may grant the appeal and accept the application or deny the appeal and sustain the rejection of the application.
 - 2) **Final Appeal to the Director of Human Resources:** If the initial appeal of the applicant is denied and the application rejection sustained, the applicant may submit a final appeal in writing to the Director of Human Resources no later than five (5) business days after the date of the initial appeal rejection notice, further specifying the reasons which substantiate the applicant's appeal. The Director of Human Resources may grant the final appeal and accept the application or deny the final appeal and sustain the rejection of the application. The Director of Human Resources is the final adjudicator of appeals under this section and such appeals will not be subject to further appeal.
- b) **Selective Recruitment:** The Director of Human Resources may, within a class, when a specific position's duties require unique or specialized qualifications, restrict recruitment or selection processes to those individuals possessing the specialized background based on the essential functions of the position. This may mirror the selection process for departmental internal promotions when Selective Recruitment is for an internal-only recruitment.
- c) **Integrating Names of Eligible Candidates on Eligibility Lists:** In the event a new examination for a class is administered while an existing list remains in effect, names of the eligible candidates resulting from the new examination will be integrated with the names on the existing employment list in the order of final scores. If an individual successfully retakes an examination administered as a result of a new recruitment, the new score will replace the previous one and the individual's eligibility on the employment list will extend to the new expiration date. If the individual fails the new examination, the score and expiration date from the previous test administration will be retained.
- d) **Eligibility Lists - Confidential:** Eligibility lists are confidential; the relative position of a person on a list shall not be made available except to the applicant or the hiring manager actively considering the individual for appointment.

1.104.3 Certification

- 1) In instances where the number of eligible candidates is less than or equal to the number of qualified applicants the Department is entitled to receive, the competitive examination process may be waived at the discretion of the Director of Human Resources, and the names will be certified as eligible to hire without an examination.

- 2) Should a recruitment be open on a continuous basis, qualified candidates shall be referred in the order they are received not to exceed the maximum amount of names the Department is entitled to receive or until all requested vacancies are filled.
 - a) *Examinations*: The Human Resources Department is responsible for the structure, development, scheduling, administration, and scoring of all examinations.
 - d) *Examination Content*: Examinations will consist of a test or tests which appropriately measure candidates' relative abilities to perform the essential functions of the position. Tests may consist of written, oral, screening, performance, physical tests, background investigation, education and/or experience evaluations or a combination of these or any other processes which will impartially measure the qualifications of the candidates.
 - c) *Relative Weights of Tests*: The relative weights of the tests, each to the other, will be determined in advance of the test and indicated on the examination announcement.
 1. Specific parts of an examination may be designated qualifying and have no percentage value.

3) **Examination Scoring and Review:**

- 1) *Qualifying Score*: The qualifying score on any specific examination shall be established in consultation with the hiring manager and Human Resources.
 - 2) *Final Score*: In examinations composed of more than one part, a candidate's final score shall be the total of the scores for the various parts of the examination.
 - 3) *Tie Scores*: The names of two (2) or more eligible candidates having final ratings which are identical shall be grouped on the eligibility list as tie names with equal rank for eligibility and appointment purpose.
 - 4) *Notice of Examination Results*: The Human Resources Department shall notify each candidate of their examination results.
- 4) **Examination Complaint Procedure**: The Director of Human Resources shall review the complaint of a candidate relative to an examination, when it is alleged that procedures were not followed or that bias, fraud or error occurred in any part of the examination process.
- 1) To be considered by the Director of Human Resources, a candidate's complaint must be in writing, with substantiation for the allegations therein, and filed with the Human Resources Department. The filing must be accomplished as soon as possible after the alleged occurrence forming the basis for the complaint, to permit any necessary corrective action to be taken. However, a complaint may not be considered which is filed more than five (5) working days from the date of the alleged occurrence.
 - 2) The Director of Human Resources, having determined that the complaint has merit, has authority to invalidate any portion of, or the entire examination and if necessary order a reexamination.

- 5) **Certification and Appointment:** Certification is the process of referring the names of eligible candidates on the appropriate employment lists to fill vacant positions. Certification is made for selected candidates in accordance with the provisions of these rules once the hiring manager identifies which eligible candidates it chooses to move forward in the selection process. Certification does not automatically remove a candidate from an eligibility list, unless the candidate is offered the position. Certified candidates may be added back to the eligibility list for future consideration for positions until the list expires.
- 6) **Required to Fill Vacancies:** When a position is vacant, or will become vacant, the department should send a Recruitment Worksheet to the Human Resources Department. Upon receipt of the request, the Human Resources Department will verify the position control (vacancy and funding) and open a Requisition to Hire. If an eligibility list exists, the Human Resources Department will refer the names of the appropriate number of eligible candidates. If an eligibility list does not exist, the Human Resources Department will proceed to develop one as soon as possible through a competitive recruitment process.
- 7) **Number of Eligible Candidates to be certified to Permanent Positions:** Following open or internal recruitment screenings, a certified list of candidates selected to move forward in the selection process (based on job-related criteria) will be forwarded to the hiring manager. For example, a Human Resources Analyst must have experience in Benefits to be considered for a particular vacancy. After review of all candidate experience, only those with Benefits experience will be selected to move forward. This refined list of candidates will be used in consideration for placement to fill the specific vacancy. At times, there may be few to many applicants to certify, the following addresses these circumstances:
- a) **To a One-Position Vacancy:** Three (3) eligible candidates constitute a basic certification. If there are more candidates available for referral, they will be certified based on cut-off scoring criteria pre-determined during the selection process.
 - b) **To Multiple-Position Vacancies:** Three (3) eligible candidates, in addition to the number of vacancies, constitute a basic certification. If there are more candidates available for referral, they will be certified based on cut-off scoring criteria pre-determined during the selection process.
 - c) **Incomplete Certification:** If there are only one (1) or two (2) eligible candidates available on an eligibility list, the Human Resources Department will make a certification in response to the hiring manager's request. The department may, at its discretion, make an appointment from those certified or request additional eligible candidates to provide a complete certification. A request for additional eligible candidates shall be accompanied by a written statement of reasons why selection from the available eligible candidates is not possible.
 - d) **Exceptions to Certification Minimum/Maximum:** Exceptions to the certification of a minimum number of three (3) candidates and pre-determined maximum are as follows:
 - 1. In the event of an existing departmental re-hire list, only employees on the list shall be allowed to compete for the vacant position and the highest-ranking employee shall be certified to the department.

2. When there is a tie score of any eligible candidates, all eligible candidates with tie scores shall be included on the certification, up to the pre-determined cut-off qualifying ranking score.
- 8) **Order of Precedence in Making a Certification:** Following is the order of precedence in certifying, starting with level one (1) and then from succeeding lower levels. If a given level does not provide sufficient eligible candidates to complete a certification, additional names may be added from lower levels until the appropriate number has been included on the certification.
 - a) *Level 1 - Departmental Re-hire Eligible Candidates:* When an eligible candidate is on the re-hire list the department must appoint said candidate in seniority order.
 - b) *Level 2 - General Re-hire Eligible Candidates:* A general re-hire list for a classification will be established by incorporating the names of every person laid off, in that classification, from various County departments. Eligible candidates will be certified from this list based on their layoff seniority.
 - c) *Level 3 - Open List:* Eligible candidates on this list will be certified in final score order when testing scores are employed. With no testing, candidates will be listed in no particular order.
 - 9) **Certification from List Designated Comparable:** The Human Resources Department may certify persons to a class other than that for which they have qualified by examination when:
 - a) There are insufficient names on the list to provide a complete certification for the classification requested; and
 - b) The comparable list is for a class having similar essential functions.

1.104.4 Interviewing Eligible Certified Candidates

The department upon receipt of the certification will conduct interviews and make selections as soon as possible.

- 1) **Interviews – Certification Level 1:** Only one (1) eligible candidate is certified and the department will interview and may choose to appoint the eligible candidate.
- 2) **Interviews – Certification Level 2 and 3:** The department will interview each eligible certified candidate. In the case of tie scores, the number of names certified may be greater than the number of names requested by the department; however, all eligible certified candidates are to be afforded an interview.
 - a) The department shall inform the Human Resources Department and return all interview materials, within five (5) days of the subject interview. Human Resources in a timely manner shall notify persons interviewed and not selected, as a matter of courtesy and good public relations.

- b) To assure adequate documentation in the event of equal employment opportunity compliance action, the Human Resources Department is responsible for maintaining interview records and training interview panel participants on eliminating bias. The manner and form of recordkeeping will be left up to the Human Resources Department, but must include who interviewed the selectee, ranking sheets, who made the decision to hire, and appropriate and valid job-related comments relative to the qualifications of each eligible candidate's interview including why a candidate was selected for a position. Records must be retained for three (3) years after the selection is made.

1.104.5 Backfilling Critically Needed Positions

- a) An appointment to fill, for the purpose of cross-training a critically needed unrepresented, management, unique or senior management position, for which the incumbent has resigned or is retiring, shall be authorized, under limited circumstances, by the Board. Backfilling (either through an under/overfill) of a position will be subject to budgetary considerations. The position for which a backfilled appointment is made must require uninterrupted staffing or intensive on-the-job training for the successor in order to maintain continuity in more complex County operations and contribute toward a smooth transition. The Board will determine if the request for backfill meets these criteria. During the time in which the backfilling occurs, an incumbent and their successor will be paid to occupy the same position concurrently. The same certification procedures outlined to fill permanent positions are used in backfilling critically needed positions.
 - 1) To qualify for approval under this Section, the requesting hiring manager will be required to:
 - a) Determine that the position being backfilled is an unrepresented, management, unique or senior management position; and
 - b) Justify that a position requires uninterrupted staffing or intensive on-the-job training and best serves the needs of the Department; and
 - c) Identify financial resources required for the backfilled appointment; and
 - d) Develop a learning plan to effectively facilitate the transfer of essential knowledge and skills from the incumbent to the successor.
 - 2) If, at any time during this backfill period, the appointing authority agrees to revoke the resignation or retirement, the original holder of the position retains the right to return to the position and a layoff procedure will be invoked.
 - 3) The duration of a backfilled appointment will count toward the completion of any probationary period for the successor and toward the completion of service for both the incumbent and the successor.
 - 4) A "limited-term employee" may be employed to perform in a special or mandated program, this includes annuitants. Whenever funds are no longer available for the program, these employees will be terminated from county service. Limited-term employees have no rights to layoff procedures but are otherwise entitled to the rights and benefits of a permanent employee.

1.104.6 Filling Leave of Absence Positions

- a) The same certification procedures outlined to fill permanent positions are used in filling leave of absence positions.
 - 1) An appointment to fill a leave of absence vacancy, made from an eligible list, shall be a limited-term appointment subject only to the right of the original holder of the position to return to the position, at which point the limited-term appointment would be terminated.

1.104.7 Filling Extra-Help Positions

- a) Extra-help positions must be authorized by the County Administrative Officer (CAO) through a budgetary allocation process. Once the departmental extra-help allocation exists, the same certification procedures outlined in Personnel Rule 1.104 - Selection Process to fill permanent positions are used in filling extra-help positions. When no employment list exists, the Human Resources Department refers qualified persons from whatever sources it deems appropriate, as approved by the Director of Human Resources.
 - 1) If three (3) names cannot be certified, the department shall work with the Human Resources Department to identify alternative referrals who meet the minimum qualifications, subject to final approval of the Director of Human Resources.
 - 2) All appointments to extra-help positions are subject to the usage and appointment limitations under Government Code and State/Federal law. The designated forms shall state the anticipated number of hours which may be worked. When the assignment is for intermittent use, the designated forms shall so indicate.
 - 3) In completing the designated forms for extra-help appointments, the hourly-rate for the employee shall be determined, based on experience and qualifications, as well as departmental budgetary availability, using the salary schedule of hourly equivalent salary paid to permanent employees of the pertinent job class as a guide. Although the initial salary determination is based on County published salary schedules, extra-help employees have no right to cost of living increases (COLAs), step-increases, fringe benefits, or the same employee compensations rights as permanent County employees.
 - 4) A retired annuitant may only be employed upon approval of the Board. Prior to commencing duties, the annuitant shall sign an appointment letter provided by the Human Resources Department w that the employment is for a limited duration (not to exceed 960 hours in a fiscal year) in accordance with CalPERS regulation.

1.104.8 Suspension of Competition

- a) The Director of Human Resources may exercise discretion to suspend competition for a position, when it is in the best interest of the County to do so, such as when a recruitment produces an insufficient pool of qualified candidates. The Human Resource Director may elect to interview a single qualified candidate.

1.104.9 Flexibly Staffed Positions

- a) **Flexibly Staffed Position Advancement:** Positions within a range that are designated as flexibly staffed are positions wherein incumbents may expect to advance to the next step in the range without a formal recruitment process when a vacant position exists at the next level AND minimum qualifications have been met for the next level.

The class competencies and the amount and type of on-the-job training required to advance through the various levels of the series will vary. Promotional competency standards will be used to evaluate incumbents for advancement.

1.104.10 General Requirements for Entry or Re-Entry into County Service

- a) The Director of Human Resources may reject an application, refuse to certify, or remove from an eligibility list, anyone who does not meet the general requirements for County employment. This provision applies to those persons (applicants, candidates, or employees) who either do not meet the minimum qualifications; medical standards; have been dismissed for cause from public or private employment; have misstated or omitted material facts from a Colusa County employment application; or whose employment history or personal conduct is inappropriate for employment with the County of Colusa.

1.104.11 Removal of Names from Eligibility Lists

- a) **Upon Probationary Appointment to Permanent Position:** When an eligible candidate is selected for probationary appointment to a permanent position, their name is removed from the eligibility list.
- b) **Upon Appointment to an Extra-Help Position:** When an eligible candidate is appointed to an extra-help position, their name remains on the eligibility list for certification to permanent positions if their interest in permanent certification has been indicated in writing.
- c) **Notice of Removal:** The reasons therefore shall be mailed to the eligible candidate at their last known address.

