

County of Lassen, California
OFFICE OF COUNTY COUNSEL

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June 11, 2018

Board of Supervisors
221 S. Roop St.
Susanville, CA 96130

Re: *Undersheriff*

Dear Sirs,

The Lassen County Sheriff has historically had approved in his budget a command structure which includes three positions of note for this discussion; an Undersheriff and two Captains. Since the departure of Undersheriff John Mineau, the Sheriff has chosen to underfill the Undersheriff position as a Captain; thereby having three Captains on staff.

The Sheriff would like to make some changes to the Undersheriff classification so that if he chooses to fill it in the future he can. To that end, the Undersheriff position, even though unfilled, is included in the list of classifications covered by the Lassen County Peace Officer Manager's Association (LCPOMA). It is not an "at-will" position. The Sheriff believes this position should be "at-will".

In order to effect the requested change, and to make the position one which is truly "at-will", several items would need to be addressed. First, the LCPOMA would have to agree through a meet and confer process to allow the withdrawal of this position from their list of represented classifications. Please find attached a "side letter agreement" to the LCPOMA memorandum of understanding which contemplates exactly this. All three members of the unit have approved it.

Assuming the Board approves the side letter agreement, the job description would need to be corrected to reflect the "at-will" status of the Undersheriff position. Please find attached a proposed job description which so reflects.

Assuming the above two items have been approved by the Board, section 615 of the Lassen County Personnel Rules and Regulations would need to be amended to reflect the authority of the Sheriff to make this administrative appointment. A proposed copy of amended Personnel Rules and Regulations is attached.

Because the Undersheriff position would be moving from represented to unrepresented, it is necessary to designate which salary schedule applies to the salary and benefits for this position. Staff is recommending that the salary and benefits schedule is that of the Lassen County Peace Officers Managers Unit.

Lastly, the elected Sheriff has historically had his salary and benefit schedule tied to the same schedule as his top managers (LCPOMA). For some reason, in 2015, the Sheriff had his salary schedule tied to that of Department Heads. While there is no current inconsistency between the two, the request is to re-designate the Sheriff's salary and benefit schedule to that of his top managers, where it always was. There is a Resolution attached which will accomplish these actions for the Undersheriff and Sheriff positions.

Sincerely,

A handwritten signature in black ink, appearing to read 'RMB', with a long, sweeping horizontal stroke extending to the right.

Robert M. Burns

SIDE LETTER AGREEMENT BETWEEN
THE COUNTY OF LASSEN (COUNTY)
AND
LASSEN COUNTY PEACE OFFICERS MANAGEMENT ASSOCIATION

The County and the Association, jointly referred to as "parties", enter into this agreement, hereafter referred to as "Agreement", for the purpose of withdrawing the position classification of "Undersheriff" from membership within the Association. The parties agree that the terms of this Agreement are incorporated into the existing MOU, currently scheduled to lapse December 31, 2018, by specific reference and, further, that this Agreement will be incorporated into the body of any successor MOU when agreement is reached on any such successor. To effect this agreement, the language of Article 1.05 shall be amended to read, in its entirety:

"ARTICLE 1.05

Lassen County Peace Officer Management Association is hereby recognized as the employee organization for those employees who occupy the job classification of Captain."

For the County:

Chris Gallagher, Chairman
Chairman, Lassen County Board of Supervisors

Date

Robert M. Burns, County Counsel (as to form)

Date

For the Union:

Captain Matt McFarland

Date

Captain John Bohl

Date

Captain Kevin Jones

Date

Date



COUNTY OF LASSEN JOB DESCRIPTION

CLASS TITLE:	Undersheriff	CLASS CODE	
DEPARTMENT:	Sheriff	UNIT	Unrepresented
REPORTS TO:	Sheriff	FLSA STATUS	Exempt
BOARD APPROVAL	November 16, 2004	RANGE	28

DEFINITION

Under administrative direction of the Sheriff, assist in the planning, directing and organizing activities of the County Sheriff's Office. Acts for the Sheriff to the extent permissible by law and regulation, during the temporary absences of the Sheriff.

DISTINGUISHING CHARACTERISTICS

This is an executive management level single position class. The Under-Sheriff is an at-will position. This position influences policy, manages personnel and budgets, assists in the development of programs and formulates operational objectives and is responsible to manage and direct a variety of components of the Sheriff's Office. Within State legal requirements and broad County ordinances, policies, and procedural guidelines, responsibilities of this position demand comprehensive knowledge and expertise in law enforcement, criminal law, and the evaluation of public complaints. This position will work closely and in collaboration with other State, County, and non-county organizations.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the County Sheriff.

Exercises direct supervision over Department components as determined by the Sheriff.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. (All duties may not be performed by all incumbents.) Other duties may be assigned.

Assists the Sheriff in directing the activities in the Sheriff's Office; confers frequently with the Sheriff in implementing the goals and policies of the Department. Coordinates the activities of the Department supervisors and leaders in order that functions may best meet the overall needs of the Department; coordinates the activities and interest of the Department with other organizations, law enforcement agencies, the District Attorney's Office and other County Departments; assists the Sheriff in planning and implementing overall Department policies; establishing new operating policies and determining the future needs of the Department in terms of personnel and equipment; observes the operation, the morale and discipline of personnel, and the condition of physical facilities and equipment; evaluates public complaints pertaining to activities and individuals within the Sheriff's Office and may direct the investigations within the Sheriff's Office; reports to the Sheriff and acts for the Sheriff during temporary absences.

Under the direction of the Sheriff, oversee, participate in and ensure the development and administration of the Sheriff's Office budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement adjustments, as appropriate.

Through assigned supervisors, select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.



COUNTY OF LASSEN JOB DESCRIPTION

Implement improvements, determine and recommend plans for establishing new service programs or major changes in methods or levels of service delivery.

Develop and implement plans and procedures to enhance revenue from State, Federal, fee, and other funding sources as appropriate.

Analyze and evaluate program results as related to objectives and policy guidelines; review program funding needs, formulate budget guidelines, and control program activities within budgetary limits or policies.

Establish and maintain liaison with representatives of State, Federal, and local agencies and commissions.

Make public presentations before the Board of Supervisors, professional organizations, or public groups to provide information on Departmental programs and goals.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS REQUIRED

Knowledge of:

Principles and practices of law enforcement and ordinances enforced to include: rules; regulations; State and Federal program policies; and procedures.

Criminal law with particular emphasis on the apprehension, arrest and prosecution of law violators, and the laws governing jail procedures and facilities.

Proper and effective methods of deploying law enforcement personnel in accordance with anticipated and actual requirements.

Principals and practices of law enforcement administration, fiscal management, and program planning.

Principles and techniques of organization, administrative management, budget preparation, and fiscal control.

Principles and practices of personnel administration, effective management, and training.

Principles and procedures associated with the hiring, evaluating, training, disciplining, and terminating employees.

Communication and conflict resolution.

Public information and contract administration.

Inter-governmental relationships and regulations affecting law enforcement.

Ability to:

Assist in the planning, organizing and coordinating of the operations of the Sheriff's Office.

Make quick, effective decisions in emergencies and take appropriate action.

Assemble and analyze facts and evidence and make sound recommendations.

Direct the training of subordinate staff.



COUNTY OF LASSEN JOB DESCRIPTION

Evaluate needs for more effective operations and develop Departmental policies firmly and impartially.

Speak and write effectively.

Establish and maintain effective relationships with those contacted in the course of work.

Analyze complex administrative and regulatory problems, evaluate alternatives and adopt effective courses of action.

Select, orient, supervise, and evaluate subordinate Departmental personnel.

Plan, direct, and coordinate the work of others; develop and provide effective training.

Establish and execute Agency policies and procedures.

Develop and implement short and long-range Agency goals and objectives.

Administer a budget.

Analyze situations accurately and take effective action.

Use standard office computers for word processing and spreadsheets.

Education and Experience

To qualify for this classification, an individual must possess any combination of experience and education that would likely produce the required knowledge and abilities. A desirable combination is:

Experience:

Six years of uniformed law enforcement experience in or equivalent to the County Sheriff's Office. Two years of supervisory experience as a law enforcement officer. (Experience in an institutional setting is not necessarily qualifying.)

Education:

Equivalent to a twelfth grade education with additional course work in police science, criminal justice, or a related field preferred.

Licenses and Certifications

Possession of, or ability to obtain and maintain, a California driver's license may be required by the position.

Possess, or the ability to obtain and maintain, a P.O.S.T. Supervisory certificate.

Physical Demands and Working Conditions:

The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit. The employee is often required to travel to and make outside visits – occasionally on uneven surfaces with potential access barriers; to use hands to finger, handle, or feel; reach with hands and arms; and stoop, kneel, crouch, or crawl. The employee must possess the physical strength to chase, apprehend, and restrain suspects who are resisting



COUNTY OF LASSEN JOB DESCRIPTION

apprehension. Exposure to frequent contact with emotionally hostile, volatile citizens in potentially physically dangerous environment. Specific vision and hearing abilities required by this job include hearing and vision adequate to observe human interaction, and vision to input and access information from a computer system. Drive and travel for long periods of time.

While performing the duties of this job, the employee is occasionally exposed to outside weather conditions. The noise level in the work environment is usually quiet. Occasional exposure to loud noises.

PERSONNEL RULES AND REGULATIONS
OF THE
COUNTY OF LASSEN

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Article I. INTRODUCTION

1.01 AUTHORITY:

Adoption of these personnel rules and regulations ("rules") is authorized and directed pursuant to Ordinance No. 473-A of the Board of Supervisors of the County of Lassen.

1.02 OBJECTIVES:

The objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in County government. The purposes of these rules include, among other things, administration of the merit system, classification of positions, compensation of employees, recruitment and qualifications of applicants, appointment of employees, performance evaluation, promotion, discipline and separation of employees, attendance and leaves, and services and records. These rules shall set forth in detail procedures which insure fair and equitable treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the service of the County. If these rules conflict with the memorandum of understanding (MOU) of an employee's bargaining unit, the MOU will take precedence.

1.03 INTERPRETATION:

Within the limits of administrative feasibility, the Personnel Director shall be responsible for the interpretation of these rules in cases where the proper application of a rule or any portion thereof is not clearly ascertainable. When such interpretation is required, the result shall be in harmony with the objectives set forth above.

1.04 APPLICATION:

These rules shall apply

1. to elected officials except in those areas covered by state and federal law (Ord 2.36.040) and in areas regarding probation, vacation, holidays and leaves,
2. to at-will employees with the exception of Articles VII and Sections 328 and 329,
- 3.. to temporary, emergency, contract and seasonal employees with the exception of Articles VII, IX and X Sections 1006 to 1024 and Sections 328 and 329, which shall be inapplicable to such employees, since such employees either serve at-will or are subject to contractual provisions and are not eligible for benefits.
4. to all other County employees for those provisions that are not covered by their applicable memorandum of understanding,

1.05 SEVERABILITY:

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

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remaining portion of these rules.

1.06 VIOLATION OF RULES:

Violation of any of the provisions of these rules shall be grounds for discipline up to and including termination. The type and extent of disciplinary action shall be determined on a case-by-case basis.

Article II. DEFINITIONS OF TERMS

GENERAL STATEMENT:

All words and terms used in these rules and in any ordinance or resolution dealing with personnel rules and regulations shall be defined as they are normally and generally defined. For the purpose of convenience, however, the following words and terms most commonly used are hereinafter defined. Words used in the present tense include the future, except where the natural construction otherwise indicates. Words in the singular number include the plural, and words in the plural number include the singular. The word "shall" is mandatory and not discretionary. Words in the masculine shall include the feminine and vice-versa.

2.01 ADMINISTRATIVE LEAVE:

Leave of absence with pay and benefits which may be imposed or allowed by the County Administrative Officer or designee pursuant to these Rules. Administrative Leave is not an action of censure and does not presume guilt on the part of an employee. However, an employee on administrative leave may not perform any work or function for the county during the duration of the leave.

2.02 ADVANCEMENT:

A salary increase within the limits of a pay range established for a classification.

2.03 ANNIVERSARY DATE:

The date used in the rules for determination of an employee's leave accrual and service credit (see also Section 2.69)

2.04 APPELLANT:

A person who has appealed an action, inaction, charge or procedure.

2.05 APPLICANT:

A person who files an application for a position of employment with the County.

2.06 APPOINTMENT:

The designation of a person to fill a position of employment.

2.07 APPOINTING AUTHORITY:

Except for positions appointed by the Board of Supervisors, Superior Court or Governor, or the County Administrative Officer, and unless otherwise provided by state statute, the appointed or elected Department Head, upon approval of the Personnel Director, has the authority to select and appoint a person to a position of employment and shall be the appointing authority.

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2.08 ASSESSMENT CENTER:

A role-playing examination designed to simulate realistic job situations in order to gain insight as to the applicant's possession of the various skills necessary for a particular position.

2.09 DELETED

2.10 BENEFITED PART-TIME EMPLOYEE:

A regular part-time employee as defined in these Rules who works at least twenty (20) hours per week and is eligible to receive the full range of County fringe benefits on a pro-rated basis.

2.11 BEREAVEMENT LEAVE:

Leave of absence with pay due to the death of the employee's family member.

2.12 BOARD OF SUPERVISORS:

The duly elected or appointed legislative body of the County of Lassen, also referred to herein as "Board".

2.13 CANDIDATE:

A person who has taken an examination for a position in the classified service whose name has not been recorded on an employment list.

2.14 CAREER EMPLOYEE:

An employee hired for an indefinite term into a budgeted position who is regularly scheduled to work no less than 1,040 hours per year, has successfully completed his or her probationary period and has been retained as provided in these Rules.

2.15 CAREER POSITION:

A budgeted position in the classified service in which a person may become a career regular employee.

2.16 CLASS:

A group of non-represented employees who are treated as one unit for benefit and compensation purposes. All positions of employment sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.

2.17 CLASSIFICATION:

The identity of a position of employment by title. All positions of employment sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.

2.18 CLASSIFICATION PLAN:

An orderly arrangement of positions under separate and distinct classifications so that each classification will contain all those positions which are sufficiently similar in respect to duties and responsibilities to meet the requirements as established under the definition of classification.

2.19 CLASSIFICATION SERIES:

A group of classifications ranked from lowest to highest salary in which there are natural lines of progression from the lowest to the highest because of the inclusion in the higher classification(s) of those qualifications that are required in the lower classification(s).

2.20 CLASSIFIED SERVICE:

Full-time and part-time budgeted employment positions that are eligible for benefits and allocated to the classification series and the general rules for merit advancement. Part-time on call, Limited Term, Contract and Elected positions are not included.

2.21 COMPENSATION:

Salaries and wages paid to employees.

2.22 COMPENSATION PLAN:

The schedule of salary ranges and steps set forth in a salary ordinance and/or resolution for the various classifications of positions in the classification plan.

2.23 CONFIDENTIAL EMPLOYEE:

An employee who in the course of his or her duties has access to information relating to the County's administration of employer-employee relations.

2.24 COUNTY:

The County of Lassen, a political subdivision of the State of California.

2.25 COUNTY ADMINISTRATIVE OFFICER:

The County's chief executive officer, as appointed by the Board of Supervisors.

2.26 DAYS:

Calendar days, unless stated to be otherwise.

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, updated August 19, 2014, Resolution 14-044, updated December 15, 2015, Resolution #15-066

2.27 DEMOTION:

The voluntary or involuntary transfer of an employee from a position in one classification to a lower classification or to a lower position in a hierarchy of positions having a lower minimum base rate of pay.

2.28 ADEPARTMENT

A group of employees all working for the same Department Head.

2.28 DEPARTMENT HEADS:

A person elected or appointed to head a County department.

APPOINTED – The following Appointed

- County Administrative Officer
- County Counsel
- Public Defender
- Fair Manager
- Agricultural Commissioner
- County Health Officer
- Chief Probation Officer
- Child Support Services Director
- Community Development Director
- Deputy County Administrative Officer
- Director of Transportation/Public Works
- Director of Health and Social Services
- Director of Behavior Health
- Director of Community Social Services
- Director of Public Guardianship/Conservatorship
- Assistant to the County Administrative Officer/Budget Analyst
- Veteran's Services Officer

ELECTED – The following elected Officials are Elected Department Heads

- Assessor
- Auditor
- County Clerk
- District Attorney
- Sheriff/Coroner
- Treasurer/Tax Collector

2.29 DISCIPLINARY ACTION:

The discharge, demotion, reduction in pay, suspension, or issuance of a written or oral reprimand or warning, or any other action taken for punitive, corrective or disciplinary reasons, towards a County employee, but excluding performance evaluations.

2.30 DISCIPLINARY SUSPENSION:

A disciplinary action that temporarily separates an employee from County service without pay. County contribution to benefits will continue during a disciplinary suspension.

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, updated August 19, 2014, Resolution 14-044, updated December 15, 2015, Resolution #15-066

2.31 DISMISSAL:

The discharge or termination of an employee by the County from County employment.

2.32 ELIGIBILITY LIST:

A list of names of eligible persons who have taken and passed an examination process for employment and who may be ranked on the list in order of "tiers" or final scores, from highest to lowest, valid for a period of not more than three years.

2.33 EMERGENCY APPOINTMENT:

An appointment made to meet immediate requirements of an emergency situation, such as fire, flood, snow or earthquake, which threatens life or property, where such employment is not anticipated to endure beyond the duration of such an emergency.

2.34 EMPLOYEE:

A person elected or appointed to, and occupying, a position in County employment, providing personal services to the County or its residents. This excludes independent and outside contractors and volunteers serving without compensation, unless required by law to be otherwise.

2.35 EMPLOYMENT STATUS

An employee shall have the one of the following as their status

Full Time Regular Employee – An employee hired for an indefinite term into a budgeted position who is regularly scheduled to work 40 hours per week and has successfully completed his or her probationary period and has been retained as provided in these Rules.

Part Time Regular Employee – An employee hired for an indefinite term into a budgeted position who is regularly scheduled to work 20 or more hours per week and has successfully completed his or her probationary period and has been retained as provided in these Rules. This employee is eligible for benefits

Probationary Employees - Employees in regular full-time or part-time positions above who have not yet successfully completed his or her probationary period.

Substitute Appointment Employees- The appointment of a person to a regular full-time or part-time position which is filled by a regular employee who is expected to be on an authorized leave of absence without pay for more than sixty (60) continuous working days. A substitute appointment may also be made to fill the position of a regular employee who is working in a grant-funded position. Substitute employees have all the rights and benefits of the regular employees they are replacing, except for permanent status and any exclusive rights or privileges of employees with permanent status. In all cases, the duration of a substitute appointment shall be determined by the length of time

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the regular employee is absent from work. Updated March 18, 2014, Resolution No 14-015.

Temporary (Extra Help) Employee -A person who possesses the minimum qualifications established for a particular classification and who has been appointed to that classification on an other than a probationary or regular basis, but for no more than 28 hours per week. Temporary employees may work more than 28 hours in any one work week, but only after the specific written approval of the C.A.O. on a pay period per pay period basis. Such an appointment shall not exceed 1000 hours in a fiscal year. Temporary employees are at-will and will receive no benefits except paid sick leave. Temporary employees may be on-call employees, or may be hired to fill in when employees are on leave or for increased workloads. As of July 1, 2015, temporary employees will accrue paid sick leave at a rate of one hour per every 30 hours worked. Sick leave will be capped at 48 hours, or 6 days of paid sick leave.

Seasonal Employees- is a person employed only for a certain specific period of the year for the purpose of performing specific duties only required by the County during such period. This employment is limited to no more than six months. Examples of seasonal employees include, but are not limited to, employees who work only during the spring and summer months in road repair activities, weed spraying, at the fair, summer boat patrol, or during winter months for purposes relate to cold weather conditions. Seasonal employees must not perform non-seasonal duties. Seasonal employees are at-will and will receive no benefits except paid sick leave. As of July 1, 2015, seasonal employees will accrue paid sick leave at a rate of one hour per every 30 hours worked. Sick leave will be capped at 48 hours, or 6 days of paid sick leave.

Retired Annuitant- is a person who is employed by the County while simultaneously collecting retirement benefits from the California Public Employment Retirement System (CALPERS). A person who is currently collecting retirement benefits from CALPERS may become employed by the County, after a legally appropriate waiting period from date of retirement, with a pre-determined end date of employment with the County, up to 960 hours in a fiscal year. Such employment shall only be allowed because (1) an emergency exists and the employment is necessary to prevent the stoppage of the public business, (2) to eliminate the existence of "backlog", (3) for special projects, or (4) the retired employee possesses skills needed to perform work of limited duration.

Being a retired annuitant is not an employment status of its own within the meaning of article 2.35 of these rules. Limitations imposed upon individuals wishing to work as a retired annuitant are limitations imposed in addition to those otherwise imposed pursuant to these rules.

A retired annuitant may not serve as a Full Time Regular, Part Time Regular, or Substitute Appointment Employee. A retired annuitant may serve as a Temporary (Extra Help) Employee or a Seasonal Employee, however as a result of CALPERS rules the retired annuitant is not eligible to receive benefits including sick pay.

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, updated August 19, 2014, Resolution 14-044, updated December 15, 2015, Resolution #15-066

2.36 FAMILY MEMBER:

An employee's or applicant's husband, wife, parent, brother, sister, child, grandparent and grandchild and the corresponding relation by affinity.

2.37 FULL-TIME REGULAR EMPLOYEE

An employee hired for an indefinite term into a budgeted position who is regularly scheduled to work 40 hours per week and has successfully completed his or her probationary period and has been retained as provided in these Rules.

2.38 GRIEVANCE:

A claim by an employee or recognized employee organization that the County has violated, misinterpreted or misapplied a provision of these rules, a memorandum or understanding applicable to such employee, an ordinance, resolution or other term or condition of employment, but specifically excluding any disciplinary matter or any performance evaluation.

2.39 GRIEVANCE PROCEDURE:

The process, set forth hereinafter, by which the merits of a grievance are determined.

2.40 HIRE DATE:

The first date of employment of an employee.

2.41 IMMEDIATE SUPERVISOR:

The lowest level supervisor who directs the work of an employee, has immediate jurisdiction over an employee and has been designated as the initial recipient of a grievance.

2.42 INDUSTRIAL ACCIDENT/ILLNESS LEAVE:

A period of time, either paid or unpaid, provided to an employee who is disabled due to an injury or illness arising out of and in the course of his or her employment to recover from such injury or illness.

2.43 LABOR AGREEMENT (OR MEMORANDUM OF UNDERSTANDING)

An agreement approved by the Board and signed by the County Administrative Officer and representatives of a county bargaining unit. Unless specified in the Labor Agreement, the terms and conditions of the agreement will take precedence over these rules.

2.44 LAYOFF (REDUCTION IN FORCE):

The separation of employees from the active work force due to lack of work or funds, or due to the abolition of positions by the Board due to such reasons or due to organizational changes.

2.45 LEAVE OF ABSENCE WITH PAY:

Any approved extended (over 4 days) time off with pay. Administrative leave is one type of leave of absence with pay. Family and medical leave, when the employee uses sick leave pay or vacation could also be a leave of absence with pay.

2.46 LEAVE OF ABSENCE WITHOUT PAY:

A period of time during which an employee may take off without receiving compensation or benefits, unless otherwise stated in these Rules.

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2.47 DELETE-

2.48 MANAGEMENT:

A representative of the County who is engaged in developing, implementing or recommending policy, including but not limited to the Board, County Administrative Officer, elected County Officers and their immediate assistants, Department Heads and their immediate assistants and deputies, and others who recommend or otherwise significantly affect County or department policy.

2.49 MERIT SALARY INCREASE:

The increase of an employee's salary within the salary range established for the classification of the position the employee occupies, resulting from satisfactory job performance in such position.

2.50 OVERTIME:

The time in which an employee who is subject to the FLSA is required or permitted to work in any pay period beyond the normal number of hours of work pay period prescribed for such employee in the classification, (40 hours unless otherwise provided in an applicable memorandum of understanding, if provided by the U.S. Fair Labor Standards Act of 1938, as amended, 29 U.S.C 201 et seq.).

2.51 PART-TIME EMPLOYEES:

Part-Time Regular Employee – An employee hired into a budgeted position who is regularly scheduled to work 20 or more hours per week and has successfully completed his or her probationary period and has been retained as provided in these Rules. This employee is eligible for benefits on a prorated basis.

2.52 PERSONNEL ORDINANCE:

Ordinance No. 473-A adopted by the Board which establishes Personnel Rules and Regulations.

2.53 POSITION:

A collection or group of duties and responsibilities that require the full- or part-time services and employment of one person.

2.54 PROBATIONARY EMPLOYEE:

An employee who, during a probationary period, is required to demonstrate his or her fitness by actual performance of the duties of the position to which he or she has been appointed.

2.55 PROBATIONARY PERIOD:

A period of time following the appointment of an employee to be considered an integral part of the examination, recruitment, testing and selection process during which the employee is required to demonstrate satisfactory fitness for the position to which he or she has been appointed by actual performance of the duties of such position.

2.56 PROMOTION:

The movement of an employee from one classification to a different classification having a higher maximum base rate of pay.

2.57 PROMOTIONAL EMPLOYMENT LIST:

A list of names of eligible employees who have taken and passed a promotional examination or who are eligible for a position in the classified service and who may be ranked on the list in order of tiers or final scores, from highest to lowest, valid for a period of not more than three years.

2.58 PROMOTIONAL EXAMINATION:

An examination for a particular classification or position that is open only to eligible incumbent employees meeting the qualifications for the classification or position.

2.59 PROVISIONAL APPOINTMENT (MAY BE CALLED UNDERFILL):

The appointment of a person who has not yet completed the requirements for certification that is necessary because no persons have qualified or the position has been identified as a training position.

2.60 RANGE:

A number assigned to a position title that indicates the salary steps for that position.

2.61 REASONABLE CAUSE:

The facts, conditions or circumstances existing that may justify disciplinary action against an employee, as that term is understood as a matter of law.

2.62 RECLASSIFICATION:

The reassignment of a position from one classification to a different classification at the same or different salary step, in accordance with a re-evaluation of the qualifications, duties and responsibilities of the position.

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, updated August 19, 2014, Resolution 14-044, updated December 15, 2015, Resolution #15-066

2.63 REGULAR EMPLOYEE:

An employee in the classified service who has successfully completed his or her probationary period and has been retained.

2.64 REINSTATEMENT:

The restoration without examination of a former employee to the same or lower classification within the same classification series in which the employee formerly served as a regular employee.

2.65 REJECTION:

The separation of an employee from the classified service during his or her probationary period.

2.66 RESIGNATION:

The voluntary separation by an employee from County employment.

2.67 RULES:

These personnel rules, as they may be amended from time to time.

2.68 SAFETY EMPLOYEE:

An employee in the Sheriff's Department who is a "peace officer" within the meaning of the provisions of the California Penal Code and whose official duties in the protection of life and property qualify him or her as a "safety member" under the Public Employees Retirement System.

2.69 SALARY ANNIVERSARY DATE:

The date on which an employee is eligible for a salary review (see Section 506).

2.70 SALARY SCHEDULE:

An annual listing of the minimum to maximum salary ranges of pay for all defined County positions as recommended by the County Administrative Officer and adopted by the Board by resolution.

2.71 SALARY RANGE:

Where applicable, the range of pay an employee may earn while employed in a particular position.

2.72 DELETE , SEE 2.35 :

2.73 SICK LEAVE:

Absence from work of an employee because of illness or injury to the employee not incurred on the job, such as that due to exposure to contagious disease, medical or dental appointments, or care for a sick member of an employee's family.

2.74 STEP:

The various increments of a salary range, from minimum to maximum, authorized for the classification in question.

2.75 TEMPORARY ASSIGNMENT:

The temporary assignment of an employee to duties other than those of said employee's regular position. All temporary assignments are at the will and discretion of the appointing authority.

2.76 DELETE, SEE 2.35

2.77 TERMINATION:

The separation of an employee from County service because of retirement, resignation, death or dismissal.

2.78 TRAINING:

A management strategy and methodology for the planning and carrying out of short-term educational experiences and designed primarily to increase the skill levels of employees.

Training includes workshops, seminars or courses with the aid of lectures, audio visual materials, case studies, as well as large and small group interactions.

2.79 TRANSFER:

The movement of an employee from one classification to another or from one department to another without changing the employee's range or maximum salary rate. The Personnel Director shall take reasonable steps to inform employees of transfer opportunities. Employees transferring from one department to another must go through the application process (see Section 510).

2.80 DELETED

2.81 Y-RATING

The freezing of the salary of an employee at the dollar amount, until such time as the assigned range, step and any added premiums exceeds the dollar amount at the time the y-rating is applied. Y-rated employees are not eligible for COLA's, longevity premiums, or any other increases in pay until such time.

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Article III. GENERAL PROVISIONS

300 ADMINISTRATION:

The County Administrative Officer or his or her designee shall be responsible for the administration of these rules. The County Administrative Officer may delegate any of the powers and duties related herein to the Personnel Director or any department head.

The County Administrative Officer shall:

(a) Act as the appointing authority for all County employees except those who are elected or who are directly appointed by the Board, Superior Court or the Governor, or who are otherwise appointed as provided in state statute. The County Administrative Officer may delegate the appointing authority to Department Heads for their respective departments.

(b) Administer all of the provisions of these rules except as specifically reserved for the Board.

(c) Prepare and recommend to the Board any appropriate rules and revisions to these rules, subject to the meet and confer requirements of the Meyer-Milias-Brown Act, Government Code section 3500 et seq.

(d) Prepare or cause to be prepared, and revise as appropriate, a position classification schedule, including classification specifications.

(e) Have the authority to recommend reclassifying employees in accordance with classification established by salary schedule and article 404 of these rules.

(f) Provide for: The publishing or posting of notices of examinations for positions in the County service; the receiving of applications therefore; the conducting and grading of examinations; the establishment of lists of all persons eligible for appointment to the appropriate position in the County service; and the performance of any other duty which may be desirable or required for the effective implementation of these rules.

301 AMENDMENT OF RULES:

Recommendations for amendment and revisions of these rules may be made by the County Administrative Officer and/or the Personnel Director to the Board. Prior to consideration by the Board, any proposed amendment shall be subject to the meet and confer process pursuant to the Meyers-Milias-Brown Act, Government Code 3500 et seq., with all duly recognized employee organizations.

Under the authority of Resolution No. 97-037, amendments and revisions to this policy shall be adopted by resolution.

302 MANAGEMENT RIGHTS:

The County reserves, retains and is vested with, solely and exclusively, all rights of management which are not expressly abridged by law to manage the County. The County may exercise its management rights unilaterally without the obligation to meet and confer on the decision to exercise such rights. However, the County shall meet and confer on the impact thereof pursuant to section 302a of these rules. The sole and exclusive rights of management shall include, but not be limited to, the following:

- (a) To manage the County generally and to determine all issues of policy;
- (b) To determine the existence or nonexistence of facts which are the basis of management decisions;
- (c) To determine the necessity of organization of any service or activity conducted by the County and expand or diminish such services;
- (d) To determine the nature, manner, means and technology and extent of services to be provided to the public;
- (e) To determine methods of financing;
- (f) To select types of equipment or technology to be used;
- (g) To determine and/or change the facility, methods, technological means, and size of the work force by which County operations are to be conducted;
- (h) To determine and change the number of locations, relocations and type of operations, processes and materials to be used in carrying out all County functions including, but not limited to, the right to contract or subcontract any work or operation of the County;
- (i) To assign work to and schedule employees in accordance with requirements as determined by the County and to establish and change work schedules and assignments upon reasonable notice and in accordance with these rules and memoranda of understanding;
- (j) To relieve employees from duties for lack of work, funds, or similar non-disciplinary reasons;
- (k) To determine and modify productivity and performance programs and standards;
- (l) To discharge, suspend, demote or otherwise discipline employees for proper cause;
- (m) To determine job classifications and to reclassify positions in accordance with these rules and applicable resolutions and ordinances of the County;
- (n) To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with these rules and applicable ordinances and resolutions of the County;
- (o) To determine and administer policies, procedures and standards for selection, training and promotion of employees in accordance with these rules and applicable resolutions and ordinances of the County;

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

(p) To establish employee performance standards including, but not limited to, qualification and quantity standards and to require compliance therewith;

(q) To take any and all necessary action to carry out the functions of the County in emergencies.

302 A IMPACT OF EXERCISE OF MANAGEMENT RIGHTS:

Except in emergencies, whenever the exercise of management rights shall impact on employees within a designated bargaining unit, the County shall offer to and thereafter on request meet and confer with any employee organization which has been recognized by the County as representing such bargaining unit regarding the impact of the exercise of such rights. By agreeing to meet and confer as to the impact of the exercise of management rights, the County's discretion in the exercise of such rights and the implementation thereof shall not be diminished, held in abeyance or prohibited.

303 DEPARTMENT RULES:

Departmental rules may be adopted and administered by a department head for his or her department if such rules are supplemental to and not inconsistent with these rules and if previously approved in writing by the Personnel Director.

304 SUPERVISION BY DEPARTMENT HEADS:

Department heads shall be responsible for effective supervision of their respective employees as well as for maintenance of appropriate working relationships. Department Heads shall notify the Personnel Director prior to making any significant changes in the duties of an employee and request a reclassification per Article IV, Section 404 of these rules.

305 FAIR EMPLOYMENT PRACTICES:

The County offers equal opportunity in all matters of employment. Employment is based solely upon the qualifications of the individual applicant. The County shall not discriminate against any employee or applicant for employment because of such person's race, color, sex, gender, age, national origin, ancestry, religious creed, marital status, veteran's status, physical or mental disability, medical condition, sexual orientation or political belief. Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the Personnel Director, is not reasonably linked to successful job performance.

306. HARASSMENT POLICY:

Unlawful harassment includes, but is not limited to, racial slurs, jokes, or other verbal or physical conduct relating to an individual's gender, religion, age, marital status, sexual orientation, race, color, national origin, physical or mental disability, medical condition, political affiliation or ancestry: where such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Any form of harassment against a person because of that person's religious creed, physical or mental disability or medical condition, marital status, gender or sexual orientation or age is also strictly prohibited. All employees and applicants are to be treated with respect and dignity. Any form of harassment, including verbal, physical and/or visual conduct by an employee will not be tolerated under any circumstances. All such forms of harassment are strictly prohibited.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either submission to such conduct is made an explicit or implicit term or condition of employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or affect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. All such forms of harassment are likewise strictly prohibited.

Any employee found to have engaged in any form of prohibited harassment shall be subject to disciplinary action up to and including discharge. Any employee who believes he or she has been subjected to prohibited harassment by a fellow employee, supervisor or other agent of the County should promptly report the facts of the incident and the names of the persons involved to his or her department head or to the Personnel Director. All supervisors are required and all other employees are encouraged immediately to report any incidents of alleged prohibited harassment to the Personnel Director, who shall investigate all such claims and initiate any appropriate disciplinary action. Failure to report any such incident may be grounds for disciplinary action up to and including dismissal. The County has adopted a comprehensive sexual harassment policy which is incorporated herein by reference.

307 NEPOTISM POLICY:

An applicant shall not be denied the right to file an application and to be considered for employment because a family member is an employee of Lassen County. However, the County will not hire or place a person under the direct supervision of a family member.

Upon the marriage of two county employees which would place one under the supervision of another, the county will make every attempt to transfer one employee to another position. If no suitable position exists, the employees will be given an option of which one will resign. In the event neither employee resigns, the one with the least seniority will be laid off. Employees resigning or laid off under this section will be considered an "in house" employee for a period of 18 months for the purpose of applying for position vacancies and all seniority and sick leave will be credited to the employee if rehired.

When an eligible candidate is refused appointment by virtue of this section, the name of the candidate shall remain on the eligibility list for openings in the same classification, as otherwise provided in these rules. In no case shall an employee participate directly, or indirectly, in the recruitment or selection process for a position for which the employee's family member has filed an employment application.

308 POLITICAL ACTIVITIES:

Employees shall not campaign or conduct any political activity while performing scheduled activities during normal work hours. An employee who seeks elective office of the County may either request an unpaid leave of absence or use accrued vacation/compensatory time off during campaign activities. If successful in the election, the employee shall be deemed to have resigned from his or her position with the County upon assuming office.

309 GRATUITIES AND GIFTS:

Because the very nature of service rendered by a County employee requires unimpeachable public trust, confidence and impartiality of service by each and every employee, it is the County's policy, consistent with effective public relations, that an employee shall disclose to his or her Department Head any personal gift received which exceeds \$50.00 in value which is received from any person or entity with whom the employee has contact as a County employee. Further, no employee shall accept any personal gift or combination of personal gifts from a single source in excess of \$250.00 in value; and shall not accept any personal gifts, regardless of value, which could be construed by reasonable persons to raise a suspicion as to the employee's purpose for performing his or her duty or any public service in connection with his or her official duties as an employee of the County.

310 PERSONAL TELEPHONE CALLS:

Telephones provided by the County are for use in conducting County business. Use of County telephones by County employees for personal reasons, which are local and non-long distance, is not prohibited, but such calls shall be kept to a minimum. County telephones may not be used for personal long distance calls unless charged to a credit card or by other means billed to a non-county phone and, in general, should be restricted to arranging for medical needs.

311 OUTSIDE EMPLOYMENT:

No County employee shall engage in any outside employment that is prohibited as an inconsistent, incompatible or conflicting activity by Government Code section 1126. No County employee shall engage in any outside employment or activity which is potentially incompatible with his or her County employment or which creates any actual or potential conflict of interest with such employee's duties for the County without first obtaining written approval from his or her department head and the County Administrative Officer. Approval will not be unreasonably withheld so long as the outside employment does not negatively affect the employee's job performance with the County.

No County employee may enter into any contract or agreement to provide the same services to the County as required by his/her position. With the approval of the County Administrative Officer an employee with special skills or knowledge may work for another department on overtime. Nothing about this requirement shall restrict retired or former employees from contract or part-time work.

312 ALCOHOL AND DRUG-FREE WORK PLACE:

It is the County's intent to maintain a drug-free work place. Any employee found to be in violation of this policy shall be subject to disciplinary action up to and including discharge. The County has adopted a "Drug-Free Workplace Policy Manual which is incorporated herein by reference.

The unlawful manufacture, distribution, dispensation, possession or use of any illegal drug or controlled substance is prohibited on the job or in the County's work place. The county reserves the right to require that an employee undergo testing if the County determines that probable cause exists to believe that an employee is under the influence of alcohol, any illegal drug or controlled substance. Any employee found to be in violation of this policy or who has been convicted of violating a criminal drug statute shall be subject to the disciplinary actions which are outlined in these rules. The county shall make every effort to place a willing employee with an available employee assistance program or service for purposes of rehabilitation under appropriate circumstances, in conjunction with or in mitigation of disciplinary action.

313 PERSONNEL RECORDS AND FILES:

The Personnel Director shall maintain official personnel files for each County employee showing the name, title of position held, department to which assigned, salary and employment history and status, performance evaluations, records of disciplinary actions, and such other information as may be considered pertinent by the Personnel Director. Supervisors may keep working files with current notes no more than one year old and/or such information which is required by law to be kept at the employment site, but material must be forwarded to the official personnel file to be considered in disciplinary actions.

(a) **INSPECTION OF FILE BY EMPLOYEE:** Upon appropriate request, an employee may inspect his or her personnel file. Such inspection shall occur at a time and in a manner mutually agreed upon by the employee and the County. An employee who has a written grievance or appeal may have a representative or counsel of his or her choice present during such inspection.

(b) **RECEIPT OF COPIES OF RECORDS:** Copies of materials in an employee's personnel file shall be provided to the employee upon request (within 5 working days). The employee shall bear the cost of duplication.

(c) **PRE-EMPLOYMENT INFORMATION:** Pre-employment information, such as reference checks and responses, or information provided the County with the specific request that it remain confidential, shall not be subject to inspection or copying by the employee or applicant.

(d) **PLACEMENT IN FILE:** Upon request of the employee, an employee may place documents in his or her personnel file that commends his or her job performance with the County or demonstrates educational attainment. Disciplinary documents shall be placed in the personnel file. An employee shall be provided a copy of any documents placed in his or her personnel file.

(e) **RETENTION OF RECORDS:** The files of all employees who have separated from County employment, regardless of reason, shall be retained for a minimum of five (5) years after the employee's date of separation. All employment applications of persons who are not offered employment with the County shall be retained for a minimum of three (3) years.

314 RELEASE OF INFORMATION:

No person other than the employee, his or her designated representative, County Administrative Officer, Personnel Director, County Counsel, special legal counsel, the employee's department head, or their designated representatives, shall have access to an employee's personnel file.

315 DISCLOSURE OF INFORMATION:

Except as provided above, as is authorized by law, or upon receipt of a duly executed written authorization from an employee, the only information that shall be disclosed from the personnel file of a current or former County employee will be the employee's current or final job title, inclusive dates of employment with the County and current or final pay.

316 REFERENCE CHECKS:

It is the policy of the County that all reference checks and requests for information concerning current or former employees be responded to only by the County Administrative Officer, Personnel Director or Department Head. No other County employee shall provide any information concerning a current or former County employee. All such requests for information, whether received personally, by telephone or in writing, shall be directed to the Personnel Director or Department Head. Any violation of the above shall be considered grounds for disciplinary action.

317 USE IN DISCIPLINARY PROCEEDINGS:

Nothing herein shall preclude or specifically deny the use of any information in an employee's personnel file where relevant in any phase of a disciplinary or probationary action, by either the County or the employee.

318 SMOKING POLICY:

The use of tobacco is prohibited in all County facilities and County vehicles, and within 15 feet of occupied buildings.

319 WORKPLACE VIOLENCE POLICY

The County of Lassen is committed to the safety of all of its employees and citizens. It is determined to strive for an atmosphere free from actual or threatened workplace violence against them.

Any act of workplace violence or threatening conduct, whether directed against a co-worker, subordinate, manager or outside party will not be tolerated. This conduct includes but is not limited to:

- a. Bringing any firearm, knife (other than pocketknife) or other weapon into/onto county-owned or leased property or while on county business unless authorized in advance.
- b. Striking, punching, slapping or assaulting another person.
- c. Fighting or challenging another person to a fight
- d. Threatening harm to another person in any way

In accordance with Title 8, CCR Section 3202, resolution 00-048, Zero Tolerance to Violence and Threats in the Workplace is incorporated herein as policy of the County of Lassen.

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321 SEARCH OF LOCKERS, DESKS AND OTHER CONTAINERS:

Lockers, desks and other containers provided to employees for their convenience are and remain County property. Such lockers, desks and other containers are to be secured by County locks. No personal locks are to be used. The County specifically retains the right to open and search any such locker, desk or container at any time for any purpose. These will not be opened and inspected without the employee's consent or presence, or without the employee having been given reasonable prior notification.

322 SAFETY AND HEALTH:

Each employee shall comply with all applicable safety laws, rules and regulations. All employees shall follow safety practices, use personal protective equipment as required, render every possible aid to safe operations, and report to proper authority all unsafe conditions or practices. All work place injuries shall immediately be reported to the supervisor, department head and risk manager. Any violation of this requirement shall be a basis for disciplinary action. Employees are responsible for reading and understanding their respective Injury and Illness Prevention Plan which they are provided during orientation.

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324 PERSONAL PROPERTY DAMAGE:

With approval of the County Administrative Officer any employee who suffers damage to his or her personal property used in the scope of employment may be reimbursed for said damage upon certification by the department head that such damage occurred in the course of his or her employment and that the amount claimed is reasonable.

325 CONTRACTS FOR SPECIAL SERVICES:

The County Administrative Officer and/or Personnel Director shall consider and make recommendations to the Board regarding contracting for the performance of technical services in connection with the establishment or operation of the personnel system. The Board may contract with any qualified person or public or private agency for the performance of any or all of the following:

- (a) The preparation of personnel rules and subsequent revisions and amendments thereof.
- (b) The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- (c) The preparation, conduct and grading of qualifying tests.
- (d) The conduct of employee training programs.
- (e) Special and technical services of advisory or informational character on matters relating to personnel administration.

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(f) Professional services.

(g) Independent contracting with one or more individuals, business entities or other agencies for the purpose of obtaining any services deemed by the Board of Supervisors in its discretion to be necessary or desirable for the operation of County operations, facilities or services.

(h) Any other services as shall be deemed by the Board to be appropriate.

326 CONFLICT OF INTEREST:

All County employees and officials required to do so by the Political Reform Act of 1974, as amended (Government Code 87100 et seq.), or by the County Conflict of Interest Code shall comply with all statutes, regulations and ordinances regarding conflict of interest and incompatible activities. Failure to do so may constitute grounds for disciplinary action up to and including termination.

327 RECORDING OF CONVERSATIONS:

Except as specifically provided by statute, e.g. Government Code 3303, recordings of conversation between employees and supervisors may only be made with the prior consent of all participants.

327.1 DELETED, REPLACED BY POLICY 03-P02

327.2 DELETED, REPLACED BY POLICY 03-P02:

328 Disciplinary Action

A regular employee may be discharged, suspended or demoted pursuant to this section. This procedure shall apply only to employees in non-represented positions or classifications who are not subject to the appropriate procedure in the governing memoranda of understanding. This section shall not apply to appointed department heads.

Examples of grounds for disciplinary action shall include, but not be limited to, the following:

- (1) Incompetence or inefficiency;
- (2) Insubordination;
- (3) Dishonesty;
- (4) Fraud in securing employment;
- (5) Substance abuse;
- (6) Misuse of county property;
- (7) Violation of occupational safety and health regulations.

(a) Employees receiving oral or written warnings as disciplinary actions are not subject to the procedures listed below in (b) through (e), but shall use the grievance procedure

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in Section 329 Step I through Step III below.

(b) Employees shall be provided written notice of a proposed discharge, suspension or demotion at least five (5) working days in advance of the date the action is proposed to be taken. The notice shall be personally served upon the affected employee or served by certified mail.

(c) A notice of proposed disciplinary action shall contain:

(1) The proposed action and the complete statement of the reasons for such action, which shall include the rule, regulation or ordinance violated, if applicable;

(2) A statement informing the employee of his rights to respond, either orally or in writing, to the Department Head within five (5) working days;

(3) Notice that the employee has a right to be represented at all stages of these proceedings;

(4) Notice that the employee has a right to appeal the action

5) Copies of all materials on which the charges are based or a statement indicating where the materials upon which the charges are based are available for inspection.

(d) Should the Department Head determine to proceed with the disciplinary action following the employee response or should the employee choose not to respond prior to the effective date of the discipline, the employee shall have up to ten (10) working days from the effective date of the discipline to notify the Personnel Director that he/she wants the matter heard before a Hearing Officer. The request shall be in writing and shall contain the grounds for the appeal.

(e) Should the employee choose to have the matter heard before a Hearing Officer, the parties shall jointly request a list of five neutrals from the State Conciliation Service. Within five (5) working days after receiving the list of neutrals, the parties shall select a name from the list and shall notify the State Conciliation Service of the name of the selected Hearing Officer. If the parties are unable to agree on a name, the Hearing Officer shall be selected by alternately striking a name from the list, with the first option to strike determined by lot. Any cost of the service of the Hearing Officer shall be shared equally by the parties. At the hearing, all parties will be entitled to be represented, present witnesses and evidence, and cross examine opposing witnesses. The decision of the Hearing Officer shall be final and binding except that such decision shall be advisory and subject to ratification by the Board of Supervisors only if said decision mandates a capital expenditure or significant, unbudgeted expenditure. In those instances, actions by the Board of Supervisors may include modifications or reversals.

329. GRIEVANCE PROCEDURE:

The County of Lassen recognizes that early settlement of grievances is essential to effective employee-employer relations. Therefore, every effort will be made to resolve grievances at the earliest possible level. The Personnel Department shall serve as the repository for all grievances filed, and a copy of the documents related to each step in

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the grievance process shall be filed therein. This section shall not apply to appointed department heads and shall apply only to employees in non-represented positions or classifications and those who are not subject to an appropriate procedure in the governing memoranda of understanding.

Grievance is defined as a claim that the County has violated, misinterpreted or misapplied a provision of these rules, an ordinance or a resolution. Excluded from this procedure are disciplinary actions that would fall under section 328 of these rules.

For position classification matters, including content of job descriptions and promotion matters or those matters defined under management rights, the following process may be used but shall end with Step III.

(a) **Step I: Discussion with the Immediate Supervisor.** The discussion shall be held within ten working days of the date of the event giving rise to the complaint or the date the action could reasonably have been expected to be known to the grievant. Failure to do so will render the grievance null and void. The employee must identify the matter being discussed as a grievance. It is the intent of this step that at least one personal conference be held between the aggrieved employee and the immediate supervisor. The immediate supervisor shall respond in writing to the grievant within five working days of the discussion with the grievant.

(b) **Step II: Formal Written Grievance to the Department Head.** In the event the employee believes that the grievance has not been satisfactorily resolved, and the employee wishes to pursue the matter, he/she shall submit a formal written grievance to the department head within five working days after the receipt of the immediate supervisor's response. The grievant shall clearly state the nature of the grievance and provide the time, place, other persons involved and other pertinent information. Within five working days from the receipt of the written grievance the department head shall hold a meeting with the grievant and deliver his/her written decision to the grievant.

(c) **Step III: CAO.** Should the grievant remain unsatisfied with the written response of the department head, and should he/she wish to pursue the matter, then he/she shall submit the grievance to the CAO within five working days after the receipt of the department head's response. Within ten working days from the receipt of the grievance, the CAO shall issue a written decision to the grievant.

(d) **Step IV: Hearing Officer.** Should the grievant remain unsatisfied with the written response of the CAO, and should he/she wish to pursue the matter, then he/she shall notify the Personnel Director within five working days of having received the department head's written response that he/she wants the grievance heard before a Hearing Officer. The parties shall jointly request a list of five neutrals from the State Conciliation Service. Within five working days after receiving the list of neutrals, the parties shall select a name from the list and shall notify the State Conciliation Service of the name of the selected Hearing Officer. If the parties are unable to agree on a name, the Hearing Officer shall be selected by alternately striking a name from the list, with the first option to strike determined by lot. Any cost of the service of the Hearing Officer shall be shared equally by the parties.

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At the hearing, all parties will be entitled to be represented, present witnesses and evidence, and cross-examine opposing witnesses. The decision of the Hearing Officer shall be final and binding except that such decision shall be advisory and subject to ratification by the Board of Supervisors only if said decision mandates a capital expenditure or significant, unbudgeted expenditure. In those instances, actions by the Board of Supervisors may include modifications or reversals.

Article IV. CLASSIFICATION PLAN

401. PREPARATION, ADOPTION AND AMENDMENT:

The Personnel Director shall ascertain and record the duties and responsibilities of all County positions for inclusion in the classification plan, except for those held by elective officers, those appointed by the Governor, or listed by state statute. The classification plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work are included within the same classification, and that the same schedules of compensation shall apply to all positions in the same classification. Each classification shall have a written specification setting forth the title of the position, defining the position, describing the duties and responsibilities of persons filling those positions, and setting forth qualifications of applicants for the classification. Classification specifications are explanatory, but not restrictive. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills.

The classification plan shall be amended or revised, as required, in the same manner as originally established and described herein.

402. ALLOCATION OF POSITIONS:

The number and classification of regular positions shall be as approved by the Board of Supervisors in the annual budget. Any new positions or additions in number or change in classification from the previous year's budget must be listed and approved by the Board of Supervisors separate from the budget approval process. After the budget is adopted, Department heads shall not appoint more persons to a classification at any given time than the salary resolution provides, without prior Board approval and authorization. Only allocated positions which have been approved by the Board may be filled, except that emergency and temporary positions may be approved and filled by the County Administrative Officer without prior Board approval.

403. NEW POSITIONS:

When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a classification, unless otherwise provided by these Rules. The Personnel Director shall amend the classification plan to establish an appropriate classification for the new positions.

404. RECLASSIFICATION:

The duties of positions which have been changed substantially so as to require reclassification, shall be allocated to an appropriate classification, whether new or existing, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding rules governing demotions or promotions.

Should the duties of a position change, the department head may request the reclassification of the position. After proper review or study by the Personnel Director, the position may be allocated to a higher or lower classification by the Board. The wage level of any employee holding a reclassified position shall be treated the same as a promotion or demotion (see section 508 and 509) No change in the title of any job classification shall affect the tenure of the holder thereof where the position is, in effect, continued in existence

405. TYPES OF APPOINTMENT:

Except for temporary vacancies and provisional (limited term) appointments, all vacancies shall be filled by transfer, promotion, demotion or from candidates on an appropriate eligibility list if one is available. In the absence of eligible candidates in one of the above categories, temporary appointments may be made in accordance with these rules pending development of a list of eligible candidates.

406. EMERGENCY APPOINTMENTS:

To meet immediate requirements of an emergency condition which threatens life or property, the County Administrative Officer may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. If not determined otherwise by an applicable provision or by a disaster preparedness plan approved by the Board, the method of hiring for emergency appointments shall be subject to the discretion of the County Administrative Officer. All such appointments shall be reported to the Board as soon as possible and shall be compensated at an hourly rate as approved by the County Administrative Officer. Emergency appointees shall not be regular employees of the County, shall not be entitled to appeal disciplinary actions and shall not accrue vested rights to continued employment beyond the duration of the emergency for which they are employed. These employees will not receive County benefits.

407. ACTING APPOINTMENTS:

If deemed to be in the best interest of the County, the County Administrative Officer may authorize and approve an acting appointment in order to fill either a temporary (e.g. due to maternity, industrial accident or military leave) or regular (e.g. due to an employee's resignation or termination) vacancy. If the position being filled on an acting basis would normally require Board approval (i.e. direct board appointee), the Board shall approve the County Administrative Officer's acting appointment.

(a) An acting appointment may be authorized for a period not to exceed six (6) months from the date of appointment, , subject to extensions of additional six (6) month increments on written approval of the County Administrative Officer/Chief Executive Officer, or Board, as the case may be. All acting employees must meet the minimum qualifications for the vacant position. Updated March 18, 2014, Resolution No. 14-015.

An acting employee who is not currently a County employee shall be compensated as is mutually agreed upon.

(b) During the acting period, the employee will be assigned the title of the acting position and will be paid at the lesser of (a) the minimum rate of the salary range of the classification of the acting position or (b) an advanced step within that range which provides an approximate 5% increase above the employee's rate of pay prior to the acting appointment. In all instances, the amount of the salary increase for an acting appointment must not exceed the top of the salary range for the classification of the acting position.

(c) While serving in an acting capacity, the regular employee shall continue to receive the County benefits of his or her regular position. In addition, if an employee receiving overtime benefits is assigned to a temporary position which does not receive overtime benefits, the employee shall receive overtime pay for authorized overtime hours for the duration of the temporary assignment.

(d) No acting employee shall be entitled to any merit increase in the position which he or she holds in a temporary capacity. However, a regular employee, in an acting position, shall continue to accrue seniority in his or her regular position and shall be eligible to receive merit increases in the regular position.

(e) Acting appointments shall not be construed to create or imply any right of an employee to be appointed as a regular employee to the position which he or she is filling on an acting basis.

(f) This section shall not be construed to prohibit the employment by an entity to provide the services to the County on a temporary, indefinite or other basis.

408. WORKING OUT OF CLASSIFICATION:

Unless otherwise provided in a memorandum of understanding, any full-time non-probationary employee assigned by the Department Head, with approval of the Personnel Director, to work in a higher classification under extraordinary circumstances will receive approximately a 5% salary increase for all time worked in the higher classification when approved by the Personnel Director.

Nothing herein shall be construed as limiting management's authority to assign County employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies or necessary special, limited time assignments.

The assignment of deputies or assistants to fill in for management during vacations or short-term leaves shall not be construed as extraordinary circumstances or as working

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out of classification for the purpose of this section.

Article V. COMPENSATION PLAN

501. PREPARATION OF PLAN:

A wage and classification plan should be prepared and periodically reviewed and revised as deemed necessary by the Personnel Director.

It is anticipated that from time to time there may need to be a broad review of the entire plan which would be completed by an outside contractor.

From time to time, the Board will adopt a benefit plan that will outline benefits for County employees or categories thereof as determined by the Board. For represented employees, this benefit plan will be negotiated through labor negotiations and the resulting Memoranda of Understanding will be appended to these rules.

The County Administrative Officer will propose adjustments to benefits for the recognized class of department heads and other non-represented employee groups.

502. ADOPTION OF PLAN:

The Board shall review the proposed compensation plan, make any changes the Board believes necessary or desirable and at its discretion approve the plan by incorporating it in a salary resolution.

503. APPLICATION OF RATES:

An employee shall be paid a salary within the monthly range or rate or equivalent hourly rate established for the classification to which he or she has been appointed as provided in the salary resolution.

504. SALARY PAYMENT PROCEDURES:

(a) **SCHEDULE OF PAYMENTS:** Employees shall be paid on a schedule of dates approved by the Board, (currently bi-weekly and consisting of 26 pay periods per year.)

(b) **CERTIFICATION:** Each department head or authorized designee shall, at the time he or she submits the payroll to the Auditor, certify that each employee has performed the number of days of work shown. The Auditor shall not issue a payroll warrant unless there is an authorized position supported by a valid personnel action form to substantiate the rate shown on the department payroll for each employee.

505. COMPENSATION FOR NEW EMPLOYEES:

Budgeting for and hiring of new employees shall be at the first step of the salary range for the classification for which he or she is appointed. If the Personnel Director finds that qualified applicants cannot be recruited successfully at the first step, the County Administrative Officer may approve an appointment up to the "C" step of the range. If the County Administrative Officer finds that qualified applicants cannot be recruited successfully at the "B" or "C" step, he or she may request that the Board authorize an appointment at a higher step of the range.

506. ANNIVERSARY DATE:

Each regular employee whose position is allocated to a classification with a salary range shall have an anniversary date assigned.

(a) **NEW OR PROMOTED EMPLOYEES:** For those new employees serving a six or twelve month probationary period and who begin at Step A of a pay range, the salary anniversary date shall be six months from the date of hire or promotion.

For new or promoted employees serving a six or twelve month probationary period and who begin at a step higher than Step A of a pay range, the salary anniversary date shall be one-year from date of hire.

(b) **DEMOTION:** An employee who is demoted shall have a new salary anniversary date which shall be the effective date of his or her demotion.

(c) **CHANGE IN RANGE ALLOCATION:** If the salary range of a class is changed due to a wage review, the salary anniversary date of an employee holding a position allocated to the class shall not change.

(d) **RECLASSIFICATION:** If the position held by an employee is reclassified due to changes in duties to a new class with a higher or lower salary range, the employee shall have a new salary anniversary date and shall be treated the same as a promotion or demotion..

(e) **SERVICE INTERRUPTIONS:** The granting of any leave of absence without pay greater than 10 days shall cause the employee's salary anniversary date to be extended a number of days equal to the number of days for which the leave is granted.

(f) **MODIFIED DUTY:** Where an employee is assigned to modified duty in order to make a reasonable accommodation when required by state or federal law, the employee's anniversary date shall not be affected thereby.

507. MERIT ADVANCEMENT WITHIN RANGE:

An employee may be advanced on his or her salary anniversary date to the next higher step of the salary range approved for the classification he or she fills if he or she has earned such advancement according to provisions of Rule 803.

508. PROMOTION:

An employee promoted to a position in a class with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate to that which he or she would otherwise be entitled to in his or her former position on the date his or her promotion is effective, whichever is greater. However, the pay rate shall be approximately 5% above the present rate of pay before promotion. See Section 506(a) for anniversary dates.

(a) Salary Upon Promotion

If an employee is promoted within 60 days of an anniversary date, their salary on promotion will be based on the step they would have been eligible for on that anniversary date.

509. DEMOTION:

Any employee who is demoted to a classification having a salary range lower than the classification from which he/she was demoted shall have his/her salary reduced to a monthly salary which is equal to or lower than the salary he/she received before demotion. In the case when an employee is demoted to a classification in which the maximum rate is less than the salary he/she is presently receiving, the employee will then receive only the maximum rate for that classification. See Section 506(b) for anniversary dates

510. TRANSFER:

An employee transferred to a different position with the same salary range shall receive the same salary he or she would otherwise be entitled to on the date the transfer is effective. A transfer will not include any impact on the employee's salary or their salary anniversary date. However, the transferring employee may be required to serve a probationary period in the new position.

511. CHANGE IN RANGE ALLOCATION:

The salary of an employee in a position in a classification which is reallocated to a new salary range (due to a wage review and not due to a change of duties) shall be adjusted to the corresponding step of the new range, i.e., step to step.

512. POSITION RECLASSIFICATION:

The salary of the incumbent in a position which is reclassified (due to a review of job duties) shall be adjusted the same as a promotion or demotion.

513. BOARD AUTHORITY TO SPECIFY SALARY:

Notwithstanding anything in these rules to the contrary, the Board may specify that the incumbent of a particular position shall occupy a step on the salary range for that class higher than that provided for elsewhere in these rules. Action based on this section shall be taken only under unusual circumstances where such action is important to the successful operation of a department of County government.

514. OVERTIME:

Payment for overtime or accrual of compensatory time-off shall be made to FLSA (Fair Labor Standards Act of 1938, 29 U.S.C 201 et seq.) non-exempt employees at the rate of time and one-half the employee's regular hourly rate, as provided in the Lassen County Policy on Overtime and/or Compensatory Time.

The Personnel Director shall determine and advise the Board as to which employees and position classifications are FLSA exempt for purposes of entitlement to overtime compensation.

515. SPLIT CLASSIFICATIONS:

When an employee is employed in a capacity that has been recognized as involving "split classifications", in that his or her duties are divided between two different positions in County government, each department head will submit a separate time card and prorate the benefits if any. If the cumulative regular hours worked each week is twenty (20) hours or more, the employee will receive appropriate benefits pro-rated to each department.

516. LONGEVITY PAY:

Employees will receive longevity pay according to the appropriate memorandum of understanding. Non represented employees (confidential and elected officials) shall receive longevity on the same schedule as appointed department heads. All years of service to the County of Lassen are applicable, but time spent not employed or on leave longer than 3 months does not count in service time and employees with a break in service are responsible for informing the Auditor of their eligibility. No retroactive increases will be made before July 1, 2003.

Article VI. RECRUITMENT AND SELECTION

601. EMPLOYMENT GOALS AND POLICIES:

In adopting these rules, it is the goal of the County to employ the most qualified individuals and to achieve excellence in serving the needs of the people of the County. Employment and promotions in the County shall be based upon merit and shall be free from political influence and discrimination based upon religious creed, age, sex, marital status, race, color, national origin, ancestry, medical condition, physical or mental disability, sexual orientation and political affiliation.

602. PERSONNEL REQUESTS:

To initiate the filling of an authorized vacant position, the responsible department head shall submit to the Personnel Director a completed personnel request form containing at least the following information: The job title; the position number, the justification for the position; and, documentation showing that the position is or is going to be vacant. Each request shall be reviewed and approved by the Personnel Director before actions are taken to fill the position.

603. JOB ANNOUNCEMENT:

Job announcements providing information about the position, its title and pay, its major responsibilities and duties, qualifications, where and when to apply, and the first day on which applications will be accepted shall be prepared and distributed by the Personnel Director before actions are taken to fill the position. Personnel requests should be submitted as far in advance as possible.

Notice of open competitive examinations shall be posted a minimum of ten (10) working days before the filing deadline for applications. Notice of promotional openings shall be posted a minimum of ten (10) working days before the filing deadline for applications.

A job announcement is not and shall not be construed as an offer of employment or as constituting an expressed or implied contract

604. EMPLOYMENT APPLICATIONS:

Applications for employment or promotion with the County shall be made on forms approved by the Personnel Director. All information required by the application shall be provided by the applicant and the applicant shall certify under penalty of perjury as to the truth thereof. A material false statement or omission on an application may disqualify the applicant and may be cause for termination or other discipline if the applicant is or subsequently becomes an employee of the County. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application. In order to be considered, an application must be actually received in the Personnel Department in Susanville by the final day of the advertised recruitment period. (Applications may be faxed.) Applications with postmarks dated before the closing period will be accepted up until two working days after closing. Applications postmarked after closing shall not be accepted. It is entirely the applicant's responsibility to fully complete the application. However, the personnel

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department will make a good faith effort to review incoming applications for obvious missing information and to inform applicants of such by phone or mail. Applicants will then have until two days after closing date to provide that information. All employment applications shall be kept confidential by the County as permitted by law.

605. RECRUITMENT:

It is the County's policy to recruit the best qualified persons available regardless of religious creed, age, sex, marital status, race, color, national origin, ancestry, sexual orientation, political affiliation, medical condition and physical handicap, unless sex or physical ability is a bona fide occupational qualification. While recognizing the need to recruit from a pool of persons both inside and outside County employment at all levels, the policy of the County is to transfer and promote persons already employed by the County when their qualifications, training, work performance and work experience are determined to be comparable to applicants from other sources. The Personnel Director, after discussion with the Department Head, shall determine whether the recruitment shall be open or promotional, on the basis of assuring an adequate number of candidates with appropriate skills to constitute a competitive merit process.

All vacancies in appointed department head positions shall have an open recruitment. Updated March 18, 2014, Resolution No 14-015.

606. TYPES OF EXAMINATIONS:

Except as specifically provided otherwise in these rules, selection for a position in County employment shall be by one of the following types of examinations:

(a) **OPEN COMPETITIVE:** Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement. Applicants for open competitive examinations may, but are not required to, be employees of the county.

(b) **PROMOTIONAL COMPETITIVE:** Examinations which are open only to County employees who possess the indicated minimum qualifications as set forth in the job announcement. This shall exclude employees on contract, seasonal, temporary or non-benefited part-time status.

Final decisions as to the type of examination to be utilized shall be made by the Personnel Director.

607. EVALUATION OF APPLICATIONS:

The Personnel Director may evaluate the applications and disqualify or remove from an eligible list any person who:

- a. lacks the qualifications set forth in these Rules or published in the job announcement
- b. has willfully omitted or misstated material facts in completing the application
- c. has left any position in County employment without good cause, or has been absent from duty without authorized leave
- d. has failed to make the application correctly or within established time limits

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- e. has used or attempted to use any unfair method to obtain an advantage in an examination for or in an appointment to County employment
- f. is so physically or mentally incapacitated as to be unable to perform the duties of the position with or without accommodation
- g. has been dismissed from public or private employment for reasons which would be cause for dismissal from County of Lassen employment
- h. has been convicted of a felony or a misdemeanor involving moral turpitude
- i. refused to execute the oath as prescribed by law

Additionally Lassen County and the Personnel Director reserve the right to select only those applications with the best qualifications for further consideration in the hiring process in order to meet their organizational needs and goals.

608 EXAMINATION RESULTS:

If a selection procedure consists of a written examination, the applicant shall be provided written notice of his or her test results. Objections to written test items must be submitted at the time the test is being administered. The Personnel Director will review items being questioned and revise or eliminate those items determined inappropriate. By appointment with the Personnel Director, an applicant shall have the opportunity to discuss the grading of the examination within five (5) working days after the examination results are mailed out. Test items are confidential and are not subject to inspection by the candidate subsequent to examination administration.

Any error in rating or grading shall be corrected if it is called to the attention of the Personnel Director as described above. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the position, if one exists. However, any correction shall not invalidate an appointment or offer of employment which has previously been made.

609. DRIVING SAFETY CHECK:

A verifiable and acceptable driving record may be required of each final candidate for employment whose position will or does require driving a County vehicle or if the employee will receive a vehicle allowance or mileage reimbursement. Verification of acceptable driving records of all employees may be conducted periodically.

610. ELIGIBILITY LISTS:

Lists of applicants to be considered for job openings in a particular position may be established by application evaluation, open competitive or promotional competitive examinations. An eligibility list shall be a list of persons who have taken an open competitive or promotional competitive examination or whose applications have been screened and evaluated for an advertised County position and have qualified for said position. Placement of a person's name on an eligibility list does not guarantee employment with or an offer of employment from the County.

Eligibility lists will normally remain in effect for one (1) year from the date of the first

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certification or until exhausted, whichever occurs first. Eligibility lists shall remain in effect for a minimum period of six months unless establishment of a new list is authorized by the Personnel Director. . The Personnel Director shall have the right to extend an eligibility list, from time to time, for a period not to exceed two (2) additional years from the date of establishment. The Personnel Director shall also have the right to decertify a list at his or her discretion prior to the expiration thereof and to request the establishment of a new list.

611. REMOVAL OF NAMES FROM LISTS:

The Personnel Director may remove a name from an eligibility list for any of the following reasons:

- a. If the eligible person accepts an appointment with the County to a regular position of the same level. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an eligibility list. An eligible person may refuse an appointment to a particular position and request to remain on the eligibility list.
- b. If the eligible person requests in writing that his or her name be removed from the list.
- c. If the eligible person fails to respond within ten (10) calendar days to a notification or letter which has been mailed to the person's last address on file with the County.
- d. If a non-employee eligible person refuses to accept an offered position on three (3) separate occasions.
- e. If an incumbent regular employee refuses promotional appointment on three (3) separate occasions.
- f. If a person on a promotional eligibility list resigns from County employment.
- g. If other circumstances, such as conviction of a crime involving moral turpitude, or loss of a required license, make the person ineligible for appointment from the list.
- h. If a background check reveals information making the person ineligible for appointment from the list

612. FINAL DECISIONS ON SELECTION:

The County of Lassen reserves the right to select only those applicants with the best qualifications in order to meet their organizational needs and goals

613. PRE-EMPLOYMENT PHYSICAL:

Prior to appointment (for those applicants residing within Lassen County at the time of an offer of employment) or within seven (7) working days of appointment (for applicants residing outside of Lassen County at the time of an offer of employment), each person to whom employment with the County is offered, whether full or part-time, classified or temporary shall be required to undergo screening for unlawful drugs and controlled substances. (Temporary employees rehired within six months of last working date do not need retesting)

All safety positions, road and maintenance workers and those positions which require the use of "hazardous" equipment or chemicals whether temporary or regular, part-time or full-time shall require a pre-employment physical examination related to their position requirements. Pre-employment psychological testing will be performed in those positions where it can be shown to be job-related and consistent with prudent employment practice and/or government codes and regulations. Such positions will be determined by the Personnel Director after consultation with appropriate department heads. (changes per Resolution 01-019)

Employment shall be conditioned pending the results of the examination.

An offer of employment may only be withdrawn for medical reasons when the applicant cannot perform the job without endangering the health or safety of him/herself or others, with or without a reasonable accommodation or when undue hardship would be imposed upon the County. Or it will be withdrawn upon failure of a drug screening after proper review by a Medical Review Officer and per the Lassen County Drug-Free Workplace Policy Manual.

(a) Medical reports shall not be accessible to unauthorized persons. Those authorized to review such reports generally include: County Administrative Officer, County Counsel or other County retained legal advisor, Personnel Director and confidential staff, or other County retained medical advisors.

(b) No person who has ever been disqualified from County employment by medical examination shall be appointed to any classified position without written approval of the County Administrative Officer.

(c) Applicants who have been selected for appointment but who have disqualifying medical conditions which are temporary or correctable, may, upon proof from his or her personal physician that such condition has been remedied, subject to verification by a County designated physician, be reinstated on the same eligibility list, provided it has not expired or been decertified.

(d) All pre-employment medical examination lab work will be done by a qualified lab chosen by the County or in the case of the Probation and Sheriff's Department, by their lab technician.

(e) The physician performing the post-offer physical will notify the Personnel Director of whether a candidate has passed or failed the pre-employment medical examination. If the candidate is medically qualified to accept the position, the Personnel Director will notify the appropriate appointing authority and indicate that appointment can be made. The candidate is not to be appointed until the appointing authority is notified by the Personnel Director that the candidate has passed the medical examination.

(f)-(1) If the candidate fails the post-offer medical examination, he or she will be notified of such failure by the Personnel Director, who will also inform the appointing authority.

(f)-(2) A candidate failing the post-offer medical examination will be given all written documentation of the examination for failure, upon written request. The candidate will also receive a written statement that medical records are confidential and not available

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for release without a signed written statement or release by the candidate.

(f)-(3) A candidate failing a post-offer medical examination will be provided a written statement that he/she is entitled to obtain a second opinion, at his/her expense, for review by a County designated physician. Such a second opinion must address the specific reason(s) for failure of the County's pre-employment examination. The result of this second examination will be reviewed by an independent medical examiner if such review is recommended by the County designated physician.

(g) Job analyses shall identify and document the job related physical tasks of classifications. All candidates will be permitted to participate in selection processes regardless of existing disability, unless the disability is specifically stated in the recruitment announcement as disqualifying. In all other cases, disabilities shall be evaluated as part of the post-offer medical examination. Cases will be evaluated on an individual basis with respect to the ability to perform the essential functions of the specific position.

614. RETURN TO DUTY:

(a) An employee may not return to work after an absence for illness or injury in excess of five (5) consecutive work days without a return to duty physical examination by a physician designated by the County, at County expense when requested by the County Administrative Officer, Personnel Director or department head. A doctor's certificate from the employee's personal physician may substitute for the return to duty physical examination with the Personnel Director's approval.

(b) An employee may be requested to submit a written authorization from her personal physician to return to work from maternity leave.

615. ADMINISTRATIVE APPOINTMENTS:

The County Administrative Officer shall be appointed by the Board as provided by Ordinance.

The following positions will be appointed by the Board of Supervisors. The County Administrative Officer shall recruit applicants when a vacancy occurs and will advise the Board of Supervisors regarding qualifications and appointments.

Agricultural Commissioner

Chief Probation Officer

County Counsel

County Health Officer

Public Defender

Fair Manager

Director of Child Support Services

Veteran's Service Officer

The following positions will be appointed by the County Administrative Officer. The (Lassen County August 2000, updated March 18, 2014, Resolution #14-015, updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

County Administrative Officer shall recruit applicants when a vacancy occurs and will inform the Board of Supervisors in closed session regarding qualifications and fitness of a proposed appointee.

Deputy County Administrative Officer

Director of Transportation/Public Works

Director of Health and Social Services

Director of Planning and Building Services

Assistant to the County Administrative Officer/Budget Analyst

The following positions will be appointed by the Director of Health and Social Services. The County Administrative Officer shall recruit applicants when a vacancy occurs. The Director of Health and Social Services will inform the County Administrative Officer regarding qualifications and fitness of proposed appointees.

The Director of Behavior Health

Director of Community Social Services

Director of Public Guardianship/Conservatorship

The position of Undersheriff shall be appointed by the Sheriff. The County Administrative Officer shall recruit applicants when a vacancy occurs and will inform the Sheriff regarding qualifications and fitness of a proposed appointee.

616. STATUS OF APPOINTED DEPARTMENT HEADS:

(a) The County Counsel and Agricultural Commissioner are appointed by the Board of Supervisors and shall serve as provided by law. Unless provided otherwise by statute, law or employment agreement, the employee is considered to be at-will.

(b) The Chief Probation Officer is appointed by the Lassen County Board of Supervisors pursuant to Welfare and Institutions Code section 271 and serves at-will.

(c) The Public Defender, Fairground Manager, and the Director of Child Support Services are at-will positions and shall serve at the pleasure of the Board of Supervisors.

(d) The Director of Planning and Building Services, Director of Transportation/Public Works, Director of Health and Social Services, Assistant to the County Administrative Officer/Budget Analyst, and the Deputy County Administrative Officer are at-will positions and serve at the pleasure of the County Administrative Officer. The , Director of Behavior Health, Director of Community Social Services, Director of Public Guardianship/Conservatorship, and the Veteran's Services Officer are at-will positions and serve at the pleasure of the Director of Health and Social Services. .

(e) The County Administrative Officer will inform the Board of Supervisors as soon as possible of the dismissal of a Department Head.

(f) Department heads who are involuntarily terminated or asked to resign may receive severance pay at the discretion of the County Administrative Officer in an amount not to exceed the equivalent of three months' pay.

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(g) Under the current agreement with the Lassen Regional Solid Waste Management Authority (LRSWMA), the Solid Waste Director is an at-will county employee classified as a Department Head to be appointed by the LRSWMA (a joint powers authority) and shall serve at the pleasure and discretion of the Solid Waste Authority. The LRSWMA Board shall consult with the CAO prior to disciplining or removing the Solid Waste Manager. (changes to PRR 616 adopted January 10, 2012).

617. COMPLIANCE WITH U.S. IMMIGRATION LAWS:

In hiring employees, the County shall comply with all applicable United States laws relating to immigration and naturalization. Therefore, the County shall properly complete the "I-9 Form" required by the Immigration Reform and Control Act of 1986 and each person hired by the County shall, as a condition of employment, be required to provide, prior to commencing work, proper documentation required by said law indicating either United States citizenship or legal entitlement to hold employment within the United States.

618. REINSTATEMENT:

Reinstatement is permissive, it is not an automatic right for an employee.

Upon request of an appointing authority, An employee who has successfully completed a probationary period in a classification and who has resigned from the county service in good standing or accepted a voluntary demotion **may** be reinstated under the following conditions.

(a) The position must be in the same or related class, department and bargaining unit (if represented) to that held by the employee at the time of resignation or voluntary demotion, and such class shall have reasonably similar prerequisite knowledge, skills and abilities and the same or lower salary grade (unless it was changed by reclassification).

(b) Reinstatement must occur within one (1) year from the date of resignation or voluntary demotion.

(c) Reinstatement must be to an open position and be subject to approval of the Personnel Director.

If reinstatement meets the above conditions then the following shall occur:

(a) Reinstatement shall require the service of a three (3) month probationary period.

(b) Reinstatement shall be at the salary step at which the employee separated from county service and at the salary range of the position to which employee is reinstated.

(c) Reinstatement shall include the restoration of previously unused accrued sick leave.

(d) Reinstatement shall include the restoration of previously attained rates of accrual of vacation and sick leave.

(e) Reinstatement shall include the restoration of previously accumulated seniority. However, any period of separation from County service between termination of employment and reinstatement shall be deducted when calculating seniority.

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Article VII. PROBATIONARY PERIODS

701. PURPOSE:

The probationary period is deemed to be a part of the examination process, affording the appointing authority an opportunity to evaluate those factors and qualities affecting competence and fitness which may not have been determined by other testing procedures. It is a basis for determining the eligibility of an employee for regular status in a classified position. An employee serving a probationary period is subject to the evaluation of the appointing authority as to competence and fitness.

702. INITIAL PROBATION:

All persons hired into regular positions shall serve an initial probation period of twelve (12) continuous months of service from their most recent date of appointment before becoming eligible for regular status, with no extensions allowed. An employee serving an initial probation period may be terminated at any time and at the discretion of the appointing authority without right of appeal.

703. PROMOTIONAL PROBATION:

An employee who is promoted from one classification to another classification with a higher salary range shall serve a promotional probation period of twelve (12) months, with no extensions allowed. An employee who does not satisfactorily complete the promotional probationary period shall be returned to classification from which promoted, provided the employee has sufficient seniority to retain a position.

704. EFFECT OF LEAVE OF ABSENCE:

Any period of absence from regular duty or assignment in excess of ten (10) working days, for any reason during the probationary period, shall cause the probationary period to be extended for a period equal to the total number of days absent during the probationary period.

705. EMPLOYEES REINSTATED AFTER LAYOFF:

An employee in good standing who has been laid off and reinstated in the same position within an eighteen month period shall not be subject to a new probationary period provided the employee successfully completed a probationary period prior to the time of layoff. Employees reinstated after resignation or voluntary demotion shall serve a three (3) month probationary period.

706. EFFECT OF RECLASSIFICATION:

If a position is reclassified, the employee shall not be required to serve a new probation period.

Article VIII. PERFORMANCE EVALUATIONS & SALARY ADJUSTMENTS

801. INITIAL APPOINTMENTS:

Except as otherwise provided herein, all new employees shall be appointed at the first step of the salary range to which their class is assigned. If the proposed employee's education, training and /or experience exceed minimum requirements and justify a salary in excess of the first step, the department head may offer employment at Step B or C, if approved in writing by the County Administrative Officer or the Personnel Director, if authority is delegated, or above Step C if approved by the Board.

802. PERFORMANCE EVALUATIONS:

(a) Regular performance reports shall be made at times and on forms prescribed by the Personnel Director as to the efficiency, competence, conduct and merit of all regular employees. In addition to the formal performance evaluation at the conclusion of the probationary period, one or more formal or informal performance evaluations shall be made during an employee's probationary period. Performance evaluations shall be made prior to an employee being recommended for a merit increase. Additionally, a minimum of an annual evaluation is recommended for all employees, regardless of length of service.

(b) As part of the performance evaluation, the employee and his/her supervisor shall meet to review and discuss the employee's significant accomplishments, training, areas needing attention or improvement, and future development and objectives. After reviewing the job description, duties and any established performance standards for that position, an evaluation shall be made by the supervisor as to whether the employee's performance has been acceptable or unacceptable. An explanation must accompany any unacceptable or conditional judgment. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. The employee shall have the right to attach a written response to the performance evaluation which shall be attached to the performance evaluation report and placed in his or her personnel file. Based upon the performance evaluation report, the department head may, at his or her discretion, make appropriate recommendations regarding a merit increase, promotion or other action.

(c) The employee and supervisor must sign and date the performance evaluation. If the employee refuses to sign the evaluation, the supervisor shall note this fact on the performance evaluation report and any circumstances surrounding the employee's refusal. Copies of the report shall be distributed to the employee, the department head and the Personnel Director.

(c) If an employee is not in agreement with a performance evaluation which results in a less than acceptable rating, the employee may, within ten (10) working days after receipt of the evaluation, request a review of such evaluation by his or her department head. If the employee is not in agreement with the determination of the department head, the employee may, within ten (10) working days after receipt of the determination of the department head, request a further review by the County Administrative Officer or designee, whose decision shall be final and conclusive and not subject to further appeal or grievance.

(d) With regard to the procedures established in subparagraph (c) above, if the employee's department head prepared the evaluation report in question, the employee may omit review by the department head and proceed directly to review by the County Administrative Officer or designee. If the final decision is adverse to the employee, a further performance evaluation shall be conducted by the department head or designee not later than ninety (90) days after the prior evaluation.

803. PROGRESSION OF MERIT STEPS:

REGULAR FULL-TIME AND REGULAR PART-TIME EMPLOYEES:

(1) **Normal Progression:** From the date of employment until the successful completion of the probationary period, no merit step increase shall be granted. If hired at Step A, the employee shall become eligible for a merit step increase at the end of a successful probationary period. If hired above Step A, the employee is first eligible for a merit step increase one year after the date of hire. Thereafter, eligibility for merit step increases shall occur annually on the employee's salary anniversary date until such time as the employee reaches the last salary step available for his or her position. Merit increases are earned by performance and are not a longevity right.

However, for those positions listed in applicable memorandum of understanding, with established one year probationary periods, "non-merit" step increases will occur from Step A to Step B at 6 months. Nothing about these "non-merit" increases should be construed as based on performance.

(2) **Accelerated Progression:** If an employee has been appointed at Step B or higher, no merit step increase shall be granted until the employee has both successfully completed the probationary period and has worked one (1) calendar year in such position. At the end of such first year, the employee shall first become eligible for a merit increase. Thereafter, eligibility for merit step increases shall occur annually until such time as the employee reaches the last salary step available for his or her position.

(3) **Promotional Progression:** From the date of promotion until the successful conclusion of the probationary period, no merit step increase may be granted. (see (1) above for exceptions with one-year probationary periods.) When an employee is promoted, his or her salary increases to an appropriate step within the grade of the new job classification. An employee who is promoted shall be compensated at the step in the new salary range which comes nearest to approximately five percent (5%) higher

than the compensation he or she held in the previous salary range.

.Employees promoted to Step A of the new range are first eligible for a merit increase six (6) months after the date of promotion. If promoted to Step B or higher in the new range, employees are eligible twelve (12) months from the date of promotion. (See Section 506(b) of these Rules.) A promoted employee is eligible for another merit step increase annually thereafter., from the completion date of the probationary period until his/her pay reaches the last salary step available for this or her position.

(b) **TEMPORARY AND SEASONAL EMPLOYEES:** These employees shall not receive merit step increases.

Article IX. BENEFITS

901. RETIREMENT:

All regular employees of the County shall be members of the Public Employees Retirement System as provided by law and term of the contract in effect between the County and the Public Employees Retirement System. The board may amend the contract as provided by law. The County Administrative Officer shall advise the Board regarding policy matters concerning the contract or amendments to it.

Employees who are 50 years old and have five years of service are eligible for retirement. Earnings upon retirement are dependent on the terms of their bargaining agreement, length of service and pay. It is the responsibility of the retiree to contact their individual plan administrators to coordinate their retirement benefits.

Currently regular employees are covered by PEMHCA by resolution of the Board of Supervisors. Under PEMHCA, a retiree has the right to remain in the county sponsored health plan under the terms and conditions of the plan as it may be amended from time to time. The county will continue to pay on behalf of retiree's, the employer contribution to health insurance as determined in the appropriate current memorandum of understanding or compensation and benefit plan. Membership in PEMHCA and the structure of retirement benefits may be subject to change by further resolution of the Board of Supervisors in accordance with state law.

A retiree has the right to remain in the county sponsored dental plan under the terms and conditions of the plan as it may be amended from time to time. The county will not contribute any money to retiree dental insurance costs. This benefit may be subject to change by further resolution of the Board of Supervisors.

Retirees must be currently enrolled in a dental plan to be eligible to remain in that plan at retirement. Dependents may not be enrolled in the dental plan if they are not enrolled at the time of the employee's retirement. Retirees must be eligible for health coverage at the time of retirement, and must retire within 120 days of the date of separation, to be eligible for retiree health coverage. Eligible Retirees may enroll in health coverage during open enrollment periods through CalPERS. (An employee who is enrolled in County health coverage may continue health coverage into retirement).

902. VACATION:

County officers and employees working more than twenty (20) hours per week, other than temporary employees, shall be entitled to twelve (12) working days vacation with pay per year as follows:

(1) (a) Vacation for full-time employees shall accrue at the rate of one (1) day for each calendar month **or major fraction thereof of actual service**, (For the purposes of accruing vacation, paid sick time, vacation and holidays shall be counted as actual service) commencing with the date of original employment; (12 days per year).

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(b) After five (5) years of continuous service, vacation shall accrue at the rate of one and one-quarter days (1 1/4 days) for each calendar month of service; (15 days per year).

(c) After ten (10) years of continuous service, vacation shall accrue at the rate of one and one-half days (1 1/2 days) for each calendar month of service; (18 days per year).

(d) After seventeen (17) years of continuous service, vacation shall accrue at the rate of one and two-thirds days (1 2/3 days) for each calendar month of service; (20 days per year).

(2) Regular part-time employees shall accrue vacation at the same rates set forth above, but **in proportion** to the total number of hours worked in any week divided by forty (40).

(a) Vacation shall be taken only with the consent of the department head. Such consent shall not be unreasonably denied. However, vacations may be scheduled so as to ensure that department functions are adequately staffed at all times. The County reserves the right to schedule and require vacation time off of employees who have accrued vacation time approaching 240 hours.

(b) Department heads shall have full responsibility and discretion for setting vacation periods for all employees under their supervision. In doing so, they shall be guided by the good of the County service, the desires of the individual employee and the orderly conduct of the work and functions of each department.

(c) Upon termination, the employee shall receive pay for vacation time earned but which remains unused as of the date of termination.

(d) To be eligible to earn vacation, a regular part-time employee must regularly be scheduled and work a minimum of twenty (20) hour per week. Vacation time earned shall accrue as set forth in this Rule.

(e) No employee shall accrue more than thirty (30) days vacation leave. Once an employee has accrued but not used thirty (30) days of vacation leave, such employee shall not accrue any further vacation leave until such employee's amount of accrued vacation leave is reduced below thirty (30) days. However, in no case shall employees total accrued and unused vacation exceed thirty (30) days.

903. PERSONAL HOLIDAY:

Employees who were employed as of December 31 shall be entitled to take personal holiday(s) in the following calendar year as prescribed by employment status. If not used within the calendar year, personal holiday(s) will be lost to the employee. Employees who work less than full-time will have their personal holiday(s) pro-rated.

904 COUNTY HOLIDAYS:

(a) County offices, except those for which special regulations are required, shall be closed on the following legal holidays:

January 1

New Year's Day

January (third Monday)

Martin Luther King Day

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

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February 12	Lincoln's Birthday
February (third Monday)	Washington's Birthday
May (last Monday)	Memorial Day
July 4	Independence Day
September (first Monday)	Labor Day
October (second Monday)	Columbus Day
November 11	Veterans' Day
November (fourth Thursday)	Thanksgiving Day
November (Friday after Thanksgiving)	Friday after Thanksgiving
December 24	Christmas Eve
December 25	Christmas

(b) Regular officers and employees, other than Sheriff's office and part-time employees, are entitled to a paid holiday on those days. In the case of part-time employees, a prorated share of the holiday time is paid.

(c) If any of the above designated holidays fall on a Saturday, the preceding Friday is a holiday. If any of the above designated holidays fall on a Sunday, the following Monday is a holiday. Employees for whom necessity requires a different holiday schedule than generally applied shall work according to regulations prepared by the department head.

Article X. ATTENDANCE, HOURS OF WORK AND LEAVES

1001. WORK WEEK:

For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the work week for County employees shall begin at 12:01 a.m. Sunday and end at 12:00 p.m. (midnight) Saturday night unless otherwise determined individual memorandum of understanding. (changes due to Res 03-008 2/2003) Vacation, sick leave, holiday hours or other leave time will not be included as time worked for purposes of calculating FLSA overtime, unless otherwise determined in individual memoranda of understanding.

1002. DELETED:

1003. STANDBY AND CALL-OUT POLICY:

(a) **STANDBY:** An employee on standby may be permitted to take home a County vehicle equipped with appropriate tools and supplies for use when called out on standby.

The designated department or individual supervisor shall be responsible for scheduling his or her employees for standby duty and for providing duty rosters to the Sheriff's department. The Sheriff's department will be given a roster of employees with their standby duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific standby duty, employees may not trade standby assignments, except with the prior approval of the designated supervisor and immediate notification of the Sheriff's Department of the change.

Compensation for standby duty shall be as set forth in duly adopted memoranda of understanding.

An employee assigned to standby duty must be available to respond to emergency calls at all times. The employee shall not consume alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action.

Nothing herein shall be construed to require that the County establish standby duty for employees in any department or division.

(b) **CALL-OUT COMPENSATION:** Unless otherwise provided in a memorandum of understanding, employees eligible for overtime compensation who have ended their workday and left their places of employment, but who have been requested to perform duties after normal working hours, will be compensated at time and one-half.

Compensation for hours worked in excess of the normal work period, including hours worked on call-outs, shall be paid at time-and-one-half for the number of hours actually worked. For the purpose of this rule, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home.

1004. TIME/PAYROLL SHEETS:

Time/payroll sheets showing hours worked and leave taken must be completed by each County employee. Such sheets must be signed by the individual employee, the employee's supervisor, division, and department head or designee. Time/payroll sheets will be reviewed and audited by the County Auditor. Notice of significant correction(s) to the time/payroll sheet will be sent to the employee and the department head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after notice of correction has been given to the employee. Unresolved matters may be taken to the Personnel Director for determination.

Time sheets are official documents and must be filled out accurately and by the individual themselves. If employees will be absent when a time sheet is due, they may estimate the time and initial the form as estimated. Falsification of time sheets may lead to discipline up to and including termination. Supervisors may turn in time sheets for employees who are absent and are unable to come in to sign their time sheet, authorizing appropriate leave time. Employees must file a signed, amended time sheet upon return.

1005. DELETED, REPLACED BY POLICY 03-P06:

1006 DELETED, REPLACED BY POLICY 03-P06:

1007. DELETED, REPLACED BY POLICY 03-P06:

1008. DELETED, REPLACED BY POLICY 03-P06:

1009. ADVANCE OF SICK AND VACATION LEAVE:

The County Administrative Officer may in his or her discretion advance to an employee up to but no more than five (5) days unaccrued sick leave and/or five (5) days unaccrued vacation leave (a maximum of ten (10) days) for use as sick leave if no other applicable form of leave is available to the employee in question.

1010. ADMINISTRATIVE LEAVE :

Leave of absence (administrative leave) with pay may be directed by the County Administrative Officer or designee for any of the following reasons. Duration of such leave should generally not exceed two (2) weeks:

(a) Where the County Administrative Officer or designee determines that it is in the best interest of the County that an employee be removed from the work place pending resolution of the "Skelly" process (i.e., procedural rights of employees in certain disciplinary proceedings.)

(b) Where the County Administrative Officer or designee determines that it is in the best interest of the County that an employee be removed from the work place pending investigation of allegations which may or may not lead to disciplinary action.

(c) Where the County Administrative Officer or designee deems the best interests of the County will be served.

Administrative Leave is not a disciplinary action. Employees on administrative leave have all the benefit rights of working employees. However, employees on administrative leave may not engage in any work or work related activities for the County of Lassen during the duration of their administrative leave.

1011. DELETED, REPLACED BY POLICY 03-P06

1012 MODIFIED WORK POLICY

It is the policy of Lassen County to attempt to provide suitable modified or alternate work for industrially injured county employees who are unable, temporarily or permanently, to return to their permanent job classifications.

1013 BLANK

1014 DELETED, REPLACED BY POLICY 03-P06

1015. DELETED, REPLACED BY POLICY 03-P06:

1016. DELETED, REPLACED BY POLICY 03-P06:

1017. DELETED, REPLACED BY POLICY 03-P06:

1018. DELETED, REPLACED BY POLICY 03-P06:

1019. DELETED, REPLACED BY POLICY 03-P06:

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1022. DEBITING OF EMPLOYEE ACCRUED LEAVE:

Where an employee takes vacation or sick leave time for less than one (1) work day, such employee's accrued sick leave or vacation time, as applicable, shall be charged only for the amount of time actually taken in increments of 15 minutes. In the case of employees exempt from the receipt of overtime pursuant to the Fair Labor Standards Act, and where such employee does not have adequate sick leave or vacation to cover an absence of less than one (1) day, such employee's salary shall not be reduced.

1023. MANAGEMENT LEAVE:

The County Administrative Officer and appointed department heads shall be entitled to forty (40) hours of management leave (on hire if hired before June 30 and in each calendar year thereafter. If not used within the calendar year, management leave will be lost to the employee. This management leave shall not be granted to the employee in the form of additional compensation. Employees who receive management leave are not eligible for overtime compensation or compensatory time off.

1024 DELETED, REPLACED BY POLICY 03-P06

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

Article XI. LAYOFFS AND REDUCTIONS IN FORCE

1101. LAYOFF - REDUCTION IN WORK FORCE:

If a position is abolished because of administrative reorganization or lack of appropriation, as determined by the Board upon recommendation from the County Administrative Officer and Department Head, employees shall be laid off as provided in these Rules.

(a) In a reduction in work force situation, temporary and provisional employees without regular status shall be laid off first and probationary employees without regular status shall be laid off before regular employees.

(b) Layoffs shall be made by department and by classification. Employees within the classification from which layoffs are to be made with a less than satisfactory performance evaluation, shall be laid off before an employee with a satisfactory performance evaluation or satisfactory but improvement needed evaluation. If all affected employees have satisfactory or satisfactory but improvement needed evaluations, layoff shall be made on a departmental seniority basis by classification; that is, the employee with the least seniority in the department in the classification from which layoffs are to be made shall be laid off first. Departmental seniority shall be determined by uninterrupted continuous employment with the department. Classification seniority shall be determined by classification series within the department.

(c) Whenever there is a reduction in work force, the department head shall offer to transfer the employee to be laid off to a vacancy, if any, in another class for which the employee is qualified.

Whenever two (2) or more employees have identical classification seniority, the order of layoff and demotion will be determined by department seniority. Whenever two (2) or more employees have identical department seniority, the order of layoff and demotion shall be determined by the department head.

(d) Employees who transferred to a lower classification as a result of a reduction in force shall have their names placed on a reinstatement list for the classification from which they were transferred, in the order of their classification seniority. Vacant positions within a classification series shall first be offered to employees on this list.

(e) Employees who are laid off and who held permanent County status at the time of layoff shall have their names placed on a re-employment list for classifications in which they previously held status and for classifications at the same or lower salary range for which they qualify in the order of their classification seniority. Vacant positions in such classifications will be offered to eligibles on the re-employment list who were laid off from that particular department in which the vacant position occurs. Laid off employees will also be considered for vacant positions in classifications for which they qualify in departments other than that from which they were laid off. However, the determination for re-employment in another department will be made by the department head.

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

The eligibility of individuals on the reinstatement and re-employment lists shall extend for a period of (18) eighteen months from the date of transfer or layoff. Eligibles not responding to written notification by certified mail, return receipt requested, of an opening within fifteen (15) working days shall have their names removed from either the re-employment or reinstatement list. If an eligible will be out of the County for more than fifteen (15) calendar days, he/she may notify the Personnel Director, in writing, as to how he/she may be contacted.

(f) Upon re-employment following a reduction in force, an individual will have the following benefits restored:

1. Prior unused sick leave accruals.
2. Seniority at the time of layoff for purposes of determining merit increases, vacation accruals, and future reduction in force.

(g) A person appointed from a re-employment list must serve a new probationary period unless the person is re-employed into the same department and same classification from which he or she was laid off. In such case, a new probationary period shall not be served. A person appointed from a reinstatement list following a demotion shall not serve a new probationary period.

(h) Laid off employees are to be paid all accrued holiday, vacation, compensatory time and overtime when separated as a result of a layoff. The sick leave accruals of such employee shall remain on the books and will be reinstated if they are reappointed.

Article XII. TRAVEL AND USE OF VEHICLES FOR COUNTY BUSINESS

1201. AUTHORITY:

All travel must be authorized in advance by the Department Head, County Administrative Officer and/or the Board of Supervisors as set forth in the approved Travel Policy of Lassen County (Res 01-104)

1202. DELETED :

1203. DELETED:

1204. EXPENSES WITHIN THE COUNTY

Upon prior approval by the Department Head, employees may be reimbursed for actual expenses not to exceed per diem, for meals within the county when it is county business or part of professional or association meeting related to county business. Department heads may approve meal expenses for non-county individuals where the meal advances the interests of the county. Under unique circumstances lodging within the county may be reimbursed. Prior approval of the County Administrative Officer is required.

1205. DELETED:

1206. DELETED:

1207. DELETED:

1208. DELETED:

1209. DRIVER'S LICENSE:

(1) Before any employee is permitted to drive a County vehicle, the department head must check the employee's DMV record and ascertain that the employee has a current California drivers license which is in good standing, and that the class of driver's license he/she possesses is appropriate for the types of vehicles which the employee will customarily be operating. If a new employee has moved to Lassen County from out of state, he/she must obtain a California Driver's License within ten days of establishing residence in this state (consistent with California state law), but will be allowed to operate a county vehicle before that time providing that he/she has an appropriate driver's license from his/her previous state which is in good standing

(2) When an individual applies for a county job which customarily requires driving a county vehicle, the applicant must submit a current DMV printout of his/her driving record as proof that his/her driver's license is current and in good standing. Risk Management shall make periodic checks of these employees' driving record.

1210. INSURANCE REQUIREMENTS:

Before any employee is permitted to drive a personally-owned vehicle on County business, he/she must sign a form designated by the Risk Manager wherein he/she agrees to carry, and keep in force during the entire term of his/her employment, an auto liability insurance policy in at least the minimum amounts required by state law.

1211. DRIVING

OBEY PROVISIONS OF STATE LAW: Drivers of county vehicles are obligated to obey all provisions of California state law pertaining to the operation of motor vehicles. Any violation of California law related to the operation of motor vehicles may be grounds for disciplinary action.

DRIVING RESPONSIBLY AND COURTEOUSLY: Employees must remember that they are acting as official representatives of Lassen County while they are driving a County vehicle. Employees are expected to operate their vehicles in a safe and courteous manner that will reflect positively on Lassen County.

SMOKING PROHIBITED: No smoking is permitted in county vehicles.

1212 USE OF PRIVATELY-OWNED VEHICLES ON COUNTY BUSINESS:

Use of privately-owned vehicles is neither encouraged nor discouraged. If any personal business is to be conducted which would call into question the use of a county vehicle, a personal vehicle must be used. The employee will be reimbursed for his/her county business mileage driven at the rate currently approved by the IRS. Any damage to the car, needed service or repair occurring during the trip will be the employee's responsibility as costs are included in mileage reimbursements.

1213. NON-COUNTY EMPLOYEES AS PASSENGERS:

- (1) No passengers other than county employees are permitted in county vehicles unless the passengers being transported are engaged in the pursuit of official county business.
- (2) If a County employee engaged in county-related travel wishes to be accompanied by friends or family members, he/she must use his/her personal vehicle.

1214. RESERVED

1215. USE OF COUNTY VEHICLE:

- (1) While driving a County vehicle, the employee may only make stops which are directly related to official County business, such as their business-related destinations, or places where they can obtain food, lodging, or gasoline. The employee is not permitted to stop at commercial establishments unrelated to the pursuit of County-related business (such as movie theaters or shopping centers) while operating a county vehicle. It is recognized, however, that employees on extended training sessions in county vehicles may need to use the county car to dine at a restaurant next to or inside a mall. Nothing about this use is in conflict with this rule as long as employees are

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

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mindful of the Lassen County Drug and Alcohol Policy and the ethics of private use of public funds.

1216. EMPLOYEES AUTHORIZED TO TAKE COUNTY VEHICLES HOME

: Department heads must submit a list to the County Administrative Officer annually of employees who may be permitted to take County vehicles home overnight on a regularly-scheduled basis. Only when it is in the best interests of the County shall employees be permitted to take County vehicles home overnight on a regularly-scheduled basis. The County Administrative Officer shall then submit a county wide list of such employees to the Board of Supervisors for their approval. However, employees of the Sheriff's Department who have a legitimate business need to take county vehicles home overnight on a regularly-scheduled basis are authorized to do so with the written permission of the Sheriff.

1217. REQUESTS FOR EXCEPTIONS:

Department heads may request short-term, one-time, and temporary exceptions to these policies by making a request in writing to the County Administrative Officer. Long-term exceptions to these policies may be permitted upon the recommendation of the County Administrative Officer and the subsequent approval by the Lassen County Board of Supervisors.

Article XIII. Purchasing Policy replaced by Policy P03-12

(Lassen County August 2000 updated March 18, 2014, Resolution #14-015. , updated May 13, 2014, Resolution #14-022, Updated August 19, 2014, Resolution #14-044., updated December 15, 2015, Resolution #15-066

RESOLUTION NO. 2018-

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA,
EFFECTIVE JULY 1, 2018**

WHEREAS, the elected Sheriff of Lassen County has traditionally received pay and benefits consistent with those negotiated by the Lassen County Peace Officer Management Association (LCPOMA); and

WHEREAS, the Undersheriff position was previously represented by the LCPOMA, and is now an unrepresented position, serving at the will of the Sheriff; and

WHEREAS, the salary and benefits of these two positions should be tied to the bargaining unit that represents managers within the Sheriff's Office (LCPOMA) even though they are not members.

BE IT RESOLVED by the Board of Supervisors of the County of Lassen, State of California, that the salary and benefits for the positions of Sheriff and Undersheriff in Lassen County, even though not members thereof, shall be tied to the salary schedule for the LCPOMA and receive a benefits package consistent therewith, effective July 1, 2018.

THE FOREGOING RESOLUTION WAS ADOPTED AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA, HELD ON THE _____ DAY OF _____, 2018 BY THE FOLLOWING VOTE:

AYES: _____

NOES: _____

ABSENT: _____

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: _____
Michelle Yderraga, Deputy Clerk of the Board

I, Michelle Yderrago, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____ day of _____, 2018.

Deputy Clerk of the County of Lassen
Board of Supervisors