



# PERSONNEL RULES

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## PERSONNEL RULES

## GENERAL PROVISIONS PERSONNEL RULES §1101

**Overview:** It is the purpose of these Rules to establish a system of uniform and appropriate personnel policies and procedures that shall maintain the quality of personnel administration consistent with such principles as:

- a) Recruiting, appointing, and promoting employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
- b) Retaining employees on the basis of the adequacy of their performance, correction of inadequate performance and separating employees whose inadequate performance cannot be corrected;
- c) Assuring impartial treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, religion, color, gender, sexual orientation, age, marital status, national origin, or physical or mental handicap or any other basis proscribed by law and with proper regard for their privacy and their constitutional rights.

**Applicable to:** Except as otherwise provided, the provisions of these Rules shall apply to all offices, positions, and employees in the service of the County, except:

- a) Elected Officials
- b) Members of Appointed Boards, Commissions and committees
- c) Volunteer personnel who receive no regular compensation other than reimbursement for expenses.
- d) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as an extraordinary fire, flood, earthquake, or other disaster, which threatens life or property.

**Guidelines: Authority**

The Personnel Rules have been enacted under the authority of the Tehama County Board of Supervisors.

**Scope**

This document is a compilation of Rules, which govern and affect personnel administration for all employees of the County of Tehama. The provisions of these Rules shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Rules shall not preclude specific County departments from developing operational policies and procedures. If this Rule conflicts with another law, policy, or agreement, the stricter document will apply.

**Severability**

If any provision, section, paragraph, sentence, clause or phrase of these Rules, or the application of such to any person or circumstance, shall be held invalid or declared unconstitutional or void, the remainder of the Rules shall not be affected.

**Amendments to Rules**

Other than for non-compliance with state or federal law, the procedure for amending or adopting new Rule is below. No Rule may be amended more than one time in a six month period.

- a) A Department Head or Chief Administrator must make a request to the Personnel Director to amend or adopt a Rule. The Personnel Director may also initiate an amendment or new Rule.
- b) The revised or newly created Rule is presented to the Department Heads for review and must be approved by a majority vote.
- c) The Personnel Director will meet and confer with the appropriate bargaining units regarding the impact on the members.
- d) The Personnel Director will present the Rule to the Board of Supervisors for adoption.
- e) Upon Board adoption, the new or amended Rule is effective immediately and replaces the existing Rule.

The Personnel Director may also initiate an amendment at any time without following the process above for the following reasons:

- a) When a change in state or federal law deems the Rule to be non-compliant
- b) When the language could be revised for better clarification without changing the intent of the Rule

### **Access to the Personnel Rules**

The Personnel Rules will be posted on the County website and available to the public and employees. Each Department within the County will maintain a hard copy of current Personnel Rules.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Rule are listed below.

*Personnel Director:* It is the responsibility of the Personnel Director or his/her designee to maintain the Personnel Rules, ensure the Rules are compliant with state and federal law, oversee the amendment process, and provide access to the public and employees according to the Overview above.

*Chief Administrator and/or Department Heads:* Unless specifically noted otherwise, actions or authority assigned by these Rules to the County Administrator or Department Head may be delegated to his/her designee.

A Department Head or the Chief Administrator may initiate the amendment process as outlined in the Overview above.

The provisions of these Rules shall not preclude the development of operational policies and procedures within specific departments of the County, providing such policies and procedures are consistent with these Rules. Alternate standards shall be submitted to the Personnel Director for review and compliance in consultation with the Chief Administrator and County Counsel. The Personnel Director shall respond to the request within ten (10) business days. Any individual Department standards shall be in writing and communicated to all staff within the Department. Alternate standards may take effect immediately upon approval of the Personnel Director for all unrepresented employees of the department, and upon completion of meet and confer process for represented employees.

Each Department within the County will maintain a hard copy of current Personnel Rules.

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## GENERAL PROVISIONS PERSONNEL DEPARTMENT RECORDS §1201

**Overview:** The Personnel Department shall maintain records as needed for effective personnel administration. Personnel Department records shall be retained and destroyed according to TCPR §1201 Exhibit A.

**Applicable to:** All employees

**Definitions:** File: An official paper or electronic record.

**Guidelines:** Records will be maintained by the Personnel Department and destroyed only when allowable and according to TCPR §1201 Exhibit A. Personnel Department records may include the items listed below.

- Classification, including specifications and studies
- Complaints and grievances
- Confidential Files, including confidential materials such as litigation, arbitration, investigations, etc.
- Eligibility to Work as demonstrated with identification and verified on an I-9 form
- Employee Benefits, including health, life, vision, dental, employee assistance, deferred compensation, retirement, disability
- Labor Relations, including Memorandums of Understanding, notes of past bargaining, Board Closed Sessions, contracts, unfair labor practices
- Payroll Files/Records will be maintained in the Payroll Office.
- Personnel Files, which are official files with records specific to an individual employee. This category includes, but is not limited to, the official personnel file, non-official (department) personnel files, supervisor files, training files, payroll files, medical files, and workers' compensation files. Reference TCPR §1202 for maintenance, access, and retention of these files.
- Policies and Personnel Rules
- Position Allocation List (PAL), which shows the current record of each position in the County as authorized by resolution of the Board of Supervisors. If the position is occupied, the record shall contain pertinent personal data, applicable to the incumbent of each position. If the position is unoccupied, the record shall clearly be designated as a vacancy.
- Recruitment Files, inclusive of documents related to the recruitment and filling of vacancies will be maintained.
- Safety Records including DOT drug testing, trainings, exposure, OSHA compliance

The Board has authorized the destruction of any non-judicial public record, paper or document that have been maintained for the required period and has been determined that the retention of those records is no longer necessary.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Code are listed below.

*Personnel* The Personnel Department shall maintain records as needed for effective

**Department:** personnel administration. Records shall be retained and destroyed according to the record retention policy.

Confidential and financial records should be destroyed by cross-shredding. Exhibit A establishes only the minimum periods of retention, not maximum periods. The Personnel Department may extend those periods at his/her discretion. At no time should records be destroyed if there is pending litigation, pending audits, or historical significance.

**References:** California Public Records Act; Govt Code §6254, §6254.3 and §26201, disclosure of personal information; Labor Code §1198.5, inspection of personnel files; Code of Regulations §16020-16027 records; TCPR §1202: Personnel Files; Tehama County Resolution 2014-9, January 28, 2014

**Effective Date:** February 27, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County.*

## Record Retention Policy for Human Resources Division

<b>Name/Description of Record</b>	<b>Total Retention</b>	<b>Applicable Law/ Comments</b>	<b>Method of Destruction</b>
<b>Applications and Resumes</b>	2 years	FEHA requires 2 years – this includes unsolicited resumes	Shred
<b>Arbitration cases</b>	5 years after separation		Shred
<b>Personnel Rules Meet &amp; Consult</b>	2 year after bargaining		Shred
<b>Bargaining Notes</b>	4 years after bargaining		Shred
<b>Benefit appeals from plan participants on claims and eligibility denials</b>	Active, plus 5 years		Shred
<b>Board Resolutions</b> (related to Personnel actions)	Prior fiscal year, plus current	Originals on file with Clerk of Board	Recycle
<b>Budget Account Files</b>	2 prior fiscal years, plus current		Recycle
<b>Class Specifications</b>	Retain 1 copy of obsolete specs for reference	Retain 1 copy of obsolete specs for reference	Recycle
<b>Classification Studies</b>	10 years after adoption by the Board of Supervisors		Recycle
<b>Classification Study Notes</b>	1 year after Board adoption		Shred
<b>Complaints</b>	5 years after separation		Shred
<b>Consultants Reports</b>	5 years		Recycle
<b>Correspondence Files for Departments, Vendors, Bargaining Units</b>	5 years	Board policy states “at discretion of department head”	Shred
<b>CPR/First Aid Training Records</b>	4 years	Certificates are only good for 3 years	Shred
<b>Damage Recovery files</b> (Personnel Office only)	Active plus 1 year		Shred
<b>Deferred Compensation enrollment forms and payout election forms for IRC Section 457 Plan prior to September 2000</b>		Destroy after 1-1-2002, pending IRS guidance on irrevocable choice	Shred
<b>DOT Drug Testing</b>	5 years	Omnibus Transportation Employee Testing Act	Shred
<b>Driver Training Participant records</b>	Maintain certificate in employee personnel file		Shred
<b>Eligibility Lists</b>	2 years	FEHA requires 2 years	Shred
<b>Employee Exposure Records</b>	30 years after termination		Shred
<b>Enrollment forms for the Medical, dental, vision, life insurance plans including birth and marriage certificates, student status verifications, and court orders</b>	4 years, plus current year		Shred
<b>First Aid records of injuries causing loss of work time</b>	5 years	ADEA mandate	Shred
<b>Grievances</b>	5 years after separation		Shred



Name/Description of Record	Total Retention	Applicable Law/ Comments	Method of Destruction
<b>HIPAA Certificates to employees and dependents verifying term of coverage under the Plan upon termination of medical coverage</b>	5 years after employee separates		Shred
<b>I-9 Immigration forms</b>	3 years after separation (maintain in personnel file)	IRCA requires 3	Shred
<b>Labor Relations Policy Memos</b>	Active plus 3 years		Recycle
<b>Layoff and Recall notices</b>	2 years from issuance	2 years mandated by FEHA	Shred
<b>Material Safety Data Sheets (Personnel Office only)</b>	Current		Recycle
<b>Medical records: Agility testing; fitness for duty; any documents containing descriptions of medical conditions including Doctor's notes describing specific illness or condition</b> <i>Medical Records Must Be Kept in Separate File from Personnel File</i>	5 years after termination	CA Admin Code 70723(c) and 70725 require health records to be maintained 3 years after termination	Shred
<b>MOUs, Unrepresented Resolutions</b>	8 years after termination	ADEA requires 3 years retention	Recycle
<b>Oral Panel Notes</b>	2 years after list established		Shred
<b>Organization Charts</b>	Permanent	Board policy requires permanent retention; retain one copy of each bound countywide book	NA
<b>Personnel Action Forms Database</b>	5 years		Shred
<b>Personnel Files</b>	7 years after separation		Shred
<b>Personnel Requisitions</b>	2 years after position filled, unless disputed	Current Board Policy requires 5 years; EEO specifies 2 years or if charges brought until disposition.	Recycle
<b>Position Classification Questionnaires</b>	1 year		Shred
<b>Position Allocation Lists</b>	Electronic versions and records of changes for 5 years		Recycle
<b>Pre-employment physicals, fitness for duty</b>	5 years after separation		Shred
<b>Public Records Act Requests</b>	5 years		
<b>Recruitment ads, job opening notices</b>	2 years from placement	2 years mandated by FEHA	Recycle
<b>Salary Ordinance Amendments</b>	Until superseded	Originals on file with Clerk of Board who maintains current ordinance files	Recycle
<b>Salary Surveys</b>	4 years after bargaining		Shred
<b>Salary Tables</b>	8 years after effective date	Retain permanently per current Board policy; FEHA and FLSA require 2 years	Recycle
<b>Temporary employee lists and Contract employee reports</b>	Prior fiscal year, plus current	Reports produced biweekly	Shred
<b>Time Cards</b>	NA	Maintained in Administration Office	Shred
<b>Time Off Requests</b>	NA	Maintained in Administration Office	Shred

Name/Description of Record	Total Retention	Applicable Law/ Comments	Method of Destruction
<b>Training Records</b>	Current employee - maintain a training certificate in employee personnel file - 5 years after separation	FEHA – mandates two years	Shred
<b>Training Registration Forms</b>	Destroy after class held, unless dept is billed for non-attendance	If dept is billed, follow retention period for budget account files	Shred
<b>Travel Requests</b>	NA	Maintained in Administration Office	Shred
<b>Unfair Labor Practices</b>	5 years after separation		Shred
<b>Vehicle Accident Reports</b> (Personnel Office Only)	5 years	Current Board Policy	Shred
<b>Workers Comp</b> <i>accident reports, claims, declinations and correspondence</i>	Active, plus 10 years, indefinitely is there is a future medical liability		Shred



## PERSONNEL RULES

## GENERAL PROVISIONS PERSONNEL FILES §1202

**Overview:** The Personnel Department shall maintain personnel files for all current employees at the Personnel Office and shall contain information for effective personnel administration. This code regulates the types of files maintained and access to the files.

**Applicable to:** All employees

**Definitions:** File - An official paper or electronic record  
PAF - Personnel Action Form  
POST - Police Officer Standards and Training  
STC - Standards & Training for Corrections

**Guidelines:** Official Personnel Files: The Official Personnel File is the repository for those documents necessary to document an individual's tenure and status as a County employee. The Personnel Department shall maintain an official personnel file for each County employee. Unless otherwise required by law, the Personnel Director shall determine whether a document and/or the data it contains is maintained in paper or electronic form. An employee may request additional information be added to their file if determined appropriate by the Personnel Director. No counseling or disciplinary document shall be placed in the employee's personnel file until such employee has had the opportunity to review the document, to receive a copy of same, and to discuss the document with the issuing party. The Personnel Office may charge a fee to provide copies of materials from the employee's personnel file. Personnel files may not be removed from the Personnel Office. The Personnel File may contain such items as:

- Work history information including job application, supplemental questionnaire responses, resumes, letters of recommendation, DMV records, pre-employment medical clearance, certifications required for the position, and new hire information.
- Identifying information
- Evidence of transfers, promotions, PAFs
- Work performance information including evaluations, letters of commendation, recognitions, documentation of disciplinary actions
- Employment contracts and job descriptions
- Signed acknowledgements of receipt of County policy advisements
- Training and compliance certificates
- Responses by employee on any of the above

Non-Official Personnel Files: The department non-official file may contain PAFs, sick leave and vacation records, disability accommodations, and other work history records. A non-official personnel file should be destroyed upon an employee's severance.

Supervisor Files: The purpose of the Supervisor file is to collect information regarding a specific employee for the purpose of evaluations, progressive discipline, or recognition. The Supervisor's file may include performance evaluations, supervisor's notes regarding performance and discipline, counseling

statements, training information, and disciplinary action. The Supervisor file is accessible only to the employee's supervisor. The employee does not have a right to access a Supervisor File. Items in the supervisor file should be destroyed when they are no longer relevant, but never maintained beyond an employee's severance.

Training Files: POST and STC require that law enforcement agencies maintain training files for peace officers.

Payroll Files: Typically, all information, data, or documents pertaining to individual employees' pay is contained in a payroll file. This includes items such as requests for garnishment or levies by outside authorities; tax withholding forms, and other forms reflecting compensation, including payroll deductions; PERS health and retirement information; deferred compensation information; IRS 125 plan information; health benefits; and records reflecting any other deductible items including direct deposit.

Medical Files: The official repository for employees' medical-related documents is maintained at the Personnel Office. Any records or documents such as leave requests, disability accommodations, medical certifications, FMLA requests, fitness for duty, pre-designated physician, or other medical-related issues must be kept separately from personnel files.

Workers' Compensation Files: The Personnel Department is the repository for all of the official records maintained in connection with a workers' compensation claim. Medical and litigation records are kept in these files and are not freely accessed by other County departments unless appropriate releases are obtained. These files are kept specific to the individual claimant.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Code are listed below.

*All Employees:* An employee has access to most records and documents generated or maintained by the County which pertain to that employee and could be used by the County to make workplace decisions about the employee. An employee may inspect documents from their own personnel or payroll file. The file review is conducted in the presence of a staff member from the Personnel Department. A fee for copies of documents may apply.

No more than once per year, an employee may request and receive a copy of the contents of this file without any charge for copying. Thereafter, a charge of fifteen cents (15¢) per page copied may be required if more than twenty-five (25) pages are requested to be copied at any one time.

Employees do not generally have access to background investigations, internal investigations, the department's correspondence with attorneys, letters of reference or ratings, records obtained prior to employee's employment, examination scores, items obtained in connection with a promotion exam or interview, and pre-litigated workers' compensation files.

With written permission from the employee, a representative or potential employer may inspect the contents of the personnel file. An authorization to release information to a third party must be clear, complete, and unambiguous.

No counseling or disciplinary document shall be placed in the employee's

personnel file until such employee has had the opportunity to review the document, to receive a copy of same, and to discuss the document with the issuing party. If the employee disagrees with the placement of a document in their personnel file, the employee may attach a written response of disagreement.

**Department Personnel Contacts:** Every appointment, transfer, promotion, demotion, separation, change of salary rate, and any other temporary or permanent change in status of an employee must be reported to the Personnel Office by PAF or other manner as prescribed by the Personnel Director.

**Supervisor and/or Department Head:** The employee's immediate supervisor and/or Department Head may inspect an employee's personnel file at any time during the normal working hours of the Personnel Office.

**Personnel Department:** The Personnel Department shall maintain an official personnel record for every County employee.

The confidential information in personnel files shall not be revealed to outside sources, including other County departments, except as required or permitted by law, or with the written consent of the employee. The Personnel Director may reveal the following information regarding an employee or an ex-employee, in response to outside inquiries: employee's name, classification title and department, employment status, salary, and hire date and/or separation date. This information is a matter of public record and is available to anyone. For protocol for processing other requests, see TCPR §7201: Letters of Reference/Reference Checks.

The County shall allow an employee to review their file in the presence of a staff member from the Personnel Department. No more than once per year, an employee may request and receive a copy of the contents of this file without any charge for copying. Thereafter, the Personnel Department will charge fifteen cents (15¢) per page copied if more than twenty-five (25) pages are requested to be copied at any one time.

**Required Forms:** Personnel Action Form (when applicable)

**References:** California Public Records Act; Govt Code §6254 and §6254.3, disclosure of personal information; Labor Code §1198.5 inspection of personnel files; Labor Code §432 contracts and applications of employment; Labor Code §226 payment of wages; Code of Regulations §16020-16027 records; TCPR §1204: Letters of Reference/Reference Checks.

**Effective Date:** February 27, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## EMPLOYEE STANDARDS CODE OF CONDUCT §1301

**Overview:** Tehama County is committed to ensuring all business practices are conducted in a manner which upholds the ethical, professional, and legal standards of public service.

**Applicable to:** All Tehama County employees

**Guidelines: Purpose**

The purpose of this Code of Conduct is to provide employees with general guidance when conducting business on behalf of Tehama County and / or in the course of Tehama County employment. Tehama County employees are entrusted with the responsibility of maintaining the reputation of the County by adhering to the highest level of standards and expectations for professionalism and integrity. This Code of Conduct is intended to identify and outline expectations for performance by those who are employed by Tehama County.

Under no circumstances is this meant to be an exhaustive list or intended to cover all situations encountered by employees. Compliance with Tehama County policies, relevant to applicable laws and regulations is the minimum standard which should be adhered to by Tehama County employees.

### Principles

**Trust** – The success of Tehama County is dependent on the trust and confidence earned through our employees. We will be judged on what we do and how we respond. Earn trust by keeping your word and adhering to commitments.

**Excellence** – Strive for excellence through superior quality. Set an example by always performing at your best and motivate fellow employees by outwardly recognizing their hard work. Let others know you value their efforts in striving for excellence.

**Honesty** – Be truthful and sincere by taking full responsibility for your own actions. Always do what is right. Abide by the highest level of professional expectations and remain mindful of the privilege to serve the citizens of Tehama County.

**Accountability** – Be accountable for your own behavior, whether it is personal or professional. Conduct yourself in the highest ethical manner in relationships with peers, seniors, and subordinates.

**Making a Difference** – Your role in the workplace is invaluable. Every employee has an opportunity to make a positive impact in another individual's life. Always treat others with respect, regardless of the encounter.

**Appreciation** – Show appreciation toward others. Gratitude inspires cohesiveness, strength and dedication to the organization. Successful teams are more productive, creative, and happy at work.

### Values

An environment where employees value their contributions and work cooperatively with one another encourages good performance and conduct. In Tehama County,

model behavior starts with leadership. Leaders will perform their duties by demonstrating responsibility through their own ethical actions and lead others by example. Tact and diplomacy will be demonstrated when resolving conflicts, or addressing concerns. Complaints will be addressed promptly and courteously, while promoting equality and understanding.

Tehama County employees shall treat one another with respect, kindness, and fairness regardless of different perspectives and/or beliefs. Disrespectful, discourteous, or retaliatory behavior against another employee or member of the public is subject to disciplinary action. Differences in opinion or disagreements are unavoidable. However, situations such as these can be resolved through listening and understanding. Hearing different points of view from others helps to generate new ideas and problem solve.

## **Employee Standards**

**Represent the County.** Good relations are vital in public service. You are a representative and spokesperson for Tehama County. People who you come in contact with on the job, in public, on County sponsored social media, and while traveling on behalf of the County, will form opinions about Tehama County through the observation of your conduct and attitude. You are responsible for creating and maintaining the public's confidence and good will. Enthusiasm and positivity are important to your overall success.

**Provide good customer service.** Regardless of your role in the County, our business is to serve the public while providing the highest level of customer service possible. When approached by a member of our community, always be courteous and respectful. Whether the interaction is through email, voicemail, or face to face, respond promptly to requests and be pleasant and polite even when others are not.

**Dress professionally.** Appropriate dress and grooming standards contributes to a productive and positive environment. All employees will be expected to exercise good judgement and meet acceptable norms for personal cleanliness, hygiene, and grooming.

**Keep confidential information to yourself.** As a Tehama County employee, you may have access to information considered confidential or private. This information may include documents concerning other employees or members of the public. As a Tehama County employee, you are personally responsible for maintaining the confidential nature of these private materials. Confidentiality shall be maintained by securing private materials from unauthorized personnel or citizens, and securing private materials when you are not directly working with them. Do not make personal copies of private or confidential materials. If you believe confidential materials have been breached, notify a supervisor immediately. Providing confidential information to unauthorized personnel or citizens could be subject to disciplinary and possibly legal action.

**Cooperate with colleagues.** Work together to help build relationships. Involve others in problem solving. Offer to help others, listen carefully and actively, be reliable, meet commitments, and engage good working relationships through activities and events. Share information, express ideas clearly, and if you don't understand something ask questions and clarify information.

**Conduct work in the best interest of the County and use funds appropriately.** Tehama County is a public agency funded by the state and federal government. All Tehama County employees, administrators, and elected officials have the responsibility of ensuring funds are spent wisely and decisions are based on what best serves our community. Tehama County employees, administrators, and elected officials should be familiar with the Tehama County Fraud and Debarment Policy. Any party who has a reasonable basis for believing a fraudulent act has occurred is responsible for notifying the appropriate authority.

**Ensure work is completed with the highest standards.** Deliver error-free, accurate, timely, and visually pleasing work assignments in accordance with department standards.

**Workplace bullying will not be tolerated.** Actions such as offensive language, humiliating, gossiping, threatening, or disparaging treatment; coercive, belittling, sabotaging, isolating, and discourteousness are considered abusive behaviors and may all be considered workplace bullying. These actions may be verbal or non-verbal, acts of commission or omission, direct or indirect, covert or overt, or incidents of aiding or abetting. Employees who feel they are the victims of workplace bullying should tell their supervisor or director, or contact the Tehama County Personnel Office for assistance immediately. Victims of bullying are free from reprisal and those who violate this policy are subject to discipline, up to and including dismissal.

**Do not discriminate.** Tehama County is committed to providing equal opportunities to employees, without regard to actual or perceived race, color, religion, age, sex, national origin, sexual orientation, ancestry, marital status, pregnancy, medical condition, genetic information, veteran status, or gender. The County will not discriminate against any employee or applicant for employment based on physical or mental disability in regard to any position or activity for which the individual is qualified. Employees can report behavior which may constitute illegal discrimination or harassment by co-workers, supervisors, or others to any supervisor, director, or the Personnel Office.

**Be alcohol and drug-free while performing duties.** Tehama County is committed to protecting the health and safety of individual employees, their co-workers, and the public at large from hazards caused by the misuse of drugs and alcohol on the job. The safety of the public, as well as the safety of fellow employees, dictates that employees not be permitted to perform their duties while impaired. Employees should be familiar with the Tehama County Drug and Alcohol Abuse and Drug Testing Policy. Tehama County employees who are seeking treatment or rehabilitation for drug or alcohol addiction may contact the Employee Assistance Program or other professional programs for guidance.

**Be familiar with department rules, statutory laws and regulations, and Tehama County policies.** All employees have the responsibility of complying with general rules, regulations, policies, procedures, and safety guidelines established by the County. If you are unsure where to locate policies within your individual department, contact a supervisor for guidance. Tehama County policies and personnel rules are available on the Tehama County Personnel Office website for employee reference.

**Use supplies, facilities and equipment appropriately.** County supplies, facilities, and equipment are limited to use in the course of County employment. Use or



removal of equipment or supplies for personal use is strictly prohibited. County equipment shall be well maintained and operation of equipment should only occur in the manner which it was intended. Personal use of the phone system, fax machine, internet, and email, other than for an emergency purpose, or communication with our employee organization should follow department guidelines. Part of your job and responsibilities may include having direct access to buildings or offices. Exercise extreme caution and ensure access keys or codes are secured from unauthorized use. If an access key is lost or stolen, it may result in the rekeying of every door in the department. Access keys must be returned to your supervisor if or when you leave employment.

**Work time is for County business.** Time management is important for completing assigned tasks. Good organization skills and effective planning increase productivity. Personal tasks should be limited to breaks and the lunch period.

**Adhere to scheduled work hours.** Punctuality and dependability are essential in maintaining the systematic workflow within an organization. Arrive to work and meetings on time. Follow proper call-in procedures and submit absence request forms timely. Complete and submit accurate time sheets by the payroll deadline.

**Report job-related injuries and hazards.** Employee safety is a high priority in Tehama County. Promptly report all on the job injuries, as well as safety hazards to a supervisor immediately. Follow your departments' supplemental safety procedures.

**Communicate effectively and stay informed.** Check email, mailboxes, and voicemail on a regular basis. Correspond timely to any requests for information. Adhere to internet and email use policies and procedures. Be considerate and sincere, and keep others informed of anticipated changes. Adapt communication methods and always be cognizant of your audience.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* New employees will be required to read the Tehama County Code of Conduct and sign the New Appointment Checklist confirming receipt and acknowledgement of the Tehama County Code of Conduct upon hire.

*Supervisor* Supervisors shall confirm new employees have received a copy of the Tehama County Code of Conduct and have had time to read and familiarize themselves with the content.

*Personnel Office* The Personnel Office will place a copy of the Tehama County Code of Conduct with each new employee packet and ensure signature of receipt on the checklist.

**References:** Tehama County Drug and Alcohol Abuse and Drug Testing Policy; Tehama County Fraud and Debarment Policy; Tehama County Internet and Email Use Policy; Tehama County Harassment Policy; Tehama County EEO Plan; TCPR §1305: Dress Code; TCPR §1403: Confidentiality; TCPC §4101: Work Hours & Attendance; TCPC §8103: Respectful Workplace

**Effective Date:** October 2, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# EMPLOYEE STANDARDS EQUAL EMPLOYMENT OPPORTUNITY POLICY

§1302

**Overview:** Tehama County provides equal employment opportunities to all employees and applicants for employment, and prohibits discrimination and harassment of any type.

**Applicable to:** All employees

**Guidelines:** Equal opportunity employment encompasses all aspects of employment practices to include, but not limited to compensation, benefits, promotions, transfers, layoffs, returns from layoffs, discipline, terminations, County sponsored education, social and recreational programs, or any other consideration made unlawful by federal, state, or local laws. It is the policy of Tehama County that all employees, and applicants, shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, and promotions shall be on the basis of the qualifications of the individual for the positions being filled and the reasonableness of any necessary job accommodations.

Tehama County recognizes its legal obligation (per state and federal law) not to refuse to hire or employ a person; or refuse to select a person for a training program leading to employment; or to bar or discharge a person from employment or to discriminate against a person in compensation or terms, conditions, or privileges of employment because of the person's race, color, religion, sex, gender identity, gender expression, genetic information, military service, veteran status, citizenship status, pregnancy, childbirth, breastfeeding and related conditions, sexual orientation, marital status, national origin, ancestry, mental or physical disability, HIV/AIDS, medical condition, age (40 and above), genetics, retaliation, status as a victim of domestic violence, or use of family medical leave, military leave, other protected leaves, on any other consideration made unlawful by federal, state, or local laws.

Tehama County is dedicated to providing equal employment opportunities to persons with disabilities in accordance with the Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA). Discrimination based on a person's actual, perceived, or record of a disability will not be tolerated. Qualified employees with disabilities shall have the same access to benefits as employees without disabilities.

The County hires only U. S. Citizens and lawfully authorized workers in accordance with the Immigration Reform and Control Act of 1988.

### **Dissemination of the EEO Policy**

The County EEO Policy will be disseminated to all new employees. County recruitment, advertising, bulletins and related materials, and employment contracts will state that Tehama County is an equal opportunity employer. The policy will be conspicuously displayed throughout the County, on the website, and all places where candidates apply for employment. The EEO will be reviewed during orientation sessions.

Those participating on oral interview panels will be advised of the County's EEO policy and coached regarding job-related interview questions and rating criteria

before interviews begin. All interview questions are evaluated for job-relatedness prior to any interviews.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Supervisor/  
Department Head* It is expected that managers and supervisors be particularly aware of the rule and spirit of equal employment opportunity.

*Personnel Office* The Personnel Director is responsible for overseeing the implementation of this personnel rule and for coordinating the investigation of complaints against violations. This rule will be incorporated into the County Personnel Rules and a copy will be provided to every new employee. It is the duty of all employees to abide by the rule and to promote a workplace free from illegal discrimination or harassment.

The County will update this EEO Statement as needed to comply with the latest federal, state, and local EEO laws and regulations, and to ensure that each applicant is provided the maximum opportunity to display his or her job-related qualifications.

**References:** Age Discrimination in Employment Act of 1967; Americans with Disabilities Act (1990); Civil Rights Act of 1866; Equal Pay Act of 1963; Consumer Credit Protection Act; Fair Employment and Housing Act; Family and Medical Leave Act; Immigration Reform and Control Act of 1988; Pregnancy Discrimination Act of 1978/ Title VII of the Civil Rights Act of 1964; Uniformed Services Employment and Reemployment Rights Act of 1994; TCPR §2103: Recruitment

**Effective Date:** February 25, 2020

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# EMPLOYEE STANDARDS DRUG & ALCOHOL FREE WORKPLACE / TESTING

§1306

**Overview:** Tehama County prohibits the use or possession of drugs or alcohol on the job, and reporting to work or the work site under the influence.

**Applicable to:** All employees

**Definitions:** Drugs - For the purpose of this policy, “drugs” shall mean any controlled substance not legally obtainable under State or Federal law – including without limitation: the amphetamine group, cocaine, opioids, phencyclidine, and cannabis – or a prescription medication obtained or used without a valid prescription from a licensed physician

Impaired – Affected by alcohol or drugs to the extent of not functioning normally or safely

Intoxicant - Any agent or substance capable of causing intoxication or poisoning.

Negative Dilute - A negative dilute specimen is a urine specimen which has more water than urine

Medical Review Officer or (MRO) - A licensed physician who receives and reviews laboratory results, and evaluates medical explanations for drug test results before they are reported to the employer

Prescription Medication - Any substance lawfully obtained or possessed pursuant to a valid prescription from a licensed physician, nurse practitioner, or physician’s assistant

Reasonable Suspicion - When two observers, who are trained in detection of drug use, articulate and substantiate in writing specific behavioral, performance, or contemporaneous physical indicators of being under the influence of drugs and / or alcohol on the job

Trained Observer - An employee who has successfully completed the County facilitated training for reasonable suspicion, or works as a law enforcement officer

Under the Influence - A positive test for drugs and / or alcohol in accordance with the testing procedures determined by the laboratory

**Guidelines:** Tehama County is committed to enhancing the safety, health, and well-being of employees and the people they serve. This rule is in support and compliance with Tehama County Resolution (#95-1991) which declares Tehama County to be a drug-free workplace.

Employees who are commercial drivers for Tehama County are subject to Department of Transportation standards and should consult the County of Tehama Drug and Alcohol Testing Policy for Positions Requiring a Commercial Driver’s License for more information.

Departments may adopt a policy with higher standards regarding drugs, alcohol, and / or other intoxicants, based on lawful and appropriate job-related justification and after consultation with employee organizations.

### **Performance Standards**

Tehama County employees shall not:

- Be under the influence or impaired during the course or performance of their assigned duties due to on or off-duty use of drugs, prescription medications, alcohol, or other intoxicants
- Report to the work site under the influence or impaired, due to on or off-duty use of drugs, alcohol, or other intoxicants
- Use any drugs or alcohol while assigned to on-call duties
- Purchase, possess, use, sell, manufacture, or furnish any drug or alcohol while in the course or performance of their assigned duties, during breaks, or on lunch period
- Directly or through a third party illegally provide or sell drugs or alcohol to any person, including any fellow employees, while in the performance of their assigned duties or subject to being called to duty (Exception: Law Enforcement under the authority of the County and in the official capacity of their duties.)
- Take any prescription or over the counter medications or drugs, which may interfere with the safe and effective performance of their assigned duties or during the operation of Tehama County equipment
- Refuse to provide a bona fide verification of a current valid prescription for any potentially impairing drug or medication when requested

### **Prescription and Over-the-Counter Medications**

The illegal or unauthorized use of prescription medications is prohibited by law and is a violation of this policy. Prescription drugs are not prohibited when taken according to a physician's prescription. Employees taking prescribed medications will be responsible for consulting the prescribing physician to ascertain whether the medication may interfere with the safe performance of his / her job duties.

Over-the-counter medications are not prohibited when taken in standard dosage. Employees taking over-the-counter medications will be responsible for consulting a pharmacist to ascertain whether the medication may interfere with the safe performance of his / her job duties.

### **Employee Responsibility to Disclose**

As a matter of privacy, an employer may not ask an employee what medications they are taking. However, if an employee is prescribed medications or taking over-the-counter medications which carry a warning label indicating mental function, motor skills, or judgement may be adversely affected, it is the employee's responsibility to notify a supervisor before beginning work.

When notified of an employee's use of prescription or over-the-counter medications, the supervisor should assess whether there is a risk to the individual's safety or the safety of others, and/or whether there is an impact on cognitive ability or judgement. Because of the diverse duties of County employees, the supervisor must make a determination on a case-by-case basis as to whether the employee has the ability to perform the job safely and effectively. Should the supervisor determine the employee should not work while on the medication, he/she may dismiss the employee for the day. The employee may use sick leave or any other leave available to them in this circumstance. If the employee is expected to be on the medication for several days or a long-term basis, an interactive meeting may be scheduled or a more thorough assessment will be performed.

Should an employee be unexpectedly contacted by a supervisor to report to work, and they have consumed alcohol or drugs, they should inform their supervisor that they may be impaired and are not available for work.

### **Workplace Searches**

The County reserves the right for Department Heads or their designees to search, without employee consent, all areas and property in which the County maintains control or joint control with the employee, except the lockers of peace officers, or other space for storage which may be assigned to peace officers. No peace officer shall have his/her locker, or other space for storage which may be assigned searched except in the peace officer's presence, or with consent, or unless a valid search warrant has been obtained or where the peace officer has been notified a search will be conducted. This section shall apply only to lockers or other space for storage owned or leased by the County.

Except as otherwise lawfully permitted (e.g. search required for entering a secured facility), no persons shall physically search an employee, or shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

If there is reasonable basis to conclude drug possession, the County may notify the appropriate law enforcement agency an employee may have drugs in his or her possession or in an area not jointly or fully controlled by the County.

### **Reasonable Suspicion**

The process for observing an employee for being under the influence is initiated when a supervisor obtains information from a reliable person or directly observes the behavior.

To determine reasonable suspicion, two trained observers monitor the condition and behavior of an employee suspected of being under the influence and determine if enough supporting evidence exists to perform drug and alcohol testing.

The following conditions or behaviors may constitute reasonable suspicion, but are not limited to:

- Incoherent, slurred speech or rapid, excessive talking
- Odor of alcohol on the breath or odor of marijuana on a person
- Staggering or unsteady gait, disorientation, or loss of balance
- Red and watery eyes
- Dilated or constricted pupils
- Involvement in a physical or verbal altercation
- Possession of alcohol or illegal drugs
- Paranoid, abnormal, erratic, or unexplained behavior, or drastic change in behavior
- Drowsiness or sleeping on the job
- Any observable, objective phenomena (i.e., physical symptoms such as passing out)
- Unsafe operation of county vehicles or equipment

Upon conclusion of observation, the trained observers shall immediately notify the Department Head or their designee of their findings. The trained observers will be required to complete an Incident Report Form documenting their observations.

Tehama County will periodically provide reasonable suspicion training for Department Heads, managers, supervisors or their designees to ensure an adequate number of trained observers exist countywide.

## **Testing Procedures**

Based on the information received from the observers, the Department Head or their designee may order the employee to submit to drug and alcohol testing. Employees believed to be impaired shall be prevented from engaging in further work. If working off-site, the employee may be transported back to the department or office by a supervisor or their designee.

The Department Head or their designee shall notify the employee of their right to have a Union representative present for the testing procedures. The drug and alcohol test shall not be delayed more than 15 minutes if the Union representative is not immediately available. If the employee declines Union representation, this information shall be documented on the Incident Report Form.

The supervisor shall arrange all transportation for the employee. If an employee refuses transportation and indicates he or she will drive a vehicle, the supervisor shall notify the employee law enforcement will be contacted and be prepared to follow through.

Any refusal to submit or consent to testing, tampering with testing procedures, or departure before testing, will be considered insubordination and a violation of this policy and could result in discipline up to and including termination.

Testing shall be conducted at an authorized facility. Employees will be asked to sign a consent form authorizing the laboratory to obtain the specimen. The consent form shall provide space for an employee to indicate current or recent use of prescription drugs and over-the-counter medications. Testing during normal business hours will occur at the contracted vendor. After hours testing will occur at St. Elizabeth Hospital.

Testing results will be released to the Personnel Director and the applicable Department Head. Information from an employee's drug and alcohol testing will be considered confidential for purposes other than determining whether violation of this policy has occurred and any resulting proceedings.

## **Test Results**

For a drug test, the specimen sample will be split into two samples and a standard five (5) panel drug test will be performed. Cutoff concentration amounts will be in accordance with State and Federal guidelines. If the initial screening test results in a positive test, a second or confirmation test may be conducted on the second specimen sample. Upon receiving notification of a positive drug test, the Union and / or employee shall have seventy-two (72 hours) to request further action be taken with respect to the second specimen sample.

For a breath-alcohol test, a screening test is conducted first. Any result less than .02 alcohol concentration is considered a "negative" test. If the alcohol concentration is .02 or greater, a second or confirmation test must be conducted.

Positive test results will include specific quantities.

If the laboratory concludes the reasonable suspicion test resulted in a negative dilute, the County will immediately conduct one additional retest. The result of the second test will be considered the test of record.

A Medical Review Officer (MRO) will review and interpret all confirmed positive test results obtained through the County testing program. An employee who tests positive will be contacted by the MRO and will be given the opportunity to provide the MRO



any reasons he or she may have which would explain the positive drug and / or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the employee provides a legitimate medical explanation for the presence of alcohol and / or drugs in his or her system, the positive test result will be disregarded and reported to the County as negative. Otherwise the MRO will report the results of the test as positive.

Due to safety concerns, a Department Head or their designee may place employees who are found to be under the influence on administrative leave pending test results.

### **Violations**

The employee and the Union shall be presented with a copy of the laboratory report before any discipline is imposed.

If the results of the test determine the employee was under the influence of drugs or alcohol while on duty, appropriate disciplinary action may be imposed, up to and including termination.

All disputes concerning the interpretation or application of this drug and alcohol abuse and drug testing policy will be subject to the applicable grievance procedure of the collective bargaining agreement, if any.

### **Reasonable Accommodation**

Tehama County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem qualifies as a disability under federal and/or state law.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* It is the responsibility of Tehama County employees to ensure compliance with this policy. Upon appointment, each employee is required to sign an *Acknowledgement of Receipt, Review, and Understanding of Policy* form.

*Department Head* All Department Heads, managers, and supervisors have a duty to ensure all employees receive a copy of this rule upon appointment, and sign the *Acknowledgement of Receipt, Review, and Understanding of Policy* form. Department Heads will work with the Personnel Office to ensure an adequate number of supervisors, managers, or designees have received reasonable suspicion training.

*Personnel Office* The Personnel Office may assist Department Heads, managers, and supervisors with determining if a violation of policy has occurred, and what actions, if any, are necessary thereafter. In addition, the Personnel Office is responsible for arranging reasonable suspicion training to ensure an adequate number of trained observers exist countywide.

**Required Forms:** Incident Report (Reasonable Suspicion) Form; Rule Acknowledgment

**References:** Drug-Free Workplace Act of 1988; California Drug-free Work Place Act of 1990 Government Code §8350 - §8357; Government Code 3300: Public Safety Procedural Bill of Rights Act; County of Tehama Drug and Alcohol Testing Policy for Positions Requiring a Commercial Driver's License; Tehama County Resolution #95-1991; TCPR §1301: Code of Conduct; Tehama County Vehicle Use Policy

**Effective Date:** June 23, 2020

This Personnel Rule deletes and replaces Tehama County Policy/Procedure #309: Drug and Alcohol Abuse and Drug Testing Policy, adopted by the Tehama County Board of Supervisors April 21, 2015.

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## EMPLOYEE STANDARDS **NEPOTISM** §1308

**Overview:** Due to the potential for perceived or actual conflicts of interest that may impact daily working relationships, such as favoritism or personal conflicts from outside the work environment, Tehama County employees are prohibited from having any supervisory authority over a family member.

**Applicable to:** All Tehama County employees and candidates for employment

**Definitions:** Director Supervisor/Direct Supervision – This is characterized by the person physically present and supervising daily tasks of the subordinate. This person is generally the person who assigns work, evaluates the employee, enforces rules, and imposes discipline.

Family Member – Spouse or significant other; natural, step or legal: child, grandchild, parent, grandparent, sibling, niece, nephew, aunt, uncle; father-in-law; mother-in-law; son-in-law; daughter-in-law or individual living in the employee's immediate household.

Indirect Supervisor/Indirect Supervision – This is characterized by some form of authority over the work of the employees, but does not directly supervise the employee. In other words, is responsible for the work, but not the worker. A good example of an indirect supervisor may be a Department Head, as opposed to the Office Manager.

Line of Supervision – The connection of an employee and a supervisor on an organizational chart. For example, Bob is supervised by Mary, who is supervised by Joe, who is supervised by Tom. Bob and Tom are in a "line of supervision".

Nepotism – The practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship.

Personal relationship – For the purpose of this rule, personal relationship include association by blood, adoption, marriage and/or cohabitation. In addition, there may be personal relationships beyond this general definition that could be subject to this rule.

Significant Other – A person with whom someone has an established romantic or sexual relationship.

Supervisory Authority – Authority over matters such as hiring, retention, transfer, promotions, performance evaluations, discipline, leave requests and compensation decisions.

**Guidelines:** Tehama County is committed to a policy of employment and advancement strictly based on qualifications and merit. It is found by the County that a business purpose exists relating to supervision, safety, security, and morale, and the public's trust in the agency's qualifications and merit-based employment practice, and dictates that a prohibition on supervision of family members within County departments is essential to the equal and fair treatment of employees and applicants.

Department Heads shall not employ, or recommend for employment, any family members to a position in their department. Other appointing authorities, and/or supervisors shall not employ, or recommend for employment, any family member to a position of employment in which they would have any direct or indirect supervisory authority over said family member.

This criteria must also be considered when assigning, transferring or promoting an employee. Under no circumstance shall any employee be appointed, transferred or promoted to a position within any department, division or office in the County who is a family member of an employee in a position of direct or indirect supervisory responsibility of said department, division or office.

In addition, no special consideration shall be given to any applicant for employment who is a family member of any County employee. Applicants are required to disclose the name, relationship and department of any relative working for Tehama County.

Board Members shall abstain from voting on personnel matters that uniquely affect his/her family members. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Rule are listed below.

*Employee* It is the responsibility of the employees who are in a relationship prohibited under this rule or anticipate being in a relationship prohibited under this rule to immediately notify their supervisor or department head of such relationship.

Thereafter, either of the individuals must take one of the following actions within 30 days:

- Transfer to a vacant position that is lesser or equal in pay, if they meet the minimum qualifications and upon approval by the Department to which the employee is transferring.
- Apply for any vacant position for which he or she is qualified within the County. However, the length of the recruitment period or failure to secure the position does not justify additional time beyond the 30 day period.
- Resign their position

During those 30 days, the supervisory employee shall not have any involvement or direct input in the employment decisions of the other employee. Failure of either employee to voluntarily change employment status within 30 days is a violation of this rule and will thereby result in imposition of disciplinary action to resolve the issue, up to and including the termination of the employee in the role of supervisor authority.

Failure for the employee in the role of supervisory authority to disclose the existence of a relationship with any other employee or applicant to which he/she has a line of authority will result in disciplinary action, up to and including termination.

*Department Head* Department Heads may consult Personnel or County Counsel with concerns or questions regarding this Rule. It is the responsibility of the Department Head to notify the Personnel Director upon knowledge of any actual or suspected relationships that would be considered a family member relationship between an employee with supervisory authority and a subordinate employee within their department, office or division.

*Personnel Director* The Personnel Director and/or County Counsel may assist Department Heads in the interpretation of this Rule. If the Personnel Director is notified of a claim from the Department Head, he/she can determine the validity of the claim.

The Personnel Director may make reasonable efforts to assist the employee in the supervisory role in seeking transfer or reassignment, but the sole responsibility for securing an alternate position rests on the employee.

*Job Applicants* It is the applicant's responsibility to disclose the name, relationship and department of any family member working for the County when completing the Tehama County Employment Application.

**Required Forms:** Tehama County Employment Application (when applicable)

**References:** Tehama County Nepotism Policy

**Effective Date:** July 17, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# EMPLOYEE RESPONSIBILITIES OUTSIDE EMPLOYMENT & INCOMPATIBLE ACTIVITIES

§1406

**Overview:** Tehama County recognizes employees may want to engage in outside employment. Employees of Tehama County are permitted to engage in outside work, subject to certain restrictions.

**Applicable to:** All employees

**Definitions:** Incompatible activities – Any activities prohibited under the Guidelines section of this Rule.

Outside employment – Any work or service, other than County employment, for which the employee accepts compensation, including, but not limited to, other paid employment, self-employment, or an ownership interest in a private business

Volunteer Service - Any work or service for which the employee does not accept compensation, usually provided in the form of labor for a community event or organization.

**Guidelines:** The County is considered the primary employer. An employee's outside employment and volunteer service may be restricted if:

- The employee uses County time, facilities, equipment, supplies, property, vehicles, tools, badge, uniform, influence, certificates/licenses (excluding drivers licenses) provided under or sponsored by Tehama County, or prestige of the employee's position for personal profit or advantage.
- The employee performs any work, service, or counsel that involves the receipt or acceptance of money or other consideration from any person or agency other than the County for the performance of an act that is required of the employee as part of their regular County duties.
- The employee performs any act in other than his/her capacity as a County employee which may later create an obligation or liability for the County, or be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the County and there is likelihood of potential favoritism, selective enforcement, or misuse of County information. An example of this would be to serve on a steering committee or board of a public or private foundation which is funded, contracted, or administered by a County agency.
- It results in poor job performance, absenteeism, tardiness, or unnecessary distractions such as communications during paid work hours.
- It involves the availability of County information which would not be available to the general public.
- It improperly represents the service provided as a service of the County or as endorsed by the County.
- It implies the employee will use his/her position with the County to further the interests or goals of an individual, company, or firm in doing business with the County.
- It involves activities rendered to County clients for private compensation which are expected to be rendered in the course of duties of the County employee.
- The service is one mandated by the County as part of a treatment or punitive program. An example of this would be for a County employee to mandate counseling as treatment under a County drug and alcohol recovery program, and

then providing the counseling as a private practitioner.

**Secondary Employment as an In-Home Support Services (IHSS) Worker**

Tehama County has general supervision over the services provided by IHSS workers, and maintains control over their payment rates and methods. This determines Tehama County and IHSS as “joint employers”. Under the Fair Labor Standards Act (FLSA), any hours over 40 worked for the same employer (or joint employers) would be eligible for overtime pay. County Employees may be denied secondary employment as an In-Home Support Services Worker due to the costs associated with overtime.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* **Notice to Department Head**

Employees who wish to engage in outside employment or volunteer work that is substantially similar in nature to their County employment, or possibly creates a conflict of interest shall submit a completed Request to Approve Outside Employment form to their Department Head prior to engaging in such activity. Department Heads who wish to engage in outside employment shall submit a completed Request to Approve Outside Employment to the Chief Administrator. Employees who were engaged in outside employment prior to the creation of this Rule must submit a completed Request for Outside Employment form to their Department Head within 30 working days of receiving notice of the approval of this Personnel Rule.

Receipt and filing of the Request to Approve Outside Employment form does not constitute approval of such outside employment by the Department Head. The Department Head will provide approval or denial of the request in writing to the employee within 10 working days.

The employee’s failure to provide notification as required may be cause for disciplinary action pursuant to the provisions of this Personnel Rule. An employee’s failure to comply with a written order to cease outside employment or volunteer services may be cause for disciplinary action.

**If request is approved:**

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

**If request is denied:**

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

*Department Head* Upon receipt of a Request to Approve Outside Employment form, the Department Head will review the request for potential interference with the employee’s performance of his/her regularly assigned job duties and compliance with this

Personnel Rule. The nature of the employee's proposed secondary employment cannot in and of itself prevent an employee from being allowed to pursue the secondary employment. The Department Head shall notify the employee, in writing, within 10 working days of receipt of the request whether the request has been approved or denied. If the request is denied, the Department Head shall provide reasons for such decision.

If the Department Head believes that the secondary employment has caused the employee's overall work performance to drop below a satisfactory performance level, the supervisor must first approach the matter with the employee as a performance issue and provide the employee adequate time to demonstrate improved performance.

If, within a reasonable period of time, the employee's performance continues to be below satisfactory, and if the Department Head has supporting documentation which indicates that the secondary employment is the cause of these performance problems, the Department Head may deny the employee's secondary employment. The Department should allow the employee a reasonable amount of time to give notice of termination to the secondary employer. An employee's refusal to end his/her secondary employment as directed by this rule is considered a matter of personal misconduct and may be subject to disciplinary action, up to and including dismissal.

A Department Head may order an employee to cease working at any volunteer work or outside employment, if the employment is in violation of any of the provisions of this Rule. The Department Head may immediately demand suspension of the outside employment pending the final determination of the incompatibility.

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

*Review Committee* The Personnel Director, Chief Administrator, County Counsel, and a Department Head not involved in the matter shall act as a review committee in the event an employee is denied outside employment/activities and wishes to appeal. The review committee will review the order to cease outside employment, and the employee's written appeal. The review is not a formal hearing. The review committee must provide a recommendation within 10 working days of receipt of the written appeal. The committee recommendation is not binding on the Department Head and nothing in this policy is intended to interfere with a Department Head's authority. Should a Department Head reject the committee's recommendation, and require that the employee cease the outside employment and/or activity, such action would not constitute a violation of this Personnel Rule.

**Required Forms:** Request to Approve Outside Employment

**References:** Govt. Code §1125-1126, §1090, §19990; Tehama County Conflict of Interest Policy; Fair Labor Standards Act §207; Fact Sheet #23: Overtime Pay Requirements of the FSLA; Guerrero vs. Superior Court; National Labor Relations Board Browning-Ferris Decision

**Effective Date:** May 22, 2018  
**Revised:** October 22, 2019



*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## EMPLOYEE RESPONSIBILITIES **POLITICAL ACTIVITIES** §1407

**Overview:** To maintain a workplace that is free of political distraction, the County establishes the following guidelines regarding permitted political activities. Employees are encouraged to participate in political activities before the commencement of, or at the end of any standard or overtime hours, during lunch and/or breaks, or during paid/unpaid leave. This Personnel Rule does not apply to political activities related to employee unions.

**Applicable to:** All employees

**Guidelines:** For activities not listed, employees should consult the Department Head for guidance.

### **Permitted Activities**

An employer cannot lawfully prohibit workplace conversations about political subjects, unless it similarly prohibits all other non-work related conversations (what they did over the weekend, TV shows they watch, etc). The law also allows employees to discuss employment-related issues while at work. Because a campaign may determine who will run specific departments, conversations about a campaign could be considered employment-related.

Employees may wear campaign buttons or other campaign attire, providing they do not have direct contact with the public or clientele they manage or serve. Employees may display political messages such as bumper stickers on their private vehicles, which may be parked on County property. Employees may attend political rallies on their own time.

### **Prohibited Activities**

The following activities are prohibited in all County workplaces, including working in the field or attending meetings on behalf of the County:

- soliciting campaign contributions
- debates about candidates
- circulating petitions
- distributing campaign materials
- displaying campaign materials (other than as described in Permitted Activities above)
- working on campaigns during work time or in work areas
- using County resources for a campaign
- disrupting operations or productivity

### **Maintain a Culture of Respect**

It is every employee's responsibility to maintain a culture of respect throughout the political process. While employees may have strong, opposing political views, the County will not tolerate discrimination, harassment, or retaliation. Employees should be considerate of coworkers, the public, and clients.

### **Time Off for Voting**

Employees are eligible for paid time off for the purpose of voting only if they do not

have sufficient time outside of work hours to vote. If an employee is scheduled to be at work during election day during the time that polls are open, they are allowed to take up to two hours off to vote, without loss of pay or accrued leave. Additional time may be granted, but a maximum of two hours will be paid. The time off must be at the beginning or end of the regular work shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless another arrangement is made with the supervisor. If an employee needs time off for voting, they must provide their supervisor with two days' notice.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* If an employee needs time off for voting, they must provide their supervisor with two days' notice.

*Supervisor* A supervisor may not prohibit or intimidate an employee from participating in political activities on their own time or voting. Upon receiving proper notification of the need for leave for voting, the Department Head or designee shall review the request and follow the law in granting such leave.

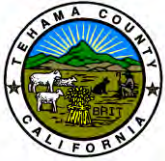
*Department Head* Enforce rules for political activity consistently across all employees.

**Forms:** Request for Leave Form (for Voting Leave)

**References:** Govt Code §3201-3209, and §19990; National Labor Relations Act; DiRuzza v. Tehama County

**Effective Date:** May 15, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING RECRUITMENT §2103

**Overview:** Tehama County is committed to ensuring the methods and techniques used in the recruitment process are effective in attracting the most qualified individuals possible for employment consideration.

**Applicable to:** All employees

**Definitions:** Emergency Appointments - Prior to Board approval, a department head may hire extra help without allocated funds in cases of urgent necessity, to preserve life, or to prevent great property loss to the County or its citizens. Approval shall be obtained for such hiring at the first regular Board meeting following hire.

Employment List - An arrangement of candidates for County employment or promotion created as a result of a recruitment or examination process. See TCPR §2111: Employment Lists.

Job Announcement - A printed job flyer or a posting on the County's recruitment website.

Job Type - Extra Help, Full-Time, Limited Term – Sunset Position, Part-Time, Seasonal or Volunteer

Online Hiring Software - The software program on which the County manages recruitments.

Open Eligibility List - An arrangement of candidates for employment who are deemed qualified as a result of an open recruitment process conducted by the Personnel Office. An open eligibility list is established, approved, and maintained by the Personnel Office and is available for use by any department in the County.

PAL - The Position Allocation List (PAL) contains the number of allocated full-time or part-time positions in each County department or budgetary division as determined by the Board of Supervisors.

Recruitment Website - The website on which applicants view County job announcements and apply for positions.

**Guidelines:** All regular positions and extra help positions, except emergency appointments, shall be filled by persons who have participated in the recruitment process.

Prior to requesting a recruitment, the hiring manager shall review the classification specification to verify that it accurately represents the essential functions and qualifications of the position. If no revision is necessary, the hiring manager may move forward with the recruitment process. If a revision is necessary, the department head shall request to revise the classification specification in accordance with TCPR §2204: Request to Revise a Classification Specification. If the revision is approved by the Board of Supervisors, the department may then begin the recruitment process.

To begin the recruitment process, a department must have an open allocation for a classified position, or have available funds appropriated for an extra help position. If there is no vacancy within the department's allocated positions, or there are not funds appropriated for an extra help position, or if a position is expected to become vacant but the employee has not vacated the position, a recruitment may only be conducted to establish an employment list.

If the recruitment is for a classified position and is not allocated for in the current PAL, the department head must obtain approval from the Board of Supervisors prior to starting the recruitment process. See TCPR §2201: Request for Changes to PAL.

A department head may hire seasonal, temporary, or extra help employees without approval by the Board of Supervisors, if there are available funds appropriated. However, a recruitment must still be completed. Candidates who have completed the recruitment process and were not selected for the permanent position, may be offered an extra help position without an additional recruitment.

### **Types of Recruitment**

The determination of the type of recruitment to be conducted shall be made by the department head or his/her designee with approval by the Personnel Director. When a position is promotional in nature, the recruitment and selection process may be limited to County or departmental employees.

- Open Recruitment - This is a general recruitment and is open for anyone to apply. This is the basis upon which most vacant positions are posted.
- Promotional County Recruitment - Open to current Tehama County employees who meet the minimum qualifications of the position.
- Promotional Departmental Recruitment - Open only to employees within the department in which the vacancy exists, and who meet the minimum qualifications of the position. This type of recruitment must be approved by the Personnel Director.

Promotional recruitments are not allowed if a current employment list exists for the classification within that department. Exceptions may apply with approval from the Personnel Director.

### **Open Eligibility List Recruitment**

The Personnel Office may hold open eligibility list recruitments for certain classifications which are considered to be shared throughout the County. If an open eligibility list exists, a department must review the candidates on such list prior to initiating a new recruitment. Candidates who apply for an open eligibility list recruitment may be called upon from any County department.

The Personnel Office will be responsible for preparation, approval, and maintenance of open eligibility list recruitments.

### **Recruitment Request**

To fill a vacant position, recruit for an extra help position, or recruit to establish an employment list, the department must submit a requisition to the Personnel Office via the County's online hiring software system. Requisitions must be submitted no less than three (3) consecutive business days prior to the desired posting date of the position.

The requisition shall include the following:

- Department
- Classification title
- Job type (full-time, part-time, extra help, sunset position, seasonal or volunteer)
- Type of recruitment (Regular, Promotional County Recruitment or Promotional Departmental Recruitment)
- Number of vacancies (not applicable for eligibility list recruitments)

- Position details and PAL number of the position (not applicable for eligibility list recruitments)
- Desired closing date
- Any supplemental information to be added to the recruitment

Once a requisition has been submitted by a department, the Personnel Office shall review the request for approval. An approval or denial notification shall be sent to the department.

### **Merit Systems Services (MSS)**

A recruitment request shall be submitted via the online hiring software for MSS recruitments. Additionally, a job announcement that includes the qualifications required by the County shall be posted to the County's recruitment website and sent via email to the Clerk of the Board's Office, all department heads, personnel contacts, and the recognized employee organization for the position.

Applications for recruitments that fall under the MSS guidelines will not be accepted via the Tehama County recruitment website. Merit System Services (MSS) employment lists are established and maintained pursuant to conditions and regulations imposed by MSS.

In all cases where MSS rules address specific recruitment requirements for positions that fall under MSS, such rules shall override this rule/procedure. When MSS is silent, this rule/procedure will prevail.

### **Job Announcement**

After a recruitment request has been approved, the Personnel Office shall create a job announcement.

Job announcements and advertisements may not contain requirements for any specific knowledge, abilities, education, experience, etc., which are not specified in the classification specification. However, desirable knowledge and abilities or ideal candidate language may be included. Job announcements must include the following:

- Classification title
- Wage
- Any special requirements; i.e. licensing certification, etc.
- Minimum qualifications
- Example of duties
- Notice that an eligibility list may be established
- The statement, *Equal Opportunity Employer / Americans with Disabilities Act Compliant/ Veterans' Preference Policy / Drug Free Workplace*

Prior to posting, the Personnel Office shall send the job announcement to the department for final review and approval.

### **Posting of Job Announcements**

Following review and approval by the department, the Personnel Office shall post the job announcement to the County's recruitment website.

Job announcements, other than Promotional Departmental Recruitments, shall be sent via email to the Clerk of the Board's Office, all department heads, personnel contacts and the recognized employee organization for the position. Promotional Departmental Recruitment announcements shall be sent to the department which

the vacancy exists, as well as the recognized employee organization for the position.

The announcement shall be posted in an area easily accessible to or circulated among departmental employees. The purpose of this procedure is to afford County employees an opportunity to apply for vacant positions. An application for employment does not ensure any rights to the position.

A job announcement must be posted for a minimum of ten (10) calendar days prior to interviews being conducted. Due to the possibility of a potential candidate having questions or experiencing technical difficulties with the recruitment website, job announcements shall not close on a weekend or holiday.

To ensure job announcements are current and competitive, continuous recruitments shall not be conducted. Alternatively, the Personnel Office will set the closing date sixty (60) calendar days from the date of posting. The posting shall state "Open Until Filled." The department may request to close the recruitment prior to the end of the sixty (60) day period. However, the ten (10) calendar day posting requirement must still be met. The Personnel Office shall then close the recruitment and notify other departments to remove the job announcement.

### **Advertisement**

Various methods of media publicity may be used to bring notice of vacancies to as many qualified persons as possible. Publication of advertisements shall not be scheduled until the Personnel Office has posted the approved job announcement on the recruitment website.

A department may use paid advertisement to promote job announcements, at the expense of the department.

The Personnel Office may assist a department with an advertisement plan.

### **Application Process**

No applications shall be accepted after the recruitment has closed.

Applicants must submit a separate application for each position in which he/she is applying for. All applications must be submitted via the recruitment website. Should a paper application be accepted by the department, the application must be manually entered by the department hiring manager into the online hiring software system.

To allow a comprehensive review and evaluation of an applicant's qualifications, an application must be completed in sufficient detail. Incomplete applications may not be considered. Applications not including satisfactory evidence of certification, registration, license, or educational attainment where such requirement is stated in the classification specification / job announcement, may not be considered.

All applications must be completed and signed (may be electronically signed) by the applicant.

Applications must include:

- The applicant's name, address and personal data
- The applicant's work background

### **Extended Recruitment**

If there are ten (10) or less qualified applicants for a recruitment, a department may

request an extension. Such requests shall be submitted to the Personnel Office prior to the closing date of the recruitment. A job announcement may only be extended twice. If the second extension is unsuccessful, the department should consult with the Personnel Office.

In the event of an extension, the hiring manager shall notify all current applicants of the extension and the new closing date.

**Failed Recruitment:**

Should a department be unable to obtain any qualified candidates during the recruitment process, the department shall consult with the Personnel Office to determine other methods of recruitment, and/or determine if a revision of the classification specification is necessary.

To determine whether a recruitment has failed, a department will have completed the following and found no qualified candidates:

1. Posted the job announcement two consecutive times or extended a job announcement twice
2. Advertised the position on multiple advertising platforms
3. Evaluated all applications received during the recruitment period (See TCPR §2105 Screening Process)
4. Interviewed applicants that meet the minimum qualifications (See TCPR §2106: Interview Process)

In cases when the need exists to recruit for, and hire employees whose skills, professional licenses, professional degrees, or certifications by law are in such demand that Tehama County wages attract no qualified candidates, the department shall consult with the Personnel Office. In an effort to obtain qualified applicants for such positions, the Personnel Office may conduct a classification study and/or a salary survey.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

- Hiring Manager* The hiring manager is responsible for:
- Reviewing the classification specification to verify accuracy of the essential functions and qualifications prior to requesting a recruitment
  - Submitting a recruitment request to the Personnel Office, no less than three (3) business days prior to the desired posting date of the position
  - Reviewing and approving the job announcement created by the Personnel Office
  - Manually entering paper applications received into the online hiring software system
  - Submitting a request to extend a recruitment to the Personnel Office prior to the closing date of the posting, as well as notifying all current applicants of the extension and new closing date

- Department Head* Department Heads or his/her designee are responsible for:
- Requesting to revise the classification specification in accordance with TCPR §2204: Request to Revise a Classification Specification, if a revision to a classification specification is necessary prior to starting the recruitment process.
  - Requesting approval from the Board of Supervisors, prior to starting the recruitment process, if a position is not allocated for in the current PAL.
  - Requesting approval from the Personnel Director to conduct a Promotional Departmental Recruitment.



- Consulting with the Personnel Office in the event of a failed recruitment

*Personnel Office* The Personnel Office is responsible for:

- The preparation, approval, and maintenance of open eligibility list recruitments
- Reviewing recruitment requests submitted by a department
- Sending an approval or denial notification to a department
- Creating job announcements
- Sending job announcements to a department for final review and approval
- Posting job announcements
- Extending job announcements at the request of a recruiting department
- Consulting with a department to determine other methods of recruitment, if a revision of the classification specification is necessary, and/or if a classification study or salary survey is necessary if a department is unable to obtain any qualified candidates during the recruitment process

**Required Forms:** Recruitment Request (via the current online hiring software)

**References:** TCPR §2105 Screening Process; TCPR §2106: Interview Process; TCPR §2111 Employment List; TCPR §2201: Request for Changes to PAL; TCPR §2204 Request for Revision to Class Spec; Tehama County Charter and Code 3.28.080; 3.28.090; Tehama County Administrative Policies & Procedures #318 Failed Recruitment; Tehama County Ordinance No. 1886

**Effective Date:** November 5, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING ORIENTATION §2104

**Overview:** Employee orientation covers important information for employees stepping into new roles. A successful orientation program accelerates engagement while increasing employee satisfaction and performance.

**Applicable to:** All full time and part-time employees, including elected officials; extra help employees may attend at their own, or the department's preference

**Guidelines:** All orientations are to include a review of vital policies/rules, procedures, benefits, County information, compensation, leaves/time off, resources, employee standards, and workplace safety as listed on Exhibit 2104A of this Personnel Rule. In addition to items listed on Exhibit 2104A, the department may develop an orientation list specific to their department.

Employees shall be released from duty with pay to attend orientations.

To be most effective, an employee should attend orientations within the time frames listed below. In cases when an employee does not attend within the required time frames, the employee is still required to attend.

### **County New Hire Orientation**

Within the first 60 days of employment, all new hires or newly appointed elected officials are required to attend new hire orientation as facilitated by the County Personnel Office.

Employees returning to County employment after a break of three years or more must attend the new hire orientation as a refresher.

A Certificate of Completion with a list of items covered in the orientation will be placed in the employee's personnel file.

### **Department Orientation**

Within the first 10 days of new employment or transfer to a new department within the County, all employees or elected officials are required to attend department orientation as facilitated by the Department Head or their designee. In addition to items listed on Exhibit 2104A, the department may develop an orientation list specific to their department.

### **Supervisory or Management Orientation**

Employees who did not complete new hire orientation at any point in Tehama County employment should attend new hire orientation when promoted. Within the first 10 days of an appointment or promotion into a management or supervisory position, employees are required to attend an orientation outlining their additional duties as a supervisor/manager as facilitated by the Department Head or their designee.

### **Department Head Orientation**

Employees who did not complete County new hire orientation at any point in Tehama County employment should attend new hire orientation when promoted or appointed to Department Head. Within the first 10 days of an appointment to Department Head,

employees are required to attend an orientation outlining their duties as a Department Head as facilitated by the Chief Administrator (or their designee) and the Personnel Office. This training includes items listed in the Exhibit under Supervisorial and Management if the new Department Head has not already completed this training.

### **Board of Supervisors Orientation**

Within the first 30 days of an appointment to the Board of Supervisors, County Supervisors are required to attend an orientation outlining their duties as a County Supervisor as facilitated by the Chief Administrator (or their designee) and the Personnel Office. Supervisors are also required to attend New Hire Orientation.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Employee should attend orientation as scheduled by supervisors.

*Department/  
Department Head* Prior to or immediately upon hire, departments will register new employees for the County facilitated orientations and schedule any department orientations. New employees must be notified of dates and times of the orientations.

*Personnel Office* The Personnel Office will facilitate the new hire orientation at least once a month.

**Effective Date:** June 23, 2020

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## ORIENTATION TOPICS EXHIBIT 2104A

All orientations are to include a review of vital policies/rules, procedures, benefits, County information, compensation, leaves/time off, resources, employee standards, and workplace safety as listed below. In addition to these items, the department may develop an orientation list specific to their department.

### **County New Hire Orientation presented by Personnel**

*All new hires or newly appointed elected officials*

#### County Governance

Board of Supervisors/Districts/Map  
Chain of command  
Charter County  
County Administration  
County Departments  
Mission Statement/Strategic Initiatives

#### Benefits

CalPERS Pension Plan  
Health Insurance  
Dental Insurance  
Vision Insurance  
Life Insurance  
Supplemental Life  
Deferred Compensation  
Employee Assistance Program  
Flexible Spending Accounts  
Growth Opportunities/Trainings  
State Disability Insurance  
Social Security/Medicare  
Unemployment Compensation

#### Compensation

Direct Deposit  
Paydays

#### Labor

Memorandum of Understanding

#### Procedures

Forms  
Travel/Vehicle Use

#### Leaves

Bereavement Leave  
Call-in procedures  
FMLA/CFRA  
Military Leave  
Paid Family Leave  
Parental Leave  
Pregnancy Disability Leave  
Requesting time off  
Sick Leave  
Vacation  
Holidays

#### Rules/Policies

Drug & Alcohol Abuse and Drug Testing Policy  
Drug Free Workplace Policy  
Harassment Policy  
Internet and Email Use Policy  
Personnel Rules

#### Workplace Safety

Disaster Service Worker Oath  
IIPP  
Injury reports/Workers Comp  
NIMS/SEMS  
Safety orientation  
Workers Compensation/Workplace Injuries

#### Standards

Dress code  
Equal Employment Opportunity  
Management expectations for performance  
Respectful Workplace  
Code of Conduct

### **Department Orientation**

*All new employees or those transferring to a new department within the County*

The employee should attend “County New Hire Orientation presented by Personnel”, any items developed by the department, and the following:

Introduction/Tour	Performance Evaluations
Contact information	Workspace
New hire paperwork	Growth opportunities/training
Structure and workflow of the department	Chain of command
Work hours/lunch period	Summary of programs
Management expectations	Workplace Safety/Injuries

### **Supervisory or Management Orientation**

*As applicable to the position, all employees appointed or promoted to a supervisory or management position*

Budget - specific to program or Department	Personnel Rules (Resource)
Budget timeline	Performance Evaluations
Funding sources/uses	Supervisor Training Plan
Position Allocation List	Employee representation groups
Purchasing/Submitting claims	

### **Department Head Orientation**

*All employees appointed or promoted to a Department Head position*

The employee should complete the items listed under “Supervisory or Management Orientation”, and the following:

Confidential directory	Introduction meetings arranged with Auditor, Personnel, County Counsel, Maintenance, and Administration
Grant Proposal Process	Board Communications: presenting to the Board, Department Head announcements, reports, and agenda submittals
Growth Opportunities/Trainings	
Negotiations status	
Labor relations	
Department Head meetings	
Risk Management	

### **County Supervisors Orientation**

*All Supervisors appointed or elected to the Board of Supervisors*

CSAC EIA Health	Funding sources/uses
Growth Opportunities/Trainings	Position Allocation List
Ad Hoc Committees	Purchasing/Submitting claims
BOS Agenda item protocol	Risk Management
BOS Meeting Protocol	Travel/Vehicle Use
Employee Employer Relations	Personnel Rules (Resource)
Negotiations status	Injury reports/Workers Comp
County Budget	Contact information
Budget timeline	Workspace
Forms	Meeting with Department Heads



## PERSONNEL RULES

## APPOINTMENTS & STAFFING SCREENING PROCESS §2105

**Overview:** Tehama County is committed to ensuring the methods and techniques used in our hiring practices result in the appointment of the most qualified applicants. The intent of this rule is to provide effective tools for screening and evaluating all potential job candidates.

**Applicable to:** All employees

**Definitions:** Application Screening Matrix - A numeric rating system used for comparing candidates' qualifications with both the essential functions of the job  
Screening Checklist - A simple delineation of required or preferred criteria listed in the classification specification or on the job announcement  
Subject Matter Expert (SME) - A person who has expertise or knowledge in a particular career field, job, or topic

**Guidelines:** The importance of identifying intelligent, motivated, and dedicated employees and placing those employees in critical positions within Tehama County cannot be overemphasized. Tehama County must ensure the selection process is nondiscriminatory, reliable, valid, legal, and cost-effective.

A comprehensive screening process not only assists with ensuring Tehama County maintains an exceptional level of employees in our work force, but also contributes to minimizing challenges which may arise from ineffective hiring practices. Because each hiring decision can have long term ramifications, fair, honest, and consistent applicant screening practices are essential to preserving the integrity of our organization and may contribute to reducing agency liability.

Applications and accompanying materials may contain sensitive information, such as the applicant's home address and driver's license number. This information must be kept confidential and shall not be shared outside those directly involved in the screening process.

Application materials must be screened by at least two reviewers. Screening of applications may be done by the Department Head, supervisor, manager, personnel staff, or a subject matter expert. Sufficient time should be spent to ensure a fair and thorough review of all applications, including all attached materials.

The following information has been identified as effective strategies and tactics for screening applications. Department heads or designees may utilize their own methods and techniques for screening applications, as long as they align with the basic fundamentals of this rule.

Merit Systems Services (MSS) screens the applications for positions that fall under the MSS guidelines.

### **EEO Policy Statement**

Tehama County provides equal employment opportunities to all employees and

applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic, protected by federal, state, or local laws.

### **Pre-screening Applications**

The first step in the screening process is to review applications and confirm the candidates have met the minimum qualifications, or other pre-determined criteria for appointment. A screening checklist may be utilized to help the reviewer verify the qualifications for employment.

Those applicants who do not meet the minimum qualifications, or other preferred criteria, should be removed from consideration. Only well-qualified candidates will be forwarded to the next phase in the selection process.

Meeting the minimum qualifications does not guarantee a candidate will advance to the next step in the selection process. Other considerations may be made when evaluating applications, such as neatness, expired certifications or licensures, important areas left blank, grammar or spelling errors.

### **Application Screening**

Applicants who have moved through the first tier in the screening process will receive a more thorough evaluation for completeness, education, training, and experience. All considerations and judgments will be based on the requirements outlined in the classification specification. An application screening matrix may be used for this portion of the application screening.

### **Examinations**

Those applicants who pass the second phase of application screening may be asked to undergo an examination process to further assess their qualifications for the position. This process may include written and/or oral examinations. Examinations will serve as a valid measurement of an individual's knowledge and understanding of factors associated with successful job performance. The County will determine the passing score for each examination.

### **Veteran's Preference Points**

After the examination process is complete, Veterans' Preference points may be added to those who are eligible and have provided proper documentation in accordance with TCPR §2107: Veterans' Preference.

### **Recommendation to Interview Chairman**

Upon completion of the screening and examination processes, the candidate ratings will be provided to the interview chairman or designee.

Any candidate who is eliminated during any part of the screening process shall be notified by mail, regular or electronic, by the hiring department.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Department Head* All applications and screening materials should be retained in a recruitment file for a period not to exceed two years, reference TCPR §1201: Record Retention Policy for Human Resources Division.

*Personnel Office* The Personnel Office is able to assist at any stage of the screening process.

Example materials may be made available upon request.

**Required Forms:** None

**References:** TCPR §1201: Record Retention Policy for Human Resources Division; TCPR §2102: Non-Discrimination in Hiring; TCPR §2103: Recruitment; TCPR §2106: Interview Process; TCPR §2110: Pre-Employment Background Investigations; TCPR §2111: Eligibility and Employment Lists; Americans with Disabilities Act [www.ada.gov](http://www.ada.gov); Department of Fair Employment and Housing [www.dfeh.ca.gov](http://www.dfeh.ca.gov); U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov), Tehama County Charter and Code §3.12.80 Eligibility List

**Effective Date:** April 16, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## APPOINTMENTS & STAFFING INTERVIEW PROCESS §2106

**Overview:** Tehama County is committed to hiring qualified individuals who will contribute to the overall strategic success of our organization. With each new appointment, our goal is to hire an individual who is committed to making a significant impact to Tehama County. The intent of this rule is to outline the process for interviewing applicants.

**Applicable to:** All employees

**Definitions:** Follow Up Questions – A question that is asked after a structured interview question to provide the interviewee with a better understanding of the candidate's initial answer. For example, "What was the outcome of this project?", "Can you expand on that?", "Can you provide an example of a time when you used the method you described?"

Open Ended Questions – Questions that require more than a simple one word answer and typically allow for a more thought-out or meaningful response.

Soft Skills – Personal attributes that enable someone to interact effectively and harmoniously with others

Structured Interview – An interview in which a particular set of questions are predetermined and prepared in advance of the interview, and each applicant is asked the exact same questions in the same order.

**Guidelines:** Well planned interviews are an invaluable tool for assessing an applicant's suitability for a position. Successful hiring decisions can lead to long-term employment, which may deter costs associated with recruitment and retention. In turn, applicants will also benefit individually from an effective interview structure, because it enables them to decide if their own employment needs and interests are going to be met. Structured interviews may enable employers to adequately gauge whether an applicant's skills, experience, and personality will be a good fit within the department culture.

Applications for Tehama County positions are submitted through the on-line recruitment software program. Interviews may not take place until after the application deadline has closed. The department may review the applications anytime during the recruitment process and begin making appointments for interviews with the candidates. However, the review process is not over until the deadline listed on the job posting and all candidates have been considered. When scheduling interviews, it is important to allow enough time for each candidate to fully answer the structured questions and for the candidate to comment or ask questions.

Interviews are generally administered by the department, however Personnel Office staff is available to participate or assist departments with interviews upon request. For more information on screening applications, reference the Tehama County Personnel Rule for Recruitment and Screening Process.

### **Panel Selection**

Interview panels are advantageous because hiring decision input is provided from multiple sources, rather than one source. (Merit Systems require that a panel is

utilized in the interview process.) Each department will be responsible for selecting who will participate on the interview panel and how the interview will be administered. Interview panels for the first round of interviews should consist of three to five members. Panel members may be employees who work within the department, someone who works directly with the department, someone who may have experience or knowledge with hiring practices and procedures, an objective outsider, or a subject matter expert within the specific occupational field.

One of the panel members should be designated to lead the applicant through the interview process. This person should welcome the applicant, introduce the panel members, confirm the job title and department, and provide the applicant with a brief overview of how the interview will be administered. The overview should inform the candidate of the time limit and the number of questions to be asked.

### **Interview Questions**

The best practice for creating questions would be to determine the ideal qualities of the candidate and formulate the questions to best address those qualities. It is also useful to ask questions that will have unique responses from each candidate to determine individual abilities. Avoid questions that provoke the usual rehearsed responses. Questions should be open-ended to allow candidates to expand on their personal strengths and characteristics. In addition, open ended questions help the panel members evaluate the applicant's communication skills, ability to problem solve, and their level of interest in the occupational field. Therefore, the usefulness of each interview question should be examined thoroughly.

Interview questions may only be asked if they are exclusively job related, so questions must be limited to an applicant's knowledge, education, skills (including soft skills) and experience. Keep in mind that federal and state employment laws prohibit employers from asking questions which are irrelevant to whether or not the candidate is capable of performing the essential functions of the position. It is pertinent interviewers avoid asking questions which could be construed as evidence of unlawful discrimination. The interview panel may not ask questions relating to:

- A persons protected class, such as; race, color, sex, sexual orientation, citizenship, marital status, ethnicity, age, religion, gender identity, gender expression, genetic information, national origin and ancestry, political affiliation, creed, military or veteran status (type of discharge), physical disability, mental disability, medical condition or any other characteristic protected by state or federal law
- Citizenship
- A physical or mental disability (even if the candidate is clearly disabled)
- Financial status (credit history or bankruptcy)
- Arrests or convictions
- Prior salary, compensation, or benefits (You may ask candidates about their salary expectations.)
- Place of residence
- Physical appearance
- Birthplace
- Relatives not employed by Tehama County
- Membership in nonprofessional organizations

To ensure interview questions are appropriate and legal, interview questions may be forwarded to the Personnel Office for review at least 48 hours prior to the

interview date and time. Questions repeated in subsequent interviews within the calendar year do not need to be reviewed again. The Personnel Office cannot accept responsibility for the legality or appropriateness of questions if they are not provided for review in advance. Departments who choose not to submit questions in advance will submit them to Personnel with the results of the selection process.

### **Initial Interview Process**

Applicants may be interviewed in person, by phone, or by other technological means. Regardless of the format, to reduce liability and ensure fair and legal employment practices, departments shall conduct “structured” interviews. In a structured interview, candidates are asked the same series of interview questions in the same order by the same interview panel. A typical interview will include ten to twelve questions, divided equally among the panel, so each panel member has an opportunity to interact with the candidate.

Panel members are free to ask additional inquiries or follow up questions throughout the interview process. Prior to the interviews, the panel may wish to discuss what would be ideal responses so that follow up questions would provide the intended information. Candidates should be allowed additional time to elaborate on their responses and ask clarifying questions. Statements which could be construed as an offer of employment or creating an employment contract should be avoided.

At the end of the interview, the applicant should be given an opportunity to provide additional information or ask questions of the panel members. This is also the candidate’s opportunity to make sure the position will be a good fit for them.

Each panel member should use a method of scoring or ranking candidates with predetermined criteria. The Personnel Office will provide a sample candidate evaluation form upon request.

### **Subsequent Interview Process (Optional)**

Departments may elect to conduct more than one interview. Subsequent interviews may be conducted with a panel or as a one-on-one with the Department Head. If multiple interviews are held, the first interview is typically intended to be a screening interview in which the interview panel’s function is to assess whether the applicant has the basic skills to perform the job.

Subsequent interviews are an opportunity for reexamination and clarification. The subsequent interview should include more detailed questions with the goal of narrowing the focus to specific qualifications or personal characteristics which are of particular interest. The department may want to include different panel members in order to gather input from a broader selection of sources. As with the first interview, interview questions should be prepared in advance and all applicants should be asked the same series of questions, in the same order.

The Department Head may want to conduct the subsequent interviews as a one-on-one with the top candidate/s. Although the process may be more personable and less structured, the Department Head should still adhere to the law when asking questions. This is an additional opportunity for candidates to make sure the position will be a good fit for them.

### **Interviewees Not Selected**

The Interview Chairman will contact unsuccessful candidates to inform them that

they were not selected for the position.

**Accommodations**

Disabled applicants may make a request for a reasonable accommodation during the interview process. Under the Americans with Disability Act (ADA), Employers are required to provide a reasonable accommodation throughout all aspects of employment. Therefore, changes or adjustments should be made to ensure disabled applicants receive the same benefits and privileges as non-disabled applicants. If there are questions or concerns about an applicant's request for an accommodation, contact the Personnel Office for guidance.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

**Department Head** To ensure interview questions are appropriate and legal, the Department Head or their designee may forward interview questions to the Personnel Office for review at least 48 hours prior to the interview date and time. Departments who choose not to submit questions in advance will submit them to Personnel with the results of the selection process.

**Personnel Office** The Personnel Office will review interview questions as submitted by the departments to ensure compliance in state and federal employment laws and usefulness of interview questions. The Personnel Office staff may also offer guidance as to the ADA accommodations.

**Required Forms:** None

**References:** TCPR §2102: Non-Discrimination in Hiring; TCPR §2103: Recruitment; TCPR §2105: Screening Process; Americans With Disabilities Act [www.ada.gov](http://www.ada.gov); California Department of Fair Employment and Housing [www.dfeh.ca.gov](http://www.dfeh.ca.gov); California Government Code §12952; California Labor Code §432.3; Civil Rights Act of 1964 §7, 42 U.S.C. §2000e et seq (1964); Military and Veterans Code §395-395.9; United States Code Title 38 §4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994; U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov)

**Effective Date:** October 2, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING VETERANS' PREFERENCE §2107

**Overview:** Both federal and California laws require granting Veterans' Preference points in open entrance examinations and open non-promotional examinations.

**Applicable to:** This Personnel Rule applies to active duty members or veterans of the Armed Forces of the United States who have retired from the military or have received an honorable discharge. Disabled veterans, widows, spouses of disabled veterans, and mothers of deceased or disabled veterans may also qualify for Veteran's Preference credits.

**Definitions:** DD214 - Certificate of release or discharge from the armed forces of the United States

**Guidelines:** Active duty members and veterans who have served 24 months or more of consecutive active service in the armed forces of the United States may have five (5) additional points added to their final passing score on an open entrance examination or open non-promotional examination.

Honorably separated veterans who have been declared currently disabled as a result of a service connected disability by the United States Veterans' Administration may qualify for ten Veterans' Preference credits. In addition, Purple Heart recipients; a spouse of a disabled veteran who is unable to work due to a service connected disability; widows of deceased veterans or mothers of a veteran who died in the service or who is permanently and totally disabled may also qualify for ten (10) Veterans' Preference credits.

Those who served at or above the rank of Major or equivalent, or who retired after serving 20 years or more and are not disabled are not eligible for Veterans' Preference credits.

**Procedure:** Proof of service, such as a copy of the applicant's DD214 or equivalent, must be provided by the applicant with their employment application prior to the final filing date of the recruitment. Active duty members of the armed forces may use a document signed by the applicant's commanding officer. Such evidence must be provided for each recruitment.

Once the applicant has secured County employment, his/her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County position.

- Department Head*
1. The Department Head or designee will review the applicable military documents as proof of military service and that the candidate is eligible for Veteran's Preference Points.
  2. The Department Head or designee through a process such as a written examination or an evaluation of education and experience will create a list of eligible candidates. Veterans must meet the requirements of the position as would any other candidate. Veteran's Preference points may not be added to an examination score or evaluation rating to achieve a minimum score.

3. After all candidates have been scored or rated, a Veteran's score will be increased according to the Veteran's Preference Points.
4. The Department Head will then create an eligibility list for the next step in the interview process according to the final candidate scores, as described in c).

*Personnel Office* The Personnel Office will include information regarding Veteran's Preference Points on job postings. The Personnel Office may review a candidate's eligibility upon Department Head request.

**Required Forms:** DD214

**References:** 5 US Code § 2108' Govt Code §18973-18976; Military and Veteran's Code 970; California Constitution, Article VII, §6

**Effective Date:** December 5, 2017

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## PERSONNEL RULES

## APPOINTMENTS & STAFFING PRE-EMPLOYMENT MEDICAL EXAMS §2108

**Overview:** After accepting a conditional offer of employment, all potential Tehama County employees must participate in a pre-employment medical examination including drug screening.

**Applicable to:** All employees

**Definitions:** Medical Review Officer - A licensed physician responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical examinations for certain drug test results.

**Guidelines:** Pre-employment medical examinations are a condition of Tehama County employment to ensure job candidates are physically capable of performing the essential functions of the position. An employer may not ask job candidates to answer medical questions or take a medical exam before making a job offer. Therefore, the candidate must be offered and have accepted a conditional offer of employment prior to participating in the pre-employment medical examination and drug screening, see TCPR §2109: Offers of Employment.

Once the conditional offer of employment has been accepted, the hiring department shall schedule the candidate for a pre-employment medical examination including drug screening. All examinations will be scheduled at one of the County's designated facilities. The candidate shall be provided a copy of the classification specification and the express check-in form for the applicable designated facility. The hiring department shall pay the cost of all pre-employment medical examinations and drug screenings. However, if the County's designated facility requests the applicant participate in further medical examinations or additional testing prior to making a final determination, all costs associated with the additional procedures will be the financial responsibility of the applicant.

Unless prior approval is received from the Board of Supervisors, no candidates may commence working for Tehama County without successful completion of a pre-employment medical examination and drug screening. However, in cases of extreme emergency to preserve life or to prevent great property loss to the county or its citizens, a department head may hire extra-help prior to the time the board's approval is obtained. In such cases, board approval shall be obtained at the first regular meeting in which the fact of employment can be presented.

### **Medical Examination**

In order to be considered qualified for employment, candidates must meet the classification specification's established screening criteria. Depending on the nature and duties of the position, pre-employment medical examinations may include physical examinations, psychological examinations, physical abilities testing (including strength testing, audiograms, and eye examinations) and other job-related medical screening tests. The Personnel Office will be notified whether the candidate has passed or failed the medical exam.

### **Disqualification During Medical Examination**

Tehama County is committed to providing reasonable accommodation for the

known disabilities of an employee or potential employee which may enable the individual to be considered for the job, enable the individual to perform the essential functions of the job, or enable the individual to enjoy equal benefits and privileges of employment. If the candidate receives work restrictions which may preclude the candidate from performing the essential functions of the position, an interactive accommodation meeting shall be scheduled with the hiring department and the candidate. A member of the Personnel Office will facilitate the meeting. The intent of this meeting will be to evaluate whether an accommodation in accordance with the Americans with Disabilities Act and Department of Fair Employment and Housing Authority (ADA / DFEH) may be considered.

Tehama County is not required to provide an accommodation if the candidate is not able to perform the essential functions/physical demands of the position, if the accommodation causes an undue hardship, or if the accommodation presents a direct threat to the safety of the potential employee or others.

### **Drug Screening**

The pre-employment drug screening consists of a Panel 5 Drug Test which evaluates the presence of five categories of drugs established by the federal government under the definition of controlled substances, including marijuana. All drug screening will be conducted in accordance with applicable laws which follow established testing standards and protocols. Testing will be conducted on a urine sample provided by the candidate to the testing laboratory under procedures established by the laboratory to ensure privacy of the candidate while protecting against tampering/alteration of the test results.

### **Positive Drug Screening Results**

In the event of positive drug screening results, the medical laboratory which conducted the test will contact the candidate for additional information. The positive results will be reviewed by an independent Medical Review Officer (MRO). If the test is still considered positive after review by the MRO, the County will be notified of the positive test results.

Should the final outcome be a positive test result, the Personnel Director will notify the candidate in writing, advising them they have been disqualified from further consideration in the hiring process.

### **Confidentiality**

Absent the candidate's consent, test results may only be disclosed to the Department Head and other County officials based strictly on a need-to-know-basis. All records pertaining to pre-employment medical examinations and drug screening shall be kept securely in a confidential medical file, separate from the personnel file or other personnel records.

Candidates who refuse to participate in the pre-employment medical examination and drug screening or fail to show up for a scheduled medical examination and drug screening may be disqualified from further consideration in the hiring process.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Department Head* The hiring department shall schedule the pre-employment medical examination once the applicant has accepted the conditional offer of employment. In the event a candidate is disqualified during the pre-employment medical examination and drug screening process, the Personnel Office shall be notified.



When the requirements or physical demands for a position change, the appointing authority is responsible for notifying the Personnel Office in order to update the classification specification.

**Personnel Office** The Personnel Office is able to assist at any stage of the pre-employment medical examination process. If a job candidate is disqualified during the pre-employment medical examination, the Personnel Office may schedule and facilitate an interactive accommodation meeting with the candidate and a representative from the hiring department in accordance with the ADA/DFEH.

Should the final outcome of a drug test be positive, the Personnel Director will notify the candidate in writing, advising them they have been disqualified from further consideration in the hiring process.

**Required Forms:** Express Check in Form, classification specification, Conditional Offer of Employment

**References:** TCPR §2109: Offers of Employment; TCPR §2102: Non-Discrimination in Hiring; TCPR §2103: Recruitment; TCPR §2110: Pre-Employment Background Investigations; TCPR §1201: Record Retention Policy for Human Resources Division; Americans with Disabilities Act [www.ada.gov](http://www.ada.gov); Department of Fair Employment and Housing [www.dfeh.ca.gov](http://www.dfeh.ca.gov); U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov), Tehama County Charter and Code §3.28.050: Fingerprinting and Physical Examination Requirements; Tehama County Charter and Code §3.28.120: Hiring in Cases of Extreme Emergency

**Effective Date:** April 16, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING OFFERS OF EMPLOYMENT §2109

**Overview:** After an applicant has been determined to be the most qualified candidate for the position, a conditional offer of employment can be made contingent upon the County's receipt of the satisfactory results of the pre-employment evaluation.

**Applicable to:** All candidates, prior to being given a final offer of employment

**Definitions:** MOU – Memorandum of Understanding between an employee organization and Tehama County

PAL – Position Allocation List

Pre-Employment Evaluation – Requirements that must be met prior to an official offer of employment, including a criminal background check, fingerprinting, reference checks, physical examination, drug screening, proof of work eligibility, and other documents verifying qualification for the position (licenses, test results, etc.).

**Guidelines:** The Department may verbally make an offer of employment, but shall make a conditional offer of employment to the candidate in writing prior to the commencement of any pre-employment exams. The conditional offer of employment will include salary information, as well as list the pre-employment conditions the applicant must meet to be hired. All employees must submit to all articles of the pre-employment evaluation. (Pre-employment testing may be waived in emergency situations only under Tehama County Charter §3.28.050.)

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

**Department:**

- The Department will review the PAL and applicable MOU Exhibit A to determine correct rate of pay for the candidate. The starting pay rate shall be Step A of the pay range unless approval is received from the Board of Supervisors, prior to the appointment date, to appoint a new employee at an advanced step.
- The Department shall advise the applicant that employment is conditional upon successful completion of the pre-employment evaluation.
- The Department shall make appointments for the applicant to have a pre-employment physical, drug assessment, and fingerprinting.
- The Department can make the final offer of employment upon receiving receipt of the satisfactory results of all articles of the pre-employment evaluation.
- The signed Letter of Conditional Offer of Employment and the Letter of Official Offer of Employment will be forwarded to the Personnel Department with the new hire paperwork.

**Personnel Department** The signed Letter of Conditional Offer of Employment and the Letter of Official Offer of Employment will be filed in the employee's Personnel File.

**Required Forms:** Letter of Conditional Offer of Employment, Letter of Official Offer of Employment, Request for Live Scan, Medical Clinic Check-In Form

**References:** TCPR §2110: Criminal Background Check; TCPR §2111: Pre-employment Exams;

TCPR §3202: Placement Other Than “A” Step; Tehama County Code & Charter  
§3.28.050

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING PRE-EMPLOYMENT BACKGROUND INVESTIGATIONS §2110

**Overview:** It is the standard practice of the County to conduct background investigations on all prospective new employees and volunteers. After a conditional offer of employment is made, each department will conduct their own background investigations, consisting of a criminal background check, authentication of documents, and reference checks. No applicant may be given a final offer of employment prior to the successful completion of the background clearance. (Pre-employment testing may be waived in emergency situations only under Tehama County Charter §3.28.050.)

**Applicable to:** All candidates for regular employment or extra help who have been made a conditional offer of employment, and volunteers, unless specifically excluded by the Personnel Director.

**Definitions:** Applicant or Candidate – For the purpose of this rule, “applicant” or “candidate” will include any prospective regular employee, extra help employee, or volunteer.

DOJ – California Department of Justice

FBI – Federal Bureau of Investigation

FEHA – Fair Employment and Housing Act (California)

Live Scan – The technique and the technology used by law enforcement agencies and private facilities to capture fingerprints and palm prints electronically, without the need for the more traditional method of ink and paper.

### **Guidelines: Criminal Background Check**

Applicants who have been given a conditional offer of employment are required to submit fingerprints through the live scan process to the Department of Justice. Generally, this process is conducted by the Tehama County Sheriff's Office. Departments may authorize fingerprinting through another agency at their own expense and using the Tehama County live scan form. (For example, if there are no appointments available in the next ten days.) The Department of Justice will report the results of the criminal background check to the Tehama County Sheriff's Office and provided (by the Sheriff) to the Department Head or designee. If no final clearance or denial can be made within 45 days due to the delay of the criminal background check, the Department may withdraw the offer of employment. The Department Head may extend the wait period at his/her discretion.

Conviction, including pleas of guilty and nolo contendere, of a felony, misdemeanor, or any crime involving moral turpitude may disqualify an applicant from County service. However, such conviction may be disregarded if it is requested by the Department Head, and with consultation of the Personnel Director and County Counsel. Such determination would depend on mitigating circumstances, such as:

- The relationship of the qualifications, functions, and duties of the position to the nature of the conviction
- The nature and seriousness of the offense
- The circumstances surrounding the conviction
- The length of time elapsed since the conviction
- The age of the applicant at the time of conviction
- The presence or absence of rehabilitation or efforts at rehabilitation

- Contributing social or environmental conditions
- The actual or potential impact on County service

### **Background Checks Specific to Position**

Candidates in specific positions may be subject to more extensive backgrounds due to safety and security concerns. These include specific positions in:

- The Sheriff's Department, District Attorney's Office, Probation, or when working in the jail facility
- Child Support Services and Social Services for positions with access to confidential federal tax information (FTI). In addition, a follow-up background check must be conducted at least once every ten years.
- Health Services to preserve the integrity of confidential records, and when working with jail inmates (In addition, these employees are required to participate in routine checks of Federal database throughout employment.)

These agencies may require that the candidate for employment complete a Criminal Record Supplemental questionnaire *prior* to a conditional offer of employment. In addition to a DOJ fingerprint check, these background checks may include, but are not limited to:

- Fingerprinting to include FBI
- Local law enforcement agency records check for contacts of a derogatory nature
- Voice stress analysis to verify truthfulness relating to illegal drug use, sales or distributing; relationships with past or current inmates; theft; domestic violence; sexual assault or harassment, past or current membership or affiliation with any street gang, motorcycle gang or organized criminal group
- Pre-employment Psychological Examinations shall be conducted on all public safety officers declared by law to be peace officers. (This is under CA GC 1031(f).

### **Reference Checks**

The purpose of reference checks is to talk to persons who can comment on the person's past job performance and verify employment. Ideally, reference checks should be conducted by the direct supervisor, as they are thoroughly familiar with the duties of the job. The person doing the background check may use the Reference Check Worksheet as a guide when contacting former employers.

Reference checking can be done at any stage of the selection process, but must be completed before a final offer of employment is made.

It is best to contact only professional references. The FEHA prohibits any non-job related inquiries, directly or indirectly express an applicant's limitations or specifications as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, or sexual orientation.

### **Document Authentication**

Documents that confirm the candidate's minimum qualifications or may determine salary ranges, such as degrees and licenses, should be verified for authenticity by the Department Head or their designee.

### **Inaccurate, Unauthentic, or Untruthful Information**

If, during the background check process, it is determined that the candidate was not truthful in completing forms, omitted relevant information, or that documents were

not authentic, the Department Head may choose to investigate further or cease the background check process.

If the candidate begins employment and it is later determined that the candidate provided information that was untruthful, omitted relevant information, or provided documents were not authentic, the employee may be subject to discipline, up to and including termination.

### **Applicants Denied Employment**

Any applicant who is denied employment due to information received in the background report will receive a notice in writing from the Department notifying the applicant of this adverse action. The letter should contain contact information for the DOJ and FBI. The candidate has the right to dispute the completeness or accuracy to the DOJ or FBI, not to Tehama County. The candidate has five days to respond to the notice before a final decision is made to rescind the conditional offer of employment. A sample letter may be obtained from Personnel.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Code are listed below.

*Employment Candidate* After the candidate for employment receives a conditional offer of employment in writing from the department, the candidate must:

- Complete a Criminal Record Supplemental Questionnaire, if applicable. See Guidelines for Criminal Justice exception.
- Complete a Live Scan form and be assigned a time to be fingerprinted
- Provide the interview chairman with professional references (at least three is preferable), if not listed on the job application.

*Department Head* Upon completion of the interview process, the department will make a conditional offer of employment in writing to the prospective new employee, conditioned upon his/her ability to pass a background investigation. Refer to TCPC §2109: Offers of Employment.

The Department Head or their designee will provide the candidate with the necessary paperwork to start the criminal background check process and ensures only those individuals with a legitimate need to know are permitted access to the final results of the background check.

The Department Head or their designee should conduct a reference check according to the Guidelines of this Personnel Rule.

The department, upon clearance of the applicant, will send a final written official offer of employment and notification of their authorization to work in Tehama County.

If a Department Head receives notification of criminal conduct (arrests, convictions, pleas of guilty and nolo contendere) of a felony, misdemeanor, or any crime involving moral turpitude, they may disqualify the applicant from County service. However, convictions may be disregarded only with consultation with the Personnel Director and County Counsel. Such determination would depend on mitigating circumstances, as listed in the Guidelines of this Personnel Rule.

When a candidate fails to pass a background check and is not hired by the Department, the Department must complete a No Longer Interested form and submit it to Personnel.

*Personnel Office* The Personnel Director may be asked to consult on matters concerning a criminal background check that reveals criminal conduct. Criminal convictions may only be disregarded upon review of the Personnel Director and County Counsel.

The Personnel Office may assist departments in ensuring reference checks are conducted legally and appropriately. Forms and correspondence templates for reference checks may be reviewed and revised by the department as needed.

Upon notification from the Department that a person's employment has been terminated, the Personnel Office shall notify DOJ by submitting a No Longer Interested form.

**Required Forms:** Criminal Record Supplemental Questionnaire, Request for Live Scan, Reference Check Worksheet, No Longer Interested form

**References:** California Department of Fair Housing & Employment Fact Sheet; Equal Employment Opportunity Commission Enforcement Guidance 915.002; Internal Revenue Service Publication 1075; Labor Code §432.7 and 432.9; Penal Code §11105(b) & §11105.2; TCPR §1307: Post Employment Background Investigations; TCPR §2109: Offers of Employment; Title 2 California Code of Regulations §11017; 26 United States Code §6103; [www.dfeh.ca.gov](http://www.dfeh.ca.gov); [www.oag.ca.gov/fingerprints](http://www.oag.ca.gov/fingerprints)

**Effective Date:** October 16, 2018

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## PERSONNEL RULES

## APPOINTMENTS & STAFFING EMPLOYMENT LISTS §2111

**Overview:** Prior to appointment, the name of any person deemed qualified for Tehama County employment or promotion must be placed on an employment list. The list of qualified candidates shall be ranked from highest to lowest score following the completion of each step in the recruitment or examination process.

**Applicable to:** All employees

**Definitions:** Eligibility List - An eligibility list is an arrangement of candidates for employment who are deemed qualified as a result of an open recruitment process. An eligibility list is limited to use only by the department within it was established.

Open Eligibility List - An open eligibility list is an arrangement of candidates for employment who are deemed qualified as a result of an open recruitment process conducted by the Personnel Office. An open eligibility list is established, approved, and maintained by the Personnel Office and is available for use by any department in the County.

Open Recruitment - An open recruitment is the process of attracting, selecting, and appointing the most qualified applicant for a position from within the County or outside the County.

Promotional List - A promotional list is an arrangement of employees holding classifications within Tehama County and, upon examination, have been deemed qualified for advancement.

Re-employment List - Refer to TCPR §2308: Layoff

**Guidelines:** An employment list is an arrangement of candidates for County employment or promotion created as a result of a recruitment/examination process. Candidate placement shall occur based upon scoring from the recruitment or examination process; see TCPR §2105: Screening Process. Employment lists are maintained in accordance with approved County established classification specifications listed on the Position Allocation List.

Establishment of an employment list allows departments to offer employment to qualified applicants at the time the job vacancy occurs without having to undertake a formal recruitment.

### **Types of Employment Lists**

#### Eligibility List

Candidates who meet the minimum qualifications and are successful in a recruitment shall be placed on an eligibility list for which the recruitment was held. Eligibility lists shall be used only within the department concerned.

#### Promotional List

Employees who are successful in an internal departmental promotional examination shall be placed on a promotional list for the class in which the examination was held. Promotional lists shall be established, and only available for use, within the department concerned.

#### Open Eligibility Lists for Cross-Departmental Positions

The Personnel Office may hold open recruitments for certain classifications which



are considered to be shared throughout the County. The names of the candidates who are successful in an open recruitment shall be placed on an open eligibility list. Candidates who are on an open eligibility list may be called upon from any County department. The hiring department may ask open eligibility list candidates to participate in an internal interview prior to extending a conditional offer of employment. The Personnel Office will be responsible for preparation, approval, and maintenance of open eligibility lists.

### **Establishing and Maintaining Employment Lists**

Candidates who have successfully passed each step in the recruitment or examination process will be placed on an appropriate employment list. In accordance with Tehama County Charter and Code §3.12.080, the employment list will be established from the most qualified candidates, and the selection of the successful candidate shall be made from the top five candidates on the employment list.

Preparation, approval, and maintenance of employment lists shall be the responsibility of the hiring department.

Employment lists shall be kept confidential. A candidate's ranking on an employment list may only be made available to the candidate, their designated representative, authorized representatives within the hiring department, or the Personnel Office.

Where applicable, Veteran Preference Points are added to a candidate's final examination score following completion of the competitive selection process, see TCPR §2107: Veteran's Preference.

Merit System Services (MSS) employment lists are established and maintained pursuant to conditions and regulations imposed