1.104.12 Restoration to Eligibility List

Any person whose name has been removed from an eligibility list shall receive consideration for restoration of their name to a list by submitting their request in writing to the Director of Human Resources, specifying reasons which they feel substantiate their request. Restoration may be requested only during the original period of eligibility or extension.

- b) **Upon Appointment to Permanent Position from Re-hire List:** When an eligible candidate is selected for appointment to a permanent position in the same class as that from which eligible candidate was laid off, the eligible candidate's name will be removed from the re-hire list. In addition, a refusal to accept re-hire will result in loss of eligibility.

- 1) In the event an eligible candidate is appointed to a class other than that from which an eligible candidate was laid off, the eligible candidate's name shall remain on the re-hire list.

1.104.13 Offer of Employment

Persons who have been made a conditional offer of employment may be required to successfully complete a pre-employment background examination, followed by a medical examination for the appropriate medical group description prior to beginning work. Therefore, an offer of employment to such an individual is not binding until after the individual has successfully passed all pre-employment processes.

- a) **Offer of Employment Procedure:** The hiring manager notifies an applicant they have been selected, the applicant should be cautioned to consider such as a contingent offer for employment, subject to successful completion of pre-employment processes. Individuals should be cautioned not to give notice to their present employer until they have met the conditions for employment.
- b) **Reference Checks – Pre-Employment Offer:** Prior to making a conditional offer of employment to an applicant, the hiring manager will verify references from previous employers, supervisors, subordinates, or peers that can provide sufficient information about the applicant's prior job performance history and job-related skills and qualifications
- c) **Fingerprinting and Background Investigations:** Prior to employment, the prospective employee will be required to be fingerprinted and/or authorize a background investigation by the department. Dependent upon the nature of employment a background investigation shall be full or partial as determined by the department.
 - 1) If the investigation reveals information indicating that the prospective employee materially misrepresented themselves or their credentials on the employment application or Conviction Records Supplemental form, the Human Resources Department shall notify the hiring manager so that the appropriate action may be taken, which includes immediate removal from consideration for employment.
- d) **Medical Examination Process:** When the Human Resources Department receives the name of a person selected for a position requiring a medical examination, and after all other pre-employment conditions have been met, an appointment will be arranged for that individual. County employees promoting or transferring to a classification in a higher medical group description which requires medical examinations must be scheduled for a medical examination.
- e) **Conditions of Employment Met:** Upon receiving the results of pre-employment screening and the medical examinations, the Human Resources Department will notify the department which has made the applicant an offer of employment, that the conditions of employment have been met. The department is authorized to contact the candidate and establish a beginning employment date.
- f) **Immigration and Naturalization Form I-9:** Prior to the first day of employment the Human Resources Department must schedule the applicant for an appointment to provide the department with proof of their right to work in the United States and to

complete the I-9 (Immigration and Naturalization) form. To ensure compliance with the Immigration Reform and Control Act of 1986, it is extremely important to adhere to the following:

- 1) Section One of the Form I-9 must be signed by the employee no sooner than when an offer of employment has been accepted, and no later than the first day of employment (even if the employee has not yet provided genuine, acceptable documents for inspection); original acceptable documents or receipts must be presented by the employee no later than the third business day of employment;
- 2) Section Two of the Form I-9 must be signed and dated by the Human Resources Department and original acceptable documents inspected no later than the third business day of employment. Additionally, the Human Resources Department must:
- 3) Provide the employee with a copy of the instructions for completion of the Form I-9;
- 4) Complete Section Two in its entirety specifying document title, issuing authority, document number, and expiration date, in addition to attaching copies of documents. (NOTE: The Certificate of Naturalization, INS Forms N-550 and N-570, indicated on their face that they are not to be copied. The INS has ruled that copying these forms is permissible for the purpose of documenting the Form I-9.);
- 5) Suspend or terminate employment of an individual who fails to present acceptable documents or receipts within the required time lines;
- 6) Re-verify employment eligibility of an employee who has a time-limited employment authorization (as indicated in Section One only) prior to expiration date;
- 7) Re-verify the employment eligibility of an employee who has been rehired and who has on file a Form I-9 completed within the last three (3) years.

1.104.14 New Employee Onboarding and Paperwork

- a) **Onboarding Paperwork:** After the employee is hired, the Human Resources Department is responsible for the employee's completion of the required onboarding forms. All new employees shall report to the Human Resources Department on their first day of employment.
- b) **New Employee Orientation:** The Human Resources Department conducts new employee group orientations with a goal of creating deep connections to the County, the employee's department, and peers. During onboarding, new employees are introduced to general and specific information on the County, departments, programs, current staff, basic County policy and workplace safety. This typically takes place within the employee's first 45 days of employment.
- c) **Department Orientation:** Each department should have its own orientation procedure for the new employee to acquaint them with the operations and the general rules they will be expected to observe.
- d) **Employee Address and Telephone Numbers:** Every department shall have on file the home telephone and mailing address of each of its employees.

- 1) It is the responsibility of every employee to provide the above information, including name and marital status changes, to the Human Resources Department within thirty (30) days. The information is confidential and is only used for County business.

PERSONNEL RULE 1.105 – PROBATIONARY PERIODS

- a) **Probation** is the final phase of the selection process for employees in the Classified Service. The probationary period provides a basis for the employing department to observe new personnel, and those who have been promoted, in order to determine whether they satisfactorily meet department standards required to perform the assigned position. Conversely, probationary periods also provide employees an opportunity to evaluate their interests and capabilities relative to the position and department standards.
- b) **Nature and Duration:** Individuals entering, re-entering, promoting or reinstating within the classified service in any class to which appointed or promoted serve a one (1) year probationary period unless otherwise noted in an MOU.
- c) **Selection from Departmental Layoff List:** Individuals selected from re-employment lists resume the status they enjoyed at the time of layoff.
- d) **Responsibilities of Supervising Managers:** It is the supervisor's responsibility to assess the probationer's performance and other pertinent factors. Based on such assessment, the appointing authority shall determine, prior to the end of the probationary period, which of the following actions will be taken with respect to a given employee.
- e) **Granting Permanent Status:** When authority supervisor finds an employee's service satisfactory, permanent status is granted to the employee at the conclusion of the probationary period. Permanent status can be granted only at the end of the probationary period. A 3-month extension of the probationary period may be granted prior to the completion of the original probationary period, at the discretion of the appointing authority with the approval of the Director of Human Resources. Probationary extensions shall only be granted in extraordinary circumstances and justification must be made in writing by the appointing authority to the Director of Human Resources. Extensions of probationary period will be placed in the employee's original personnel file.
- f) **Probationary Extension – Leave of Absence during Probationary Period:** Probationary employees who are absent from work (due to any type of leave) more than fifteen (15) consecutive working days during their probationary period shall automatically have their probationary period extended by the total number of missed working days.

For example, a probationary employee who is absent eighteen (18) consecutive working days during their probationary period will have their probationary period automatically extended by eighteen (18) working days.

- g) **Rejection during Probationary Period:** When, during an original or extended probationary period, an appointing authority determines that the services of an employee are unsatisfactory, they shall immediately reject the employee. Probationary rejections are reported on the form specified by the Director of Human Resources.

- h) **Return to Position of Permanency:** If an employee is either rejected or laid off during probation, and if their appointment to the probationary period has been from a position in a lower classification in which they had permanent status, they may return to that position at the appointing authority's discretion.
- i) **Appeal of Rejection during Probationary Period or Denial of Promotion:** An employee in probationary status is not entitled to appeal their termination with the exception of peace officers in situations recognized by the Police Officers' Bill of Rights.
 - 1. *Peace Officer - California Penal Code Section 830.1:* A probationary employee who is a peace officer as defined in California Penal Code Section 830.1 may appeal any punitive action or denial of promotion on grounds other than merit, when state law requires an opportunity for an administrative appeal to be provided to that employee.

PERSONNEL RULE 1.106 – CAREER DEVELOPMENT

- a) **Training Programs:** The Director of Human Resources is responsible for developing and administering professional development training programs. Objectives include training for all levels of personnel within the organizational structure with emphasis on upgrading management, supervisory and employee skills. Programs include the development of courses which permit or require employee participation, the identification and/or development of career ladders and personnel exchanges between departments and agencies.
- b) **Professional Development Plan:** Human Resources staff may assist supervisors and individual employees with creating a professional development plan to assist in aligning employee development goals such as career advancement or readiness and departmental and/or county goals.

1.106.1 Training Program Structures

- a) **New Employee Orientation:** This is a basic orientation program required of all persons new to County employment. It includes an introduction to the objectives of County service and employee responsibilities, programs, and expectations. Employees are introduced to training and development programs offered through Human Resources (HR) and Risk Management.
- b) **In-service Training:** In-service training is normally conducted during regular working hours. It is oriented to develop skills in management or supervisory functions or to enhance an employee's ability to perform. In-service training is frequently compulsory. Courses may be provided by external vendors or partners, County staff or other resources, and generally, a certificate of completion is awarded each successful participant.
- c) **On-the-Job Training:** This type of training takes place in the employee's assigned department and is taught by other employees, managers, or supervisors. This type of training is helpful to transfer department, task-specific knowledge and skills.
- d) **Training Assignments:** This type of training is accomplished by the temporary assignment of an employee to a different function for developmental purposes. Ordinarily, training assignments are made to develop employee skills in supervisory, managerial, technical or professional career fields.

1.106.2 Career Advancement

- a) **Trainee:** A classification in which the individual may not meet the education, experience, licensure, or certification requirements for the entry level and is employed on a provisional basis to afford a limited opportunity (no more than 18 months) to attain the requirements for the entry level position. Upon meeting the entry level requirements and following successful assessment for the entry level class, the trainee will advance to the entry-level position for which the trainee has been under-filling.
- b) **Entry Level Class:** A classification in which an individual so employed is being trained and gaining experience to perform at the experienced level in the class.
- c) **Experienced Level Class:** A classification wherein the minimum qualifications for which require either appropriate specialized education or journey level experience. The experience may be from employment in an entry level class in the same class series or from other equivalent employment either inside or outside County of Colusa service. Experienced level includes any designation above the entry level classification.

PERSONNEL RULES 1.107 – PAY AND BENEFITS

1.107.1 Pay

- a) Employees are paid based on their class and step in that class. Each class of positions is assigned a salary range by a salary resolution.
- b) The regular work week shall consist of five working days commencing on Sunday at twelve a.m. of varied duration ranging from thirty-seven and one-half hours to forty hours per week.
- c) An appointing authority may establish alternative beginning and ending work weeks (alternate work weeks) on either Friday or Monday; provided, that in so doing the needs of the public are fully addressed and the department is open every weekday as required by code.
- d) An alternate work week schedule is a variation of the regular work week.
- e) Alternate schedules include but are not limited to four/ten schedules, three/nine and one-half and one/nine schedules, eight/eighty schedules, nine/eighty schedules or eight/seventy-five schedules and/or nine/seventy-five schedules; provided, that in all cases the schedule will result in the employees working a fixed schedule equal to the total number of hours they would work in a regular work week or biweekly.
- f) An alternate schedule shall be placed in writing by the appointing authority and will be submitted to the Personnel Director for review before it is implemented. The purpose of the Personnel Director's review is to ensure compliance with the requirements of this chapter, the provisions of applicable MOUs and established Fair Labor Standards Act work periods. If an alternate work schedule is found to be deficient in any of these regards, it will be returned to the appointing authority with a full explanation of the deficiencies. An alternate work schedule will not be implemented until it satisfactorily clears the Personnel Director's review.

- g) The appointing authority may, at any time, require an employee or group of employees to revert to a regular work schedule permanently or temporarily. The affected employee(s) shall be given seven days' notice of a permanent change and twenty-four hours' notice of a temporary change.
- h) During payroll periods containing a holiday, employees may be required to revert to a regular work schedule. An employee on an alternative work schedule shall be paid holiday pay for no more hours than s/he would work on a regular work week schedule: seven and one-half or eight hours.
- i) The use of accrued leave balances such as vacation, sick leave and other paid time off shall be on an hour-for-hour basis equal to the number of hours the employee is customarily scheduled to work in a day. (Example: An employee on a four/ten schedule would be charged ten hours for each day of paid time off.)
- j) Each employee is expected to take one fifteen-minute rest period within each four hours of work performed by the employee in a work day. If not taken, the rest period is waived.
- k) Any County employee who performs the majority of his/her regular shift between the hours of four p.m. and eight a.m. (including but not limited to peace officers at the Sheriff's Department, road department equipment service workers, custodians, and library staff) shall receive additional compensation per shift.
- l) Nonexempt employees may be required to work overtime beyond their scheduled work week, if in the judgment of their supervisor overtime is necessary to meet emergencies or to complete an assignment.
- m) Before an employee works overtime it must be approved by the employee's supervisor.
- n) Employees who work routine overtime without approval from their supervisor may be disciplined.
- o) Travel time associated with the performance of job duties will be allowed as overtime subject to prior approval by the employee's supervisor.
- p) All overtime computed pursuant to this section shall be rounded off to the nearest quarter hour.
- q) No employee may be required to work more than sixteen consecutive hours except as may be necessary for the preservation of life or property.
- r) Overtime is calculated based on hours actually worked in a pay period and for purposes of the calculation does not include holidays, vacation days, sick days or other paid leave taken.
- s) Hours worked in excess of thirty-seven and one-half hours through forty hours per week will be compensated at an employee's regular hourly rate.
- t) Hours worked in excess of forty hours per week will be compensated at the rate of one and one-half times the employee's regular hourly rate of pay.

- u) Except as otherwise provided in this section, employees shall be paid on the last work day of each monthly pay period. In the event the last work day falls on a holiday, then payment shall be made on the last preceding work day as required by law.
- v) Each monthly pay period shall consist of the number of regularly scheduled work days and holidays in the month.
- w) Regular part-time employees will be paid on the ratio their working day (or fraction thereof) bears to the working days in a regular full monthly pay period.
- x) Temporary and extra-help hires shall be paid for all working hours reported by the appointing authority on the same days as set forth in this section.
- y) In the event an employee voluntarily or involuntarily leaves the county's employ, s/he shall be paid on the next regular payday.
- z) The county will deduct from an employee's wages such amounts as are authorized by law or the employee.
- aa) Payroll deductions may be taken to pay membership dues to a recognized exclusive employee organization pursuant to MOU and/or as approved by the Board.
- bb) Nothing herein shall be construed as restricting the right of an employee to revoke his/her authorization for payroll deductions.
- cc) Except as otherwise provided by law, the Board may by resolution establish per diem and travel reimbursement for employees traveling out-of-county on County business.
- dd) Employees, with the approval of their appointing authorities, will be reimbursed for the cost of meals when attending a County business-related meeting within the boundaries of the County.
- ee) All compensation of any kind other than a regular County salary or wage received by any County officer or employee in his/her official capacity shall be paid into the County treasury except those permitted by law or approved by the board.

1.107.2 Health and Welfare Benefit Plans

- a) The County provides its employees medical health insurance options.
- b) The County makes a monthly contribution toward the cost of each employee's medical health insurance.
- c) Any cost above the Board's contribution is the obligation of the employee.
- d) The County's contribution toward the cost of a part-time employee's health insurance is a pro rata share of the medical cap based on the employee's hours worked in relationship to full-time employment.
- e) Those part-time employees who choose not to contribute their share of the health insurance premium waive their right to that benefit.

- f) Employees covered under other health insurance plans, who provide proof of such coverage, may be provided options other than set forth herein with regard to the medical cap.
- g) Those retiring from Colusa County service with a minimum of five continuous years of service immediately prior to retirement are eligible for County health care coverage for retirees, subject to the medical cap on the county's contribution set forth above.
- h) The County provides its employees dental insurance. The County makes a monthly contribution toward the cost of each employee's dental insurance. Any cost above the Board's contribution is the obligation of the employee.
- i) The County's contribution toward the cost of a part-time employee's dental insurance is a pro rata share of the dental cap based on the employee's hours worked in relationship to full-time employment. Part-time employees who choose not to contribute their share of the dental insurance premium waive their right to that benefit. Employees covered under other dental insurance plans, who provide proof of such coverage, may be provided options other than set forth herein with regard to the dental cap.
- j) The County provides its employees basic vision insurance. There is no cost for this benefit to full-time employees. The county's contribution toward the cost of a part-time employee's vision insurance is a pro rata share of the cost based on the employee's hours worked in relationship to full-time employment. The vision insurance contract requires participation by all employees; therefore, part-time employees are required to contribute their share of the vision insurance premium.
- k) The county provides its employees fifty thousand dollars in life insurance. There is no cost for this benefit to full-time employees. The county's contribution toward the cost of a part-time employee's life insurance is a pro rata share of the cost for a full-time employee based on the employee's level of employment. The life insurance contract requires participation by all employees; therefore, part-time employees are required to contribute their share of the life insurance premium.

1.107.3 Accelerated Steps

DEFINITION

Accelerated promotional steps are defined as moving a regular, non-probationary employee to a higher salary step before serving for any prescribed minimum number of years after the last promotion or appointment; thereby allowing the flexibility to move an employee to a salary step more than one step up the salary range.

PURPOSE

This rule preserves Department Head flexibility to allow for meritorious salary increases or early promotions, while making it easier to make consistent recommendations for advancement in such cases.

a. Accelerated Steps Criteria

Advancement by way of accelerated step increases involves an overall career review and is reserved only for the most highly distinguished employees in the County organization. An employee may be suitable for accelerated steps when, in the discretion of the Department Head, their service to the County of Colusa is highly meritorious.

Advanced steps are reserved for those employees whose strong work ethic:

1. exceeds performance expectations;
2. has achieved a consistently high rate of productivity, level of skill, and in-depth knowledge of the job;
3. demonstrates dependability, responsibility, high initiative, and ability to work independently; and
4. who may have attained wide recognition reflective of its significant impact to their Department or to the County of Colusa organization;
5. with all of the above outlined in a department head justification submitted to the CAO for review and final approval.

Except in rare and compelling cases, advancement will not occur after less than one (1) year at the current salary step. Moreover, mere length of service and continued good performance is not justification for further salary advancement. There must be demonstration of additional merit and distinction beyond the performance on which the current step was based.

Further, a merit increase in salary steps for a person already serving at an above-scale (11 or higher) salary level, must be justified by strong and compelling *new* evidence of merit and distinction, as continued good service is not an adequate justification.

The salary increase for a person eligible for accelerated steps is a minimum of 5% (which may be achieved in one or two steps depending on location in the salary schedule) and a maximum of 15% (which may be achieved in 3 to six steps, depending on location in the salary schedule); contingent upon the strict above criteria, in addition to Departmental budget capability.

b. Accelerated Steps Procedures

1. Department Head will ensure an overall career review (review all performance-related documents including performance evaluations, etc.).
2. In the discretion of the Department Head, the employee's service to the County of Colusa is highly meritorious.
3. The Employee's strong work ethic, as outlined below, must be explicitly incorporated into a justification memo requesting the accelerated steps:
 - a) *exceeds* performance expectations;
 - b) has achieved a consistently *high rate of productivity*;
 - c) has achieved a consistently *high level of skill*;
 - d) has achieved a consistent, *in-depth knowledge of the job*;
 - e) demonstrates dependability, responsibility, *high initiative*, and ability to work independently; and
 - f) may have attained *wide recognition* reflective of its significant impact to their Department or to the County of Colusa organization.
4. For new hires, advancement will not occur after less than one year at the current salary step (absent a rare or compelling case, as articulated by the Department Head/CAO). Further, an increase in salary steps for a person already serving at an above-scale (step 11 or higher) salary level, must be justified by strong and compelling *new* evidence of merit and distinction.

5. If accelerating steps for more than one person in similar position, or for a group or division, multiple justification memos are required (for each individual personnel file).
6. 5% is the minimum salary increase (1-2 steps depending on employee's current step in the salary schedule) and 15% is the maximum (3-6 steps, depending on employee's current step in the salary schedule); contingent on Department budget capability.
7. All of the above must be outlined in a Department Head justification submitted to HR via email. HR will review request, then forward to the CAO for review and final approval. Once approved by CAO, HR will send Payroll request and notify department.

PERSONNEL RULE 1.108 – LEAVES

1.108.1 Leave Provisions

- a) Leave provisions exist for the convenience of employees who must, or wish to, absent themselves from work for various reasons.
- b) Employees who are absent from work must be on either an approved leave, sick leave, annual leave or compulsory leave. Other absences are treated as absences without leave and are subject to disciplinary action as explained elsewhere in these rules.
- c) Leave provisions apply to all employees, with the exception of extra-help employees, unless otherwise stated herein.

1.108.2 Paid Leaves

- a) **Vacation Leave:** Employees may accumulate and use vacation leave with pay.
 - 1) The County vacation leave with pay plan functions under an accrual and usage plan (the plan). Under the plan, vacation will be earned and credited on a monthly-basis;
 - 2) Employees are encouraged and expected to use all vacation in the year in which credited;
 - 3) Vacation shall be used in no less than fifteen-minute increments;
 - a) Only accrued leave can be used. If there is no leave on the books, it cannot be used.
 - 4) Vacation must be scheduled in advance, subject to pre-approval by the employee's supervisor;
 - 5) Appointing authorities are charged with actively managing the vacation usage of their employees, to ensure vacation is used in accordance with this section;
 - 6) Vacation shall accrue on an hourly basis, based on an employee's anniversary date. An employee may accumulate a maximum of 1.5 times their annual accrual. An employee who accumulates vacation in excess of the maximum allowable hours will stop accruing vacation until their accumulated vacation hours fall below the maximum allowed.
 - 7) Vacation shall accrue and may be accumulated at the following rates:

Time in Service	Annual Vacation	Monthly Accrual 37.5-hour week	Monthly Accrual 40-hour week	Maximum Accumulation 37.5-hour week	Maximum Accumulation 40- hour week
0 through 3 yrs.	0 – 10 days	6.25 hours	6.666 hours	112.50 hours	120.00 hours
4 through 7 yrs.	15 days	9.375 hours	10.000 hours	168.75 hours	180.00 hours
8 through 11 yrs.	20 days	12.500 hours	13.333 hours	225.00 hours	240.00 hours
12+ yrs.	25 days	15.625 hours	16.666 hours	281.25 hours	300.00 hours

- 8) Vacation hours accumulated by an employee before January 1, 2009, will be carried forward in a separate employee vacation account, which may be referenced as the “pre-2009 vacation account,” subject to the following:
 - a) Effective January 1, 2014, the value of each vacation hour included in an employee’s pre-2009 vacation account will be calculated at the employee’s current hourly rate of pay and will be frozen at that amount.
 - b) If, subsequent to January 1, 2014, an employee takes vacation-time off using vacation hours credited to the pre-2009 vacation account, they will be granted vacation time off on an hour-for-hour basis, without regard for their current rate of pay.
 - 9) Legal holidays occurring during vacation leave will not be charged as vacation leave but as a holiday;
 - 10) Part-time employees shall accrue and may accumulate vacation leave on a pro-rata basis equal to their prorated service time and their prorated hours worked;
 - 11) Upon termination, the employee or their estate will be paid the monetary value of the earned unused vacation in the employee’s vacation account.
 - 12) Starting from the first complete pay period after October 1, 2023, all employees will be able to include their previous public service experience for calculating vacation accrual. Verifiable experience is counted in complete years (equivalent to twelve [12] months). Each employee shall be credited for the purpose of accrual, with years of service at other public agencies on a year for year basis. The maximum vacation allowance will correspondingly align with the updated years of service for vacation.
- b) Sick Leave:** Sick Leave is governed by provisions contained in these Personnel Rules and shall be administered as specified herein:
- 1) Employees will accrue twelve (12) days of sick leave in each calendar year or one day for each calendar month of service;
 - 2) Sick leave accrual shall commence on the date of hire and shall be unlimited;
 - 3) Part-time employees are eligible to receive sick leave prorated to a full-time work week based on their hours worked;
 - 4) For purposes of computing sick leave, each employee shall be considered to work no more than five (5) days each week;

- 5) Sick leave is to be used only for illness or such other purposes as allowed by law or code;
- 6) The county sick leave “cash out” will be in accordance with the following:
 - a. Each County employee with at least one year of service will be compensated at the time of resignation, retirement, termination or layoff for any accrued and unused sick leave they had as of December 31, 2008, if any, subject to the formula (converted to days) which follows:
 - b. Ten-percent (10%) of the hourly rate value of sick leave for the first fifty-nine (59) days;
 - c. Twenty-five percent (25%) of the hourly rate value of sick leave for the next sixty (60) through eighty-nine (89) days; and
 - d. Fifty-percent (50%) of the hourly rate value of sick leave for any accrual over eighty-nine (89) days.
 - e. The value of the employee’s accumulated sick leave will be paid in one (1) lump sum within thirty-one (31) days of termination of the employment relationship.
 1. For employees hired prior to December 31, 2008, sick leave usage taken from January 1, 2009 forward will first come from accrued sick leave after this date and then to the accrued sick leave bank before. An employee entitled to temporary disability indemnity under the Labor Code may elect to use their accumulated leave in conjunction with their disability indemnity in order to receive their full salary or wage while on disability leave until both are exhausted.
 2. If an employee is absent from work for more than three (3) consecutive work days due to illness or injury, and such absence is ordinarily chargeable to sick leave, even though some other form of leave is being used to cover the absence, the employee will be required to furnish a doctor’s statement upon return to work.
 3. Any employee claiming sick leave who makes a false claim, refuses to be examined by a doctor selected by the County (if requested), fails to cooperate in any investigation by the County of their claim for sick leave, or makes a false statement shall not be entitled to any leave with pay for the time in dispute and shall be subject to disciplinary action, up to and including dismissal.
 4. Sick leave days can be used in the case of a death in the immediate family of an employee or spouse provided the employee is prepared to provide proof of death for leaves longer than five (5) days, and has accumulated sufficient sick leave.
 5. Sick leave days can be used in the case of illness involving the employee’s immediate family, provided the employee has accumulated sufficient sick leave and provides medical documentation, if requested by the appointing authority.

- 7) For purposes of this discussion, immediate family members refer to:
- a) A child, regardless of age or dependency status, including a biological child, adopted child, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis
 - b) Parent, including a biological parent, adoptive parent, foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child, a spouse, registered domestic partner, a grandparent, a grandchild, or a sibling.
 - c) A designated person, which means, a person identified by the employee at the time the employee requests paid sick days. An employee is limited to one designated person per calendar year.
- 8) Sick leave may be used for:
- a) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.
 - b) An employee who is a victim, or who has a family member who is a victim, the following purposes outlined in the subdivision (a) and (b) of Section 12945.8 of the Government Code apply. As a condition of taking time off, the employee shall give the County reasonable advance notice of the employee's intention to take time off, unless advanced notice is not feasible.
 - c) Subdivision (a) of Section 12945.8 of the Government Code:
 - 1. To serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the County that the employee is required to serve.
 - 2. To appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.
 - 3. To obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.
 - d) Subdivision (b) of Section 12945.8 of the Government Code:
 - 1. To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
 - 2. To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.

3. To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
1. To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
4. To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
5. To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
6. To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
7. To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
8. To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
9. To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

e) Limits on Total Leave Time Taken for Victims

1. If the employee is the victim, total leave time taken pursuant to subdivision (b) of Section 12945.8 of the Government Code is limited to 12 weeks. Leave taken by an employee shall run concurrently with leave taken pursuant FMLA and CFRA, if the employee would have been eligible for that leave, and does not grant an employee with a right to leave that exceeds that provided under FMLA.
2. If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave pursuant to subdivision (b) to assist a family member relocate or engage in the process of securing a new residence due to the qualifying act of violence, including but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare, ***leave may be limited to five days***.
3. If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the County may limit the total leave taken pursuant to subdivision (b) to ***10 days***.

f) Certification of Victim Status

1. An employee seeking to take leave pursuant to subdivision (a) or (b) of Section 12945.8 of the Government Code may be asked to provide certification demonstrating the employee's status, or the employee's family member's status, as a victim. Acceptable certification includes:
 - a. A policy report indicating that the employee or family member of the employee was a victim.
 - b. A court order protecting or separating the employee or family member from the perpetrator of the qualifying act of violence, or otherwise evidence from a court or prosecuting attorney that the employee or family member appeared in court.
 - c. Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee or a family member was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence.
 - d. Other reasonable documentation, such as a signed statement by the employee or a representative, verifying the qualifying act of violence.
 - e. Recertification of an employee's status, or an employee's family member's status, as a victim, or ongoing circumstances related to the qualifying act of violence may be requested, every six months after the date of the previous certification.
2. To the extent permitted by law, the County shall maintain the confidentiality of any employee requesting leave.

When an employee requests an accommodation, any verbal or written statement or documentation identifying an employee or the employee's family member as a victim must remain confidential. Such information shall only be disclosed as required by federal or state law or when necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

c) Bereavement Leave: Bereavement leave will be granted in the case of death in the immediate family (spouse, registered domestic partner, parents, children, grandparents, grandchildren, brother or sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, adopted, foster and step members are also included; the family members of a registered domestic partner will have the same status as the family members of a spouse) of the employee or spouse as follows:

- 1) Five (5) days per death in the immediate family;
- 2) After five (5) days the employee may use sick leave for bereavement provided the employee has provided proof of death;
- 3) Bereavement leave need not be consecutive, does not accumulate, cannot be transferred and has no cash out value and must be used within three (3) months of the

death unless approved in writing by the HR Director due to extenuating circumstances (i.e. pandemic, natural disaster, etc.).

d) Paid Administrative Leave: After consultation between the appointing authority or County Administrative Officer and the Director of Human Resources, the Director of Human Resources may direct that an employee be placed on administrative leave with pay status pending investigation into alleged misconduct.

e) Holidays: To take time off work for holidays or be compensated, the County recognizes the following holidays:

- January 1st, known as “New Year’s Day.”
 - The third Monday in January, known as “Martin Luther King, Jr. Day.”
 - February 12th, known as “Lincoln Day.”
 - The third Monday in February, known as “Presidents’ Day.”
 - March 31st, known as “Cesar Chavez Day.”
 - The last Monday in May, known as “Memorial Day.”
 - July 4th, known as “Independence Day.”
 - The first Monday in September, known as “Labor Day.”
 - The second Monday in October, known as “Columbus Day.”
 - November 11th, known as “Veterans Day.”
 - The fourth Thursday of November, known as “Thanksgiving Day.”
 - The day after Thanksgiving.
 - December 25th, known as “Christmas Day.”
 - Every day appointed by the President or Governor as a day free of work including but not limited to a national day of mourning, thanksgiving, or other day no matter how designated of national or statewide significance unless otherwise decided by the Board.
- 1) If any of the holidays recognized by the county falls on a Saturday, the preceding Friday will be a holiday.
 - 2) If any of the holidays falls on a Sunday, the following Monday will be a holiday.
 - 3) Employees required to work on a holiday shall be paid at the rate of one and one-half hours for each hour worked.

1.108.3 Unpaid Leaves

Unpaid leaves include any protected leaves as afforded by State or Federal laws and unpaid leaves of absences.

- a) **Medical/Family Leaves:** See Medical and Family Leave **Policy 308**
- b) **Pregnancy:** See Family and Medical Leave **Policy 308**
- c) **Covered Military Service Member:** See Medical and Family Leave **Policy 308**
- d) **Military Leave:** See Military Leave **Policy 322**
- e) **Personal Leave:** This type of leave may be granted to an employee when it does not cause inconvenience to the department or the County.
- f) **Other Leaves:** The County shall comply with any leave recognized by law.
- g) **Voluntary Leaves without Pay**
 - 1) Subject to the approval processes described below, regular and limited term employees may request personal leave without pay for illness and matters of import to the employee after an employee has exhausted any accrued relevant or statutory leave time.
 - 2) The employee does not accrue sick leave, vacation leave, or any other benefits while on leave without pay.
 - 3) The employee must pay contributory benefits directly when on leave without pay.
 - 4) The employee may be initially granted leave without pay for a period not to exceed one hundred twenty calendar days upon approval of the appointing authority with notice to and approval of the Human Resources Director.
 - 5) Additional leave beyond one hundred twenty days shall be at the discretion of the Board.
 - 6) If an employee is granted leave without pay and is absent for more than thirty calendar days or one payroll period, his/her salary anniversary date shall be modified to reflect the time off work as allowed by law.
 - 7) All calculations regarding leave without pay shall be based on the number of calendar days the leave lasts.
 - 8) Return following leave without pay is not an appointment, but is a continuation of service. Compensation and benefits shall be based on actual service except as prohibited by applicable laws and regulations.
- h) **Unpaid Education or Training Leave:** Upon the recommendation of the appointing authority, the Board may grant an employee up to nine (9) months of education leave

without pay. The appointing authority shall consider the following criteria in making recommendation to the Board to grant educational leave, whether:

- 1) Education or training will increase on-the-job skills; and
 - 2) Education or training will increase the employee's qualifications for promotion; and
 - 3) The employee indicates a desire to make County employment a career; and
 - 4) The employee has demonstrated high motivation for self-improvement; and
 - 5) The employee has shown indications of superior work performance in present position; and
 - 6) The employee has shown evidence of promotional potential indicating the capacity to perform in a more responsible position; and
 - 7) The employee has shown potential, motivation and suitability for further educational opportunity.
- i) **Unpaid Bereavement Leave for Extra-Help Employees:** Unpaid bereavement leave will be granted in the case of death in the immediate family (spouse, registered domestic partner, parents, children, grandparents, grandchildren, brother or sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, adopted, foster and step members are also included; the family members of a registered domestic partner will have the same status as the family members of a spouse) of the employee or spouse as follows:
- 1) Five (5) unpaid days per death in the immediate family, except that the extra-help employee may use accrued and available sick leave;
 - 2) To be eligible for leave, the employee must have been employed for at least 30 days prior to the commencement of the leave;
 - 3) If requested by the County, within 30 days of the first day of the leave, the employee shall provide documentation of the death of the family member. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. Any documentation provided to the County pursuant to bereavement leave shall be maintained as confidential as possible and shall not be disclosed except to internal personnel on a need-to-know-basis.
 - 4) Bereavement leave need not be consecutive, does not accumulate, cannot be transferred and has no cash out value and must be used within three (3) months of the death unless approved in writing by the HR Director due to extenuating circumstances (i.e. pandemic, natural disaster, etc.).
- j) **Reproductive Loss Leave**
- 1) Eligible employees who have worked for at least 30 days prior to the commencement of leave shall be granted up to five days of unpaid reproductive loss

leave following a “reproductive loss event,” defined as the day or, for a multi-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

- a) “Failed adoption” means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.
 - b) “Failed surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.
 - c) “Miscarriage” means a miscarriage by a person, by the person’s current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.
 - d) “Stillbirth” means a stillbirth resulting from a person’s pregnancy, the pregnancy of a person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
 - e) “Unsuccessful assisted reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.
- 2) If an employee experiences multiple reproductive loss events within a 12-month period, the total leave granted should not exceed 20 days.
 - 3) This leave is unpaid however, employees are permitted to use accrued paid sick leave for this purpose.
 - 4) This leave must be taken within three months of the event, subject to the following exceptions:
 - a) If, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave from work pursuant to Section 12945 *Pregnancy Disability Leave (PDL)*, 12945.2 *California Family Rights Act (CFRA)*, or any other leave entitlement under state or federal law, the employee shall complete their reproductive loss leave within three months of the end date of the other leave.
 - 5) Leave need not be consecutive, does not accumulate, cannot be transferred and has no cash out value.

k) Workers Compensation Leaves without Pay

- 1) Regular and limited term employees who are on a leave without pay status for a workplace injury or illness and are on workers compensation, who have exhausted all protected leave and all accrued relevant or statutory leave time,

must pay full contributory benefits (i.e. health, dental, vision) directly to the County when on leave without pay.

- 2) Advance notice (30 days) will be given when discontinuing contributory benefits to injured workers receiving workers' comp, as well as an opportunity to continue to pay the premium themselves (under COBRA).
- 3) Health in-lieu payments will cease, immediately, upon exhaustion of all protected leave and all accrued relevant or statutory leave time.
- 4) The employee may be initially granted benefits while on leave without pay for a period not to exceed ninety (90) calendar days, upon approval of the appointing authority with notice to and further approval from the Human Resources Director. Additional benefits while on leave without beyond ninety days shall be at the discretion of the Board (requires a Board action).
- 5) Other benefits, separate from health, dental and vision insurance, will be terminated unless the employee chooses to maintain the additional coverage and fully reimburses the County for all costs.
- 6) All calculations regarding leave without pay shall be based on the number of calendar days the leave lasts.

1.108.4 Leave Procedures

Leave requests must be submitted by an employee sufficiently in advance of the proposed effective date to permit review by their appointing authority and the Director of Human Resources. Leave requests shall include reasons, substantiating and supporting information, beginning dates and ending dates which relate specifically to the reason for the request and the employee's signature. The appointing authority will review the request recommending approval or disapproval and forward it to the Human Resources Department. If their action is one of disapproval, reasons will be specified in writing and a copy will be given to the employee.

- a) **Failure to Return at Scheduled Time:** Failure to report for duty after a leave of absence has expired or has been disapproved or revoked may, at the option of the appointing authority, be considered as absence without leave subject to the disciplinary provisions of Labor Relations Rule 2-419 unless such failure to report is for reasons beyond the employee's physical control.
- b) **Time Off to Compete in Examination:** Permanent and probationary employees shall be entitled to necessary time off with pay, not chargeable to annual leave, to take Colusa County examinations, if such examinations are scheduled during their working hours. Such time off must be approved in advance by their appointing authority.

PERSONNEL RULE 1.109 – MEDICAL EXAMINATIONS

- a) **Medical Examination Program:** The County's medical examination program is under the overall administrative direction of the Director of Human Resources who makes decisions and takes actions based upon individual medical evaluations, findings, and opinions of

California-licensed physicians, health care providers or mental health professionals as consulted.

- b) **Medical Examinations (Physical and/or Psychological):** Examinations are administered to ensure insofar as possible that:

- 1) An individual is medically qualified to perform effectively the essential functions of a position in a specific job classification; and
- 2) An individual, in performing a position's duties, does not present a hazard to the health and safety of self, co-workers, or the public.

- g) **Positions Covered:** The medical examination program applies to all permanent positions. Additionally, medical examinations may also be administered for extra-help positions.

- d) **Medical Examination Required – Scheduling:**

1) *New Employees:* All persons selected for prospective employment within certain job classifications may be required to undergo a job-related medical examination prior to beginning work.

a) In cases of emergency, the Director of Human Resources may authorize employment prior to the medical examination. In these instances, continued employment is conditioned upon the Human Resources' Department approval after review of the medical examination results.

2) *Current Employees:* Employees moving to a different position may be required to successfully complete an additional job-related medical examination.

1.109.1 Reasonable Accommodation

When, in the opinion of the appointing authority and the Director of Human Resources, it would not impose an undue hardship on the County, every effort shall be made to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability. The terms "reasonable accommodation" and "qualified individual with a disability" are used herein as defined in compliance regulations pertaining to the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA).

PERSONNEL RULE 1.110 – PERSONNEL RECORDS

- a) **Personnel Records:** The Director of Human Resources is responsible to develop and maintain a complete repository for personnel records of employees.

- 1) *Contents:* The Director of Human Resources will maintain in their office an official personnel file. The personnel file will set forth: name, department, job classification, salary, disciplinary actions, and a historical record of all information pertinent to the status of the individual employee and salary paid for services during employment and in accordance with any County records retention policy. Medical records will be maintained separately from the personnel file.

2) *Security*: As per California Labor Code 1198.5.

a. Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee. Personnel records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization by the Director of Human Resources. Employees may schedule a review of their own personnel files during standard business hours (8:30 a.m. -5:00 p.m., Monday – Friday, excluding holidays) with the Director of Human Resources or their designee. Employees may respond in writing to the contents of their personnel file. Such responses become a permanent part of their file. Personnel files may be reviewed also by the authorized representative of the employee, the County Counsel, the Director of Human Resources and the appointing authority. Medical records will be maintained separately under lock and key and only be available for review as permitted by law.

3) *Certification Before Salary Payment*: Except as otherwise provided by state law, the Auditor shall not approve any salary or compensation for services for any person in County service unless possessing a document certified by the Director of Human Resources containing the name, title, and rate of pay of the person to be paid.

PERSONNEL RULE 1.111 – PROMOTION, TRANSFER AND DEMOTION

This rule addresses the requirements for promotion, transfer and demotion of incumbents of positions in the County.

a) **Promotion**: This section provides for career advancement either within a classification series or into other classifications based on merit and demonstrated abilities.

1) An employee promoted to a position in a class with a higher salary range shall be paid at the higher rate no less than five (5) percent more than the employee was paid in the former position, with the exception of a lateral transfer to the same classification within another department. The employee's salary placement in the salary range of the new position will be based on the same justification criteria (knowledge, skills, and abilities) as if the employee were a new employee, with the exception of lateral transfers of the same classification to another department. The employee's anniversary date shall remain as the first date of County employment. The eligibility of the employee for step increases within the higher salary range will be governed by the provisions of the personnel rules.

b) **Transfer**: Whenever the functions of a department will transfer to another department, employees performing such functions will also be transferred and maintain same status and seniority.

c) **Voluntary Demotion**: This section permits employees to move downward either within or between classification series. Demotions may be made for a variety of reasons including, but not limited to, the desire to change to a classification which might offer better career advancement opportunities, reasonable accommodation pursuant to federal and state requirements, or because of personal reasons. Voluntary demotion requires approval of the appointing authority in concurrence with the Director of Human Resources. The employee's

salary placement will follow salary placement procedures for new hires and promotions based on qualifications for the new position.

- d) **Involuntary Demotion:** An employee demoted to a position in a class with a lower salary range shall be paid at the lower rate closest to the employee's salary in his former position. The employee shall receive a new salary anniversary date.

PERSONNEL RULE 1.112 – SEPARATIONS

Sections of this rule referring to resignations apply to all employees.

- a) **Resignation:** An employee who wishes to resign shall submit the resignation in writing to the appointing authority at least ten working days in advance of the termination date. A resignation submitted by an employee shall be effective as of the date stated therein or on such sooner date as the appointing authority and the employee may agree. A resignation may be withdrawn at the request of the employee and the consent of the appointing authority.

The written resignation (hard copy or pdf letter, email or text message to supervisor or Department Head), together with such other forms as are required by the Human Resources Director, shall be forwarded immediately to the Human Resources Director by the appointing authority.

- b) **Job abandonment** is considered a resignation from County service.

An employee will be considered to have abandoned his/her position if s/he fails to give a written resignation and:

- 1) Fails to report to work without calling in for three consecutive days absent extraordinary circumstances beyond the employee's control;
- 2) Applies for unemployment insurance;
- 3) Accepts other employment while on an authorized leave of absence; or
- 4) Fails to return to work after a layoff and subsequent recall.
- 5) Failure of the employee to provide a written resignation may be cause for denial of future employment.

- c) **Rejection during Probation:** An employee rejected during probation will be informed and termination processing occurs.
- c) **Dismissal:** Dismissals will be processed pursuant to County Labor Relations Rules.
- d) **Layoff:** See Layoff and Rehire Policy 303
- e) **Mandatory Furlough:** See Furlough Policy 304

PERSONNEL RULE 1.113 – EMPLOYEE PERFORMANCE EVALUATIONS

- a) **Purpose of Employee Evaluation Process:** The evaluation process is intended to assess performance of probationary and permanent employees, increase efficiency and effectiveness of County departments by enhancing employee performance through the following:
- 1) Improving the employee's understanding of their job and their supervisor's standards for performance and of how these standards are being met;
 - 2) Encouraging the employee's development in terms of better job performance, greater responsibility, and alignment of any goals and objectives to that of the County;
 - 3) Aiding management in selecting the proper persons for promotion, transfer and training;
 - 4) Providing safeguards of objectivity and fairness in the assignment and evaluation of personnel;
 - 5) Providing a basis for a periodic wage and salary adjustment consideration.
- b) **Definitions:**
- 1) *Employee Performance Evaluation:* A process during which an employee's job or work performance is formally reviewed, documented, and discussed with the employee. This process is also referred to as an evaluation or rating.
 - 2) *Appointing Authority:* An elected or appointed official responsible for the operation and functioning of an identified department in the County of Colusa.
 - 3) *Rated Employee:* Any non-elected person occupying a full or part-time permanent position who is the subject of a performance evaluation.
 - 4) *Rater:* The person occupying a position above a rated employee having full supervisory or managerial responsibilities over the rated employee, and who evaluates the employee's performance.
 - 5) *Reviewer:* The person occupying a supervisory or managerial position over the rater, and who reviews the rater's employee evaluation.
- c) **Appointing Authority Responsibilities:** The appointing authority shall have responsibilities in the following areas with respect to employee performance evaluations:
1. *All Departmental Personnel Rated:* To ensure that all employees, supervisors, managers and administrators in the department receive performance evaluations in accordance with the provisions of these rules.
 2. *Fairness and Impartiality:* The appointing authority shall be responsible to ensure that managers and supervisors in their capacity as raters are indoctrinated in: the objectives of the department; their own individual roles in achieving these objectives; employee development; the purpose of performance evaluations; and the process of fairly and impartially evaluating the work performance of employees.

3. *Review of Ratings*: The appointing authority shall review and sign each employee performance evaluation.
 4. *Timeliness*: The appointing authority shall be responsible for ensuring that employee performance evaluations are accomplished in a timely manner in accordance with provisions of these rules.
 5. *Certifying to Human Resources Department*: The appointing authority shall be responsible for certifying to the Human Resources Department that the required evaluations have been accomplished for the named employees. Transmittal of this information to the Human Resources Department shall occur sufficiently in advance of the end of a rating period to insure the timely processing of personnel transactions related directly or indirectly to the evaluations.
 6. *Confidentiality of Evaluations*: The appointing authority shall be responsible for maintaining the security and confidentiality of employee performance evaluations.
- d) **Documentation of Evaluations - Approved Forms**: All formal employee evaluation reports will be on forms approved by the Director of Human Resources. Further, the Director of Human Resources shall prepare and promulgate evaluation standards subject to approval by the Board and meet and confer with the bargaining units for use in evaluating County employees.
- e) **Established Rating Periods**:
- 1) *Probationary Period*: Ratings for an employee may occur quarterly during the probationary period to ensure the employee is meeting expectations. It is at the hiring manager's discretion whether or not to complete the 2nd and 3rd quarter evaluations following an *above expectations* 1st quarter evaluation. It is in the best interest of all parties to communicate performance frequently, regardless of whether this documented in a formal evaluation format or not.
 - 2) *Annual – Anniversary Date*: Employees not in probationary status will be rated annually. For administrative control purposes, the annual rating is established in accord with the salary review anniversary date. Employee evaluations shall occur at approximately one (1) month prior to the anniversary date. The appointing authority is not relieved of the duty to perform an annual evaluation based on the employee reaching the top step of their salary range.
 - 3) *Other*: An appointing authority may make employee performance evaluations more frequently than required herein as determined by:
 - a) Department Policy/Rules/Standards: For the entire department, or for specialized, or technical job classes.
 - b) Memorandum of Understanding (MOU'S): Developed in negotiations with employee representation groups.
 - c) Employees whose overall job performance has been unsatisfactory or needs improvement.

- d) Mitigating individual circumstances other than the above which are appropriate for the occasion.
- f) **Evaluation Procedure:** The following general procedures will apply in the employee performance evaluation process:
- 1) *Rater's Responsibilities:* The rater, using their knowledge of the duties and responsibilities of a rated employee's job, will prepare a written evaluation of the employee's work performance and with employee input, may develop professional development goals. In evaluating the rated employee, the rater shall rate fairly and impartially, considering applicable policies and Personnel Rules; work standards which apply to like positions; and work standards which apply to the essential functions of the position occupied by the rated employee.
 - 2) *Reviewer's Responsibilities:* The reviewer may not order a rater to change a rating. Nor may the reviewer alter the rating given by the rater. However, the reviewer may add comments or opinions concerning the employee's performance in the space provided on the rating form or by a supplementary sheet which is dated and signed.
 - 3) *Advance Discussion Notice to Employee:* The employee to be evaluated shall be advised in advance as to the time and place of the evaluation discussion with their supervisor. Additionally, the employee may be provided a self-ranking form in advance of the evaluation to provide the supervisor with accomplishments, desired training, and goals.
 - 4) *Evaluation Discussion:* The rater will discuss the performance of the rated employee in relationship to the job duties and requirements. Where performance does not meet work standards, the rater will discuss this with the employee and indicate how the employee can improve that aspect of their job performance to meet standards.
 - 5) *Employee Review and Signature:* The rated employee will be given opportunity to review the written evaluation. The rated employee will be required to sign the form acknowledging that they have read the form and the performance has been discussed with the employee. The signature of the employee does not indicate, necessarily, agreement with the ratings.
 - 6) *Opportunity for Employee Written Comment:* The rated employee shall be given an opportunity to make written comments on the form or by separate written attachment which shall become part of the employee evaluation document.
 - 7) *Employee Entitled to Copy:* The employee shall be given a copy of the evaluation containing their signature and the signatures of the rater and reviewer.
- g) **Coaching Memos and Performance Improvement Plans:** The intent of annual performance evaluations is to provide the employee with feedback as to the employee's work performance and the alignment of such to departmental and county goals and objectives. When an employee fails to meet established performance expectations and has rated deficient areas, the supervisor may develop a coaching memo or performance improvement plan to help get the employee back on track.

Coaching Memo: To the extent possible, individual performance problems will be identified and will be reported to the employee as they occur or as soon as reasonably practical thereafter. The employee is to be notified of the specific act(s) or omission(s)

that constituted unacceptable performance and will be provided the coaching necessary to perform acceptably under the circumstances at hand.

If a performance problem poses a risk to the health or safety of the employee or others or the efficient operations of county government or has not been corrected by previous verbal coaching, a coaching memo will be given to the employee and a copy will be placed in the employee's personnel file.

The coaching memo shall identify: the unacceptable performance in a level of detail sufficient to be understood by the employee; an explanation explaining why the performance is unacceptable; previous attempts to correct the performance, if any; what constitutes acceptable performance; and the consequences of continued unacceptable performance.

The coaching memo should be as complete as possible and may include additional information not specifically discussed with the employee, provided such additional information is identified as such; and

The coaching memo will identify only those performance issues that were discussed with the employee as a result of the incident or incidents giving rise to the coaching memo.

The employee will be encouraged to sign the coaching memo. The employee's signature will serve to confirm that the coaching memo was reviewed with him/her but will not serve to confirm that the employee agrees with the content of the coaching memo.

Coaching memos are informational not disciplinary and not subject to the grievance or disciplinary appeal procedures.

Employees may respond in writing to coaching memos. Written responses will be attached to the coaching memo and will be included in the employee's personnel file.

If the performance issues addressed in a coaching memo are satisfactorily addressed and there is no mention of these issues in the employee's next succeeding performance evaluation, provided that the next evaluation is at least one year later, the coaching memo will be removed from his/her personnel file.

Under the following circumstances, an employee may, at the discretion of the appointing authority, be issued a written warning:

If an employee receives three or more coaching memos regarding the same performance issue of any kind in one year; or

An employee fails to correct the unacceptable performance identified in a coaching memo within a reasonable amount of time as specified in the coaching memo; or

An employee engages in conduct that constitutes a minor violation of any of the causes for which an employee can be disciplined as per County Discipline Policy 323 or under agreement within an MOU,

Performance Improvement Plans: A performance improvement plan will identify all areas of performance and/or conduct causing concern, why the areas cause concern,

steps the employee must take to correct these concerns and consequences to the employee if those steps are not satisfactorily completed.

Performance improvement plans are a written warning and may be appealed up to Step 3 through the grievance procedures as specified in the County Grievance Procedures Policy 305.

For those employees who are subject to the provisions of the Public Safety Officers' Procedural Bill of Rights Act, nothing in this section will be interpreted or applied in violation of the Act.

Performance improvement plans (PIP) will be developed for a specific duration no less than three (3) months and provide the employee with an assessment of where the employee currently is deficient and what the expected performance looks like. For example, an employee who has a deficient customer service rating, might be provided with specific customer service performance expectation (e.g. respond to all customer inquiries within 24 hours, 100% of time).

Performance expectations should be related to the scope of duties as described within the employee's job specification and align with the County or departmental mission, vision, goals, objectives, or initiatives. Performance expectations should be measurable and achievable within the amount of time of the improvement plan.

Supervisors are expected to actively engage with the employee to set any necessary goals, coach, remain open-minded, and provide constructive and evaluative feedback. Supervisors should set regularly scheduled (typically weekly) meetings with the employee on the PIP to provide evaluation and guidance.

PIPs should be viewed as a valuable coaching tool that can enhance employee performance, and improve morale and customer service through focused continual improvement activities.

- h) **Remedy for Employee Dissatisfied with Evaluations:** An employee dissatisfied with their performance evaluation who wishes to supplement the evaluation with written comments may do so. The written comments must be signed and dated and submitted to the employee's supervisor or appointing authority. The written statement becomes a part of the employee evaluation document and a permanent part of the employee's personnel record. There shall be no appeal or other remedy available to the employee.
- i) **Employee Rights for Review of Record:** In accordance with Government Code Section 31011, an employee shall have the right to inspect and review any official records relating to their performance as an employee. The contents of such records shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the County. The employee shall be given the opportunity to respond in writing or a personal interview on any information about which the employee disagrees.
- j) **Audits – Human Resources Department:** Periodically or as deemed advisable, the Human Resources Department may conduct complete or partial audits of a County department performance evaluation process. The purpose of such audits shall be to determine if the procedures involving the evaluating, discussing, recording and maintaining of evaluation files is in accord with these rules.

PERSONNEL RULE 1.114 – IN-COUNTY TRAVEL STIPENDS

See Colusa County in County Travel Stipends **Policy 314**

PERSONNEL RULE 1.115 – VEHICLE USE

See Colusa County Vehicle Use **Policy 315**

PERSONNEL RULE 1.116 – CELL PHONE

See County Cell Phone **Policy 316**

PERSONNEL RULE 1.117 – ANTI-HARASSMENT AND DISCRIMINATION

See County Anti-Harassment and Discrimination **Policy 301**

PERSONNEL RULE 1.118 – WORKPLACE VIOLENCE PREVENTION

See County Workplace Violence **Policy 313**

PERSONNEL RULE 1.119 – TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES (DOT)

See County Testing for Alcohol Misuse and Controlled Substances **Policy 311**

PERSONNEL RULE 1.120 – DISCIPLINE

See County Discipline **Policy 323**

PERSONNEL RULE 1.121 – OUTSIDE EMPLOYMENT

Colusa County recognizes employees may want to engage in outside employment, whether paid employment (part-time, contracted, self-employed, virtual or telework) or volunteer employment (either paid or unpaid). Employees of Colusa County are permitted to engage in outside work, subject to certain restrictions.

This personnel rule outlines those restrictions and applies to all County employees:

- a) Regular, probationary and limited term full-time employees shall not engage in outside employment during the employees' assigned working hours.

- b) Regular, probationary and limited term full-time employees shall not engage in outside employment without the approval of their appointing authority. A *Declaration of Outside Employment or Conflicting Activity* form will be requested, annually, and employees who choose to engage in outside employment or a potentially conflicting activity, beyond annual declaration, are required to submit a completed *Declaration of Outside Employment or Conflicting Activity* form to their Department Head, prior to engaging in such activity.
- 1) Department Heads who wish to engage in outside employment shall submit a completed *Declaration of Outside Employment or Conflicting Activity* to the County Administrative Officer.
- 2) Employees engaged in outside employment *prior to* the creation of this Rule must submit a completed *Declaration of Outside Employment or Conflicting Activity* form to their Department Head within 30 working days of receiving notice of the approval of this Personnel Rule.
- 3) The Department Head will provide approval or denial of the request in writing to the employee within 10 working days.
- c) Prior to granting permission to engage in outside employment, the appointing authority shall determine:
 - 1) The duties or services of the proposed outside employment will not create a conflict of interest for the employee while serving in an official capacity with the County;
 - 2) The proposed outside employment will not defame, embarrass or discredit the County;
 - 3) The employee is serving the County satisfactorily and will be able to continue to do so if the employee undertakes outside employment; and
 - 4) The employee's current leave usage does not in any way reflect or give the appearance of abuse.
- d) An employee's outside employment and/or volunteer service may be restricted if:
 - 1) The employee uses County time, facilities, equipment, supplies, property, vehicles, tools, badge, uniform, influence, certificates/licenses (excluding drivers' licenses) provided under/sponsored by Colusa County, or prestige of the employee's position for personal profit or advantage.
 - 2) The employee performs any work, service, or counsel that involves the receipt or acceptance of money or other consideration from any person or agency other than the County for the performance of an act that is required of the employee as part of their regular County duties.
 - 3) The employee performs any act, other than his/her capacity as a County employee, which may later create an obligation or liability for the County, or be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the County and there is likelihood of potential favoritism, selective enforcement, or misuse of County information (for example: to serve on a steering committee or board of a public or private foundation which is funded, contracted, or administered by a County agency).

- 4) It results in poor job performance, absenteeism, tardiness, or unnecessary distractions such as outside employment communications during paid work hours.
 - 5) It involves the availability of County information not available to the general public.
 - 6) It improperly represents the service provided as a service of, or endorsed by, the County.
 - 7) It implies the employee will use his/her position with the County to further the interests or goals of an individual, company, or firm in doing business with the County.
 - 8) It involves activities rendered to County clients for private compensation which are expected to be rendered in the course of duties of the County employee.
 - 9) The service is one mandated by the County as part of a treatment or punitive program – for example: Where a County employee mandates counseling as treatment under a County drug and alcohol recovery program, and then provides the counseling as a private practitioner.
- e) Specific to Secondary Employment as an *In-Home Support Services (IHSS) Worker*: Colusa County has general supervision over the services provided by IHSS workers, and maintains control over their payment rates and methods. This determines Colusa County and IHSS as "joint employers." Under the Fair Labor Standards Act (FLSA), any hours over 40 worked for the same (or joint) employers would be eligible for overtime pay. County employees may be denied secondary employment as an In-Home Support Services Worker due to the costs associated with overtime.
- f) The County will have no responsibility to an employee who is injured or contracts an occupational illness due to outside employment except to allow the employee to use any available leave earned up to the point the employee is injured or becomes ill.
- g) Procedure: Upon receipt of a *Declaration of Outside Employment or Conflicting Activity* form, the Department Head will review the request for potential interference with the employee's performance of his/her regularly assigned job duties and compliance with this Personnel Rule.

The Department Head shall notify the employee, in writing, within 10 working days of receipt of the request whether the request has been approved or denied. If the request is denied, the Department Head shall provide reasons for such decision.

If the Department Head believes that the secondary employment has caused the employee's overall work performance to drop below a satisfactory performance level, the supervisor must first approach the matter with the employee as a performance issue and provide the employee adequate time to demonstrate improved performance. If, within a reasonable period of time, the employee's performance continues to be below satisfactory, and if the Department Head has supporting evidence which indicates that the secondary employment is the cause of these performance problems, the Department Head may deny the employee's secondary employment. The Department should allow the employee a reasonable amount of time to give notice of termination to the secondary employer. An employee's refusal to end his/her secondary employment as directed by this rule is considered a matter of personal misconduct and may be subject to disciplinary action, up to and including dismissal.

A Department Head may order an employee to cease working at any *non-de minimus* (more than 5 hours per week) volunteer work or outside employment, if the employment is in violation of any of the provisions of this Rule. The Department Head may demand immediate suspension of the outside employment pending the final determination of the incompatibility.

If request is approved: Any County employee who is a member, officer or director of a corporation, including non-profit, shall recuse him/herself from any involvement in establishing or influencing any contractual relationship between the County and the corporation, including making or influencing decisions regarding whether to enter into a contractual relationship, procurement, contract drafting or negotiation, or monitoring of the contractor's performance, unless statutorily authorized to do so.

If request is denied: Employees shall have the right to appeal an order to cease outside employment by submitting an appeal in writing to the review committee by way of the Human Resources Director. The written appeal must be submitted within 10 working days of the employee's receipt of the order to cease outside employment. The appeal should present evidence or argument in opposition that the employee is engaging in incompatible activities.

Review Committee: The Human Resources Director, County Administrative Officer, County Counsel, and a Department Head *not* involved in the matter shall act as a review committee in the event an employee is denied outside employment/activities and wishes to appeal. The review committee will review the order to cease outside employment, and the employee's written appeal. The review is not a formal hearing. The review committee must provide a recommendation within 10 working days of receipt of the written appeal.

The Human Resources Department will place any requests, approvals, denials, or denied appeals for Outside Employment in the employee's personnel file.

Required Form: *Declaration of Outside Employment or Conflicting Activity*

PERSONNEL RULE 1.122 – COUNTY EQUIPMENT USE PRIVACY

- a) To use County equipment with no expectation of privacy.
- b) All County property/equipment is to be used primarily for the benefit of the County. Accordingly, employees are advised to not hold, store nor receive anything they intend to be private on County property/equipment as this property/equipment is open at all times to the County for inspection. There is no right to privacy for personal communications or possessions held, stored or received on County property/equipment. No one has authority to make an exception to this policy. This policy applies equally to all County property/equipment including but not limited to real property, personal property, buildings, lockers, cars, trucks, workstations, computers, cell phones, pagers, telephones, and related County electronic storage.
- c) Employees found using any County equipment in a manner that does not show respect, courtesy and professionalism for others and the equipment may be disciplined.
- d) The County may use anything recovered from its property to support its employment decisions up to and including termination.

- e) Each employee will be asked to acknowledge receipt of the County's privacy policy at least annually at his/her annual performance evaluation.
- f) Nothing in this policy is intended to deprive any employee of any right s/he has at law.

PERSONNEL RULE 1.123 – EMPLOYEE / EMPLOYER / MANAGEMENT RIGHTS

To negotiate about wages, hours and working conditions as part of a recognized exclusive employee organization.

The County retains, solely and exclusively, all rights, powers and authority needed to manage and direct its business and personnel.

The County retains, solely and exclusively, all rights, powers and authority needed to determine the mission of each of its constituent departments, Boards and commissions, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations except as otherwise mandated by law.

The County retains, solely and exclusively, all rights, powers and authority needed to direct its employees, take disciplinary action for proper cause, relieve its employees from duty because of lack of work or for other legitimate reasons, determine the methods, means and personnel by which the County's operations are to be conducted, classify employees and designate employee units for purposes of collective bargaining.

The exercise of such rights shall not preclude employees or their representatives from meeting and conferring with management representatives as required by law.

1.123.1 Employee rights

Each individual employee shall have the following rights:

The right to form, join, and participate in the activities of employee organizations of his/her own choosing for the purpose of representation on matters of his/her employee relations with the County, or to refuse to join or participate in the activities of any employee organization;

The right to be free from interference, intimidation, restraint, coercion, discrimination or reprisal, on the part of his/her appointing authority, his/her supervisor, other employees, or employee organizations, because of his/her membership or non-membership in any employee organization, or with respect to any lawful activity associated therewith which is within the scope of representation;

The right to represent himself individually in his/her employee relations with the County. A supervisor will give a County employee on request reasonable time off during his/her regular hours of work for this purpose.

The right to form together with other employees in an appropriate unit to negotiate for their common welfare on wages, hours and working conditions.

1.123.2 Bargaining representative recognition petition

An employee organization seeking to be formally recognized as the bargaining representative for an appropriate unit shall file a recognition petition (petition) with the Human Resources Director containing the following information and documentation:

The name, address and telephone number of the organization.

The names of its officers and their mailing addresses.

The designation of one person and his/her address to which notice can be personally delivered and deemed sufficient notice on the organization for any purpose.

The designation of those persons who are authorized to act as representatives of the organization in any communications with the Human Resources Director or Board.

A statement that the organization has no restriction on membership based on race, religion, creed, color, national origin, ancestry, physical handicap, medical condition, mental condition, marital status, sex, age, political affiliation, or any other status protected by law.

A statement whether the employee organization is independent 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.

A statement describing the proposed appropriate unit in detail including class title(s) and the approximate number of employees proposed to be included.

Proof of employee support by thirty percent or more of the employees within the proposed unit who are currently employed with the County except that an intervening employee organization need provide proof of no more support than ten percent of the employees in the proposed unit. Proof of employee support shall be evidenced by one of the following:

Documented evidence of current dues-paying employee organization membership or payroll dues deductions using the payroll immediately prior to the date the proof is submitted.

Employee organization authorization cards, signed and dated by the employees within six months prior to the date the proof is submitted.

A signed acknowledgment delegating to a named employee organization the authority to represent the signers for the purpose of meeting and conferring in good faith with representatives of the County, signed and dated by employees within six months of the filing thereof.

Only authorization cards or signatures of employees currently employed at the time the proof is submitted shall be counted.

1.123.3 Current copies of the organization's constitution and bylaws

A currently recognized employee organization shall, if such data is needed by the Human Resources Director, furnish whichever of the above items is not already on file with the County. Following receipt of a petition the Human Resources Director will within fourteen days verify that the employee organization has complied with the requirements of this section.

1.123.4 Appropriate unit determination

After verification of the petition's content, the Human Resources Director will:

- a) Notify the Board and recognized exclusive employee organizations;
- b) Post public notice of the petition at appropriate locations in County buildings; and
- c) Review the proposed unit to determine if it is an appropriate unit, considering the following criteria, among others, in making the determination:
 - 1) The primary consideration shall be the broadest feasible unit with a clear and identifiable community of interest to provide employees the fullest freedom in the exercise of rights under this section; and
 - 2) The effect of the proposed unit on the efficient operation of County services, effective communication between the Board of Supervisors and its management employees, and sound employer-employee relations, including compatibility with the organizational structure of the County;
 - 3) The history of employer-employee relations in the proposed unit and among other employees of the County, except that no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized;
 - 4) The extent to which employees have common skills, working conditions, job duties, or similar education requirements;
 - 5) The ability to bargain effectively for all members without class domination;
 - 6) No single class of employee shall be divided between units;
 - 7) Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee-organization;
 - 8) Confidential employees, privy to employee-employer matters, may be included in a unit separate from non-confidential employees;
 - 9) Management/supervisory employees may be included in a unit separate from non-management/nonsupervisory employees;
 - 10) Peace officers, as designated in Penal Code Section 830.1, shall not be denied the right to be represented separately from other County employees in recognition of their unique functions within County service.

The Human Resources Director shall provide notice of his/her unit determination regarding the appropriateness of the proposed unit to the petitioning employee organization and any other employee organization that intervened by providing him/her within twenty-one days of the posting of the notice of the petition; proof it represents ten percent of the employees in the proposed unit and/or thirty percent of the employees in a currently recognized employee organization which represents all or part of the employees in the proposed unit.

The Human Resources Director shall meet and confer on request with any/all employee organizations to which notice of the unit determination was directed.

If after reasonable time and effort, no less than four meetings, agreement is not reached on the appropriateness of the proposed unit, determination of the unit shall be submitted to the Board for consideration, based on written presentations and recommendations of the parties. In such cases, the representation unit shall be determined by the Board with or without the recommendation of a third party, or the Board may refer the matter to a mutually acceptable third party for determination.

If the representation unit is determined appropriate, the County shall ascertain the will of the employees in the proposed unit as set out in this section.

1.123.5 Recognition of an exclusive representative.

Informal Recognition.

Membership/Authorization Cards/Acknowledgement.

A neutral third party (third party) selected pursuant to Government Code Section 3507.1 will review the evidence of employee support: documents supporting payroll dues deduction, authorization cards or signed acknowledgment, to verify the majority status of an employee organization.

If an organization has proof of support by more than fifty percent of the employees in the proposed unit and there is no second organization representing thirty percent of the employees, the Board shall formally recognize that organization as the recognized exclusive employee organization for the unit within twenty-one days of the verification.

1.123.6 Election

If an employee organization has been previously recognized as the exclusive representative of all or a part of the unit and the neutral third party determines a second employee organization demonstrated it has support of at least thirty percent of the employees in the unit, the third party shall arrange for a secret ballot election.

In an election, the names of the petitioning organization and the name(s) of any competing employee organization(s) which submits proof of employee approval of at least ten percent of the employees in the representation unit shall appear on the ballot, together with the choice of "no organization."

Employees entitled to vote will be those in the proposed representation unit who are employed in allocated positions and were employed in those positions on the first of the month preceding the date of the secret ballot election.

The recognized exclusive employee organization, if any, will be selected by a majority of the valid ballots cast.

If none of the choices on the ballot receives a majority of the votes, a runoff election shall be conducted between the two choices receiving the largest number of votes, one of which may be "no organization." In the event of a runoff election, if an employee organization receives a

majority of the votes cast, it will be recognized as the exclusive employee organization for the unit.

The Human Resources Director shall report the results of any secret ballot election to the Board, and, if an employee organization has been selected as the exclusive representative, the Board shall acknowledge its formal recognition as the recognized exclusive employee organization for the unit within fourteen days.

Any costs incurred in conducting an election shall be borne one-half by the County and one-half divided equally among the employee organizations appearing on the ballot.

1.123.7 Decertification

A decertification petition alleging that the recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Human Resources Director during the thirty-day period commencing one hundred eighty days prior to the termination date of a memorandum of understanding then in effect, or at any time during which no memorandum of understanding is in effect between the County and the recognized exclusive employee organization representing the bargaining unit.

The Human Resources Director shall arrange a secret ballot election to determine whether the recognized exclusive employee organization continues to represent a majority of the employees in the unit, if following review of a decertification petition s/he determines:

The decertification petition is signed by thirty percent of the employees in a representation unit; and/or

Another employee organization offered proof it represents thirty percent of the employees in a recognition petition.

A recognition petition may accompany a petition for decertification, and the two questions may be decided in the same election, which shall be conducted as provided herein for certification of an exclusive employee organization.

Decertification elections shall not be conducted more frequently than once every two years.

The Human Resources Director shall within fifteen days of receipt of the decertification petition post a notice of the decertification petition, which shall remain posted for a minimum of fifteen days, which notice shall identify the date of the decertification election.

The recognized exclusive employee organization will be decertified by a majority vote of the votes cast.

1.123.8 Modification of representation units

If a unit has been established, that unit shall not be modified for at least twelve months from the date of initial determination.

Proposed modification of a unit may be initiated by the Human Resources Director, a recognized employee organization's petition for modification presented to the Human Resources Director or an employee organization's recognition petition.

In any event the proposed unit shall be evaluated and determined pursuant to this section.

1.123.9 Employee organization rights

Recognized exclusive employee organizations shall have the right to meet and confer on matters within the scope of representation and other rights granted recognized exclusive employee organizations in Sections 3500 through 3511 of the Government Code.

A recognized exclusive employee organization, upon request, shall have the opportunity to be present at any consultation between the County and an individual employee member, if the matter under consultation comes within the scope of representation and affects other members of the unit.

A recognized exclusive employee organization, subject to such controls as may be imposed by the County or negotiated, may:

- a) Utilize County conference rooms and similar building facilities for meeting with employees in the unit(s) it represents, provided such meetings are held outside regularly scheduled working hours for the group which is meeting, and provided space can be made available without interfering with County needs. A recognized exclusive employee organization desiring to use County facilities for such meetings shall obtain the permission of the appropriate County official before using such facilities.
- b) Post material on bulletin Boards located to serve employees in a unit it represents. The location and quantity of space may be the subject of an agreement between the recognized exclusive employee organization and the department head. No material, other than notices of meetings, social events, elections and appointments, shall be posted on a bulletin Board unless and until approved for posting by the Human Resources Director. All material shall be dated and signed by the recognized exclusive employee organization's representative responsible for its issuance.
- c) The County email system may be used to notify employees of scheduled meetings, elections and appointments. The County email system will not be used for any other purpose without first obtaining approval from the Human Resources Director. All information distributed through the County email system will identify the sender by name and position within the employee organization.
- d) Visit work locations to confer with its members regarding grievances or other business within the scope of representation. Access to work locations shall require approval of the appointing authority or other persons in charge of the location to ensure that there is no interference with normal operations or safety or security requirements and shall not be unreasonably withheld.

Except in cases of emergency, each recognized exclusive employee organization affected by an ordinance, rule, regulation, or proposal directly relating to matters within the scope of representation proposed to be adopted by the County shall be given reasonable advance written notice and the opportunity to meet and confer prior to its adoption.

Written notices will customarily be provided by furnishing recognized exclusive employee organizations with advance copies of the agenda of the Board.

In cases of emergency when County management determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized exclusive employee organization, County management shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

The County shall grant reasonable time off without loss of compensation or other benefits to a reasonable number of County employee representatives of a recognized exclusive employee organization when formally meeting and conferring with County representatives on matters within the scope of representation. Release time, which may include a reasonable amount of preparation time, will be requested through and will be coordinated by the Human Resources Director. Release time must be approved by both the appointing authority and the Human Resources Director. Approval of release time will not be unreasonably withheld. If the release time of one or more employees who were scheduled to participate in a meet and confer session is denied, upon the employee organization's request, the meeting will be rescheduled.

A County employee, when serving as an employee's representative on an employee-employer relations matter, may be granted release time while attending meetings with County representatives on behalf of the represented employee. Except in circumstances where a meeting requiring a representative's presence must be scheduled with less than twenty-four hours' notice, release time for this purpose will be coordinated by the Human Resources Director. Approval of release time will not be unreasonably withheld.

Questions regarding application of this section should be directed to the Human Resources Director for clarification.

Upon request, a department head shall provide or make available to recognized exclusive employee organizations representing employees in his/her department those non-confidential departmental publications relating to conditions of employment.

1.123.10 Mediation and fact-finding

If, after a reasonable period of time, representatives of the County and a recognized exclusive employee organization fail to reach agreement on matters within the scope of representation and an impasse has been declared pursuant to subsection 45.9.9.1.1 of this section, the parties may mutually agree to the appointment of a mediator pursuant to California Government Code Section 3505.2.

The party intending to declare impasse will so notify the other party in writing. Within seven days of receipt of the notice of intent to declare impasse, or on some other mutually acceptable date, the parties will meet in an attempt to reach a negotiated agreement regarding unresolved issues that are within the scope of representation. If, at the conclusion of this meeting, agreement is not reached, the parties will be at impasse as that term is defined in this section.

If the impasse is submitted to mediation pursuant to this section, the parties may select the mediator by mutual agreement. If unable to mutually agree, a list of five mediators shall be obtained from the appropriate California state agency providing such services or some other mutually agreeable source, and each party shall alternately strike one name from the list until only one name remains. The first party to strike will be determined by lot. In the event that costs are incurred for mediation they shall be divided by one-half to the County and one-half to the recognized exclusive employee organization(s).

If mediation is not mutually agreed upon pursuant to this section, or mediation does not result in settlement of the impasse, the following fact-finding procedures may be invoked by either the employee organization or the County.

By mutual agreement of the parties, the fact-finder may be either an individual or a three-member panel consisting of one member appointed by the employee organization, one member appointed by the County and the third member who shall serve as the chairperson and will be appointed pursuant to this section. Absent mutual agreement, the fact-finder shall be a three-member panel.

Either an individual fact-finder or the chairperson of a three-member fact-finding panel shall be selected by mutual agreement of the parties. If the parties cannot agree upon a fact-finder, a list of five fact-finders shall be obtained from the California state agency providing such services or some other mutually agreeable source, and each party shall alternately strike one name from the list, with the first party to strike determined by lot, until only one name remains.

Either the individual fact-finder or the fact-finding panel shall, within ten days after its appointment or on some other mutually acceptable date, meet jointly with the parties and/or their representatives. The parties shall, at the first joint meeting, present written statements of the issues in dispute and their last, best and final offer regarding each issue. Thereafter, the fact-finder or the fact-finding panel may meet with the parties either jointly or separately or both jointly and separately, and may make inquiries and investigations, hold hearings, and take any other steps the fact-finder/panel deems appropriate. This inquiry shall be limited only to those issues identified by the parties to be in dispute. For the purpose of the hearings, investigations, and inquiries, the fact-finder/panel shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

In conducting meetings/hearings pursuant to this section, the fact-finder/panel shall consider, weigh and be guided exclusively by the criteria mutually agreed upon and stipulated by the parties prior to the beginning of such meetings/hearings. Absent mutual agreement and stipulations by the parties, the fact-finder/panel will consider, weigh and be guided by the criteria specified in California Government Code Section 3505.4(d).

If the dispute is not settled within thirty days after the appointment of the fact-finder/panel, or upon agreement by both parties to a longer period, the fact-finder/panel shall issue written findings of fact and non-binding, advisory recommendations which shall be limited to the issues identified by the parties to be in dispute, pursuant to this section. The fact-finder/panel will not release the report to the public nor will the fact-finder/panel make any public statements regarding these findings and recommendations.

Upon receipt of the fact-finder/panel's report, the parties shall resume meeting and conferring. If the parties have not reached an agreement within ten days after receiving the fact-finder/panel's report, the County shall make the fact-finder/panel's report available to the public and the matter will be submitted to the Board of Supervisors for final determination.

Within ten days of the fact-finder/panel's report being made public, each party shall submit a written statement of its position on the unresolved issues to the Board of Supervisors. The statement may include references to the fact-finder/panel's report and shall present each party's last, best and final offer.

Within twenty days after receipt of the statements required by this section, the Board of Supervisors shall conduct a public hearing regarding the impasse.

Following the close of the public hearing, the Board of Supervisors may: (1) approve and implement the fact-finder/panel's recommendations; (2) approve and implement the last, best and final offer submitted by the employee organization; (3) approve and implement the last, best and final offer submitted by the County subject to the terms of California Government Code Section 3505.7; or (4) take no action.

If fact-finding is selected by either the employee organization or by mutual agreement of the parties, the costs for the services of the fact-finder or the chairperson of the fact-finding panel, including per diem fees, if any, and actual and necessary travel and subsistence expenses, shall be equally divided between the parties. If fact-finding is selected exclusively by the County, the costs for the services of the fact-finder or the chairperson of the fact-finding panel, including per diem fees, if any, and actual and necessary travel and subsistence expenses, shall be paid by the County. Under either set of circumstances, the costs for the services of other panel members, if any, shall be the responsibility of the appointing party.

Any other mutually incurred costs shall be borne equally by the parties. Any other separately incurred costs shall be borne by the party incurring the cost.

1.123.11 Unfair labor practices

It shall be an unfair labor practice for the County:

To interfere with, restrain or coerce employees because of the exercise of their rights recognized or granted in these rules;

To dominate or interfere with the formation of any employee organization or contribute financial support to it, provided the rights recognized or granted to employee organizations in these rules shall not be construed as financial support;

To refuse to meet and confer in good faith with representatives of recognized exclusive employee organizations on matters within the scope of representation; or

To lock out employees of the County.

It shall be an unfair labor practice for employee organizations or their representatives or members:

To interfere with, restrain or coerce employees because of the exercise of the rights recognized or granted in these rules;

To refuse to meet and confer in good faith with County officials on matters within the scope of representation; and

To engage in strikes, work stoppages, slow-downs, or "sick-outs."

With respect to the impasse procedures set forth in this section, it shall be an unfair labor practice for either the County or a recognized employee organization to fail or refuse to cooperate with the Human Resources Director or with any mediators or fact-finders selected or designated pursuant to the provisions of this section.

Charges of violations of this section may be initiated by a management representative, by a representative of any employee organization or by an individual employee or group of employees. Such charges shall be filed in writing with the Human Resources Director.

The Human Resources Director shall investigate to determine whether a party has engaged in an unfair labor practice and shall advise the parties of his/her decision and if appropriate shall recommend corrective action.

Employees and recognized exclusive employee organizations may utilize this procedure or any other procedure allowed by law for processing unfair labor practice charges.

1.123.12 Notice

Whenever it is prescribed by these rules that notice shall be given to employees, such notice shall be provided by posting a copy thereof at the offices of the County clerk and the Human Resources Director and on bulletin Boards located within the departments in which the employees to be notified are employed. Such notice shall be given also to recognized employee organizations representing the employees concerned by personal delivery of a copy of the notice to the person designated by the employee organization and any designated representative of a unit, with a reasonable description of the subject matter, at least four days prior to the date the matter will be heard. The Human Resources Director may prescribe such additional notification as s/he deems necessary.

1.123.13 Interpretation and administration

The adoption of this Section shall not be construed as making the provisions of Section 923 of the Labor Code applicable to employees of the County.

Nothing in these rules shall preclude the County and each recognized exclusive employee representative from modifying the provisions of these rules through the meet and confer process.

1.123.14 Rules, Procedures and Amendments

The Board may from time to time amend this section subject to its obligations to meet and confer as set forth herein.

The Board or its designated representative may similarly establish rules or procedures, not inconsistent with the foregoing provisions, for the orderly conduct of employee relations.

The Human Resources Director may establish policies consistent with these rules subject to Board review and approval.

The Human Resources Director may establish procedures for implementing the terms of these rules.

PERSONNEL RULE 1.124 – REMOTE WORK (TELEWORK) POLICY

The County wants to provide competitive incentives for eligible staff to remain with the County workforce and to compete for new staff in what has become a generally-accepted employment practice – remote work, also known as telework. Therefore, the County is offering this Telework policy to the work schedule options for those eligible job classifications and eligible employees.

All County Employees who telework must have an approved *Telework Agreement and Schedule* form under this policy. A County department may have additional Telework requirements, guidelines, or procedures, provided they are consistent with this policy.

Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of County employment. Teleworking Employees must comply with all County rules, policies, practices, and instructions.

TELEWORK ELIGIBILITY

SECTION I – PURPOSE

Teleworking is a flexible work arrangement that allows eligible County of Colusa (“County”) Employees to work in a designated alternative work location other than their primary work location. Teleworking is a cooperative arrangement between employees and their employing department. The Board of Supervisors have approved up to two (2) days per week maximum.

Teleworking benefits employees, the County, County departments, and the community. Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible
- Increased productivity
- Efficient use of County resources, including office space
- Recruitment and Retention of highly qualified Employees
- Greater flexibility for Employees and departments
- Improved Employee morale and job satisfaction
- Reduced Employee absenteeism
- Reduced Employee commute time and costs
- Decreased energy consumption, air pollution, traffic and parking congestion, and transit overcrowding.

SECTION II – APPLICABILITY

This policy applies to all County Employees that meet the eligibility criteria outlined in Section IV, Part A. For the purposes of this policy “Employee,” as defined below, includes appointed and elected officials.

SECTION III – DEFINITIONS

Employee: Officers, deputies, assistants, and all other persons employed by the County including permanent, probationary, part-time, and extra help employees.

SECTION IV – POLICY

All County Employees who telework must have an approved *Telework Agreement and Schedule* form under this policy. A County department may have additional Telework requirements, guidelines, or procedures, provided they are consistent with this policy.

Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of County employment. Teleworking Employees must comply with all County rules, policies, practices, and instructions.

A teleworking Employee must perform work during scheduled teleworking hours. Teleworking Employees may take care of personal business during breaks and the unpaid lunch period, as they would at the regular worksite.

A department head or designee may deny, end, or modify a teleworking agreement for any business reason. Similarly, a teleworking Employee may request to end or request to modify a teleworking agreement at any time. Employees may be removed from the Telework Program if they do not comply with the terms of their teleworking agreement and this policy.

Eligibility

Telework is not a right of any employee or position. Eligibility for teleworking is based on both the position and the Employee and is subject to department approval based on the following guidelines:

a. Position Eligibility

An Employee's position may be suitable for teleworking when the job duties:

- i. Are independent in nature.
- ii. Are primarily knowledge based.
- iii. Lend themselves to measurable deliverables.
- iv. Do not require frequent in-person interaction at the regular worksite with supervisors, colleagues, clients, or the public.
- v. Do not require the employee's immediate physical presence at the regular worksite to address unscheduled events unless alternative arrangements for coverage are possible or can report to their worksite in a reasonable amount of time as determined by their department head.
- vi. Immediate physical presence is not routinely essential to on-site workflow.
- vii. May be performed remotely without affecting a department's operational needs.

b. Employee Eligibility

An employee may be suitable for remote work when in the discretion of the Department Head, the employee has:

- i. Met performance expectations
- ii. Demonstrated dependability and responsibility
- iii. Demonstrated the ability to effectively communicate with supervisors, coworkers, and clients
- iv. Demonstrated initiative and strong work ethic
- v. Demonstrated the ability to work independently
- vi. Achieved a consistently high rate of productivity
- vii. Demonstrated a high level of skill and knowledge of the job
- viii. Demonstrated the ability to prioritize work effectively
- ix. Good organizational and time management skills
- x. Possession of equipment, software, or supplies needed to perform job duties while remotely working.

- c. Employees who are not upholding County obligations, such as meeting performance or

conduct expectations, are not eligible for the Telework Program.

Agreement Options

- a. Teleworking agreements can be on a regular and recurring, or an occasional basis or temporary basis.
 - i. Regular and recurring means an employee works away from their primary work location on an established day or days, **up to two (2) days per week maximum**, and on a recurring schedule.
- b. Employees who telework on a regular and recurring basis must be available to work at their primary work location on teleworking days if needed and provided reasonable advance notice. Conversely, occasional requests by Employees to change their regularly scheduled teleworking days should be accommodated by the department head or designee if possible. Employees must obtain prior authorization to change a regularly scheduled teleworking day.
- c. Occasional teleworking means an Employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for Employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

Work Hours

- a. Teleworking Employees must perform designated work during scheduled work hours outlined in their approved *Telework Agreement and Schedule* form.
- b. Teleworking Employees must be available by phone and email during scheduled work hours outlined in their approved *Telework Agreement and Schedule* form.
- c. Employees must account for and report time spent teleworking the same way they would at the primary work location, or according to the terms of the *Telework Agreement and Schedule* form. In addition, reports may be required detailing daily activities.
- d. Employees may work overtime only when directed to do so and approved in advance by the department head or their designee.
- e. Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telework.
- f. Teleworking Employees who become ill must report the hours actually worked and use sick leave for hours not worked.

Worksite

- a. A teleworking Employee must designate an alternate work location suitable for performing official business. This will routinely be a location in the Employee's home. The Employee must perform work in the alternate work location when teleworking. Requirements for the alternate work location will vary depending on the nature of the work and the equipment needed and may be determined by the department.

- b. Teleworking Employees must remain available to report to their primary work location or other County office locations for in-person meetings, as necessary and when provided reasonable advance notice.
- c. Teleworking employees must work in an environment that allows them to perform their duties safely and efficiently. The County and/or department may request photographs of all necessary areas of the Employee's alternate work location to determine compliance with the *Telework Worksite Safety Checklist and Certification*.
- d. Employees are covered by workers' compensation laws when performing work duties at their alternate work location during regular work hours. Employees who suffer a work-related injury or illness while teleworking must notify their department head or designee and complete any required forms.
- e. The County is not liable for damages to an Employee's personal or real property while the Employee is working at an alternate work location.

County Equipment and Supplies

- a. County equipment, software, or supplies provided by the County are for County business only except as limited by law or agreement.
- b. A teleworking Employee does not obtain any rights to County equipment, software, or supplies provided in connection with teleworking. The Employee must return all County equipment, software, and supplies at the conclusion of the teleworking arrangement or at request of the department, or upon separation of employment.
- c. A teleworking Employee must protect County equipment, software, and supplies from possible theft, loss, and damage. The teleworking Employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.
- d. Any equipment, software, files, and databases provided by the County shall remain the property of the County. A teleworking Employee must adhere to all software copyright laws and may not make unauthorized copies of any County-owned software. Employees may not add hardware or software to County equipment without prior approval by their department head or designee or as required for continuity of business operations. Any hardware or software incurring a cost cannot be installed without prior written authorization.

Personal Equipment

- a. Employees who use their personal equipment for teleworking are responsible for the installation, repair, and maintenance of the equipment.
- b. Teleworking Employees must understand and agree that the County may request any County documents stored on personal equipment used while teleworking, such as a personal computer, telephone, or fax machine and that this could involve the employee surrendering such equipment and devices for audit and review in connection with legal compliance. For this reason, employees are discouraged from using personal equipment and departments will make every effort to provide teleworking employees with necessary equipment to carry out their job duties.

- c. Employees must contact their supervisors and report if equipment, connectivity, or other supply problems prevent them from working while teleworking. The department head or designee may reevaluate the Employee's Teleworking arrangement upon receiving this report.

Expenses Related to Teleworking

- a. Before beginning the Teleworking Program, Employees must acknowledge in the *Telework Agreement and Schedule* form that the Telework Program is voluntary and no additional expenses related to teleworking will be reimbursed, except as required by law, including, but not limited to, the following expenses:
 - i. Maintenance or repairs of privately-owned equipment.
 - ii. Utility costs associated with the use of electronics; including internet service costs.
 - iii. Costs associated with the occupation of the home/offsite work location.
 - iv. Travel Expenses associated with commuting to their primary work location. [1], [2]
 - v. Costs associated with use of a personal cell phone or landline.
 - vi. Out of pockets expenses for supplies that are regularly available at their County office location. Employees can access these supplies at their primary work location for use at their alternative work location.

¹ 5 U.S.C. § 5702 *Per diem*; employees traveling on official business has been interpreted to say that in circumstances where the official worksite is reassigned to the telework location, trips to the main worksite are "official business" and the employee is entitled to travel reimbursement. <https://www.telework.gov/guidance-legislation/telework-guidance/official-worksite/>

² An agency must determine and designate the official worksite for an employee covered by a telework agreement on a case-by-case basis using the following criteria:

- The official worksite for an employee covered by a telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to that regular worksite.
- In the case of a telework employee whose work location varies on a recurring basis, the employee need not report at least twice each biweekly pay period to the regular worksite established by the agency as long as the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's regular worksite. For example, if a telework employee with a varying work location works at least twice each biweekly pay period on a regular and recurring basis in the same locality pay area in which the established official worksite is located, the employee need not report at least twice each biweekly pay period to that official worksite to maintain entitlement to the locality payment for that area.
- The official worksite for an employee covered by a telework agreement who is not scheduled to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite is the location of the telework site (i.e., home, telework center, or other alternative worksite), except in certain temporary situations, as explained under "Temporary Telework Arrangements". <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/official-worksite-for-location-based-pay-purposes/>

Security of Confidential Information

- a. All files, records, papers, or other materials created while teleworking are County property. Teleworking Employees and their department head or designee shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require Employees to work in private locations when handling confidential or sensitive material. Departments may prohibit Employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.
- b. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to County networks or databases to anyone who is not authorized to have access.

Remote Access Policy

- a. Teleworking Employees must comply with all County of Colusa Information Technology (IT) and departmental appropriate use and security policies as they normally would in the performance of their duties at their primary work location.
- b. County of Colusa IT will verify compliance through various methods, including but not limited to; business tools reports, internal and external audits, and inspections, and will provide feedback to Human Resources and the appropriate department staff.

SECTION V – PROCEDURE

Application Procedure

- a. Employee discusses their desire to telework verbally or in writing to their department head or designee.
- b. Department head or designee and Employee communicate regarding the appropriateness of Employees request.
- c. If Employee is determined appropriate for teleworking based upon Section IV, Part A of this policy, the Employee will complete the *Telework Agreement and Schedule* form and the *Telework Worksite Safety Checklist and Certification* and submit both forms to their department head or designee.
- d. Department head or designee will review the *Telework Agreement and Schedule* form and the *Telework Worksite Safety Checklist and Certification* and address any questions or concerns with the Employee and/or Human Resources.
- e. Department head or designee will indicate approval or denial on both forms. If the application is denied, the department head or designee will provide a written explanation for the denial on the *Telework Agreement and Schedule Form* and/or the *Telework Worksite Safety Checklist and Certification* form. Employees who disagree with a denied application may request a meeting with the department head or designee and the Human Resources Director or designee to discuss and mediate the decision.
- f. Upon approval, the Employee and department head or designee will coordinate with

appropriate County staff to procure any necessary County equipment as outlined in the *Telework Agreement and Schedule Form*.

- g. County departments and Human Resources are required to maintain copies of executed *Telework Agreement and Schedule* and *Telework Worksite Safety Checklist and Certifications* forms.

Periodic and Ongoing Supervision

- a. Supervisors will check-in with the teleworking employee at a minimum of thirty (30) days after beginning a teleworking schedule. Periodic check-ins should be *documented* to ensure ongoing supervision and performance evaluation is occurring.
 - i. If the job performance of the teleworking Employee is satisfactory and operational needs are being met, the teleworking Employee may continue to telework with no interruption.
 - ii. If the job performance of the teleworking Employee is unsatisfactory, the teleworking Employee may be removed from their teleworking schedule. An Employee removed from their teleworking schedule will be provided a written explanation for the reason of this action on the *Termination of Telework Agreement* form. Removal from a teleworking schedule does not exclude the employee from applying for the Telework Program in the future but could be a contributing factor to a denial of a future application.
- b. Supervisors must continue to complete the performance appraisal process outlined the County of Colusa Personnel Rules.
- c. Employees may be required by their department head or designee to provide ongoing updates or reports while Teleworking. This shall be outlined in their *Telework Application & Agreement*. Changes or additions to reporting requirements may occur during the term of the Telework Agreement as a method of addressing any concerns prior to termination of the Agreement.

Modification or Termination of a Telework Agreement and/or Schedule

- a. The teleworking Employee or the teleworking Employee's department may initiate the termination or modification of the Telework Program at any time. A department head or designee may modify or terminate a teleworking agreement for any business reason and with reasonable (30 days) notice to the Employee.
- b. If the Telework Program is terminated, the department head or designee or the Employee must complete a *Termination of Telework Agreement* form. The Employee will receive a copy of this form.
- c. If the *Telework Agreement and Schedule* is modified due to a change to the alternate work location, a new *Telework Agreement and Schedule* form and *Telework Worksite Safety Checklist and Certification* outlining the modifications must be completed and approved by the department head or designee.
 - a. If the modification is related to a schedule change only, the schedule portion of the *Telework Agreement and Schedule* form is the only portion that needs to be

completed and approved by the department head or designee.

- d. County departments and Human Resources are required to maintain copies of executed *Telework Agreement and Schedule*, *Telework Worksite Safety Checklist and Certifications*, and *Termination of Telework Agreement* forms.

Investigations and Penalties

- a. All Employees must cooperate with any investigations into possible violations of this policy.
- b. No Employee will be subject to any form of retaliation for reporting a violation of this policy or participating in an investigation by the County or its representatives into allegations of violation of this policy.
- c. Violations of this policy are subject to discipline in accordance with County of Colusa Discipline Policy 323, up to and including termination.

Questions concerning the application of this policy should be directed to the Human Resources Director, or designee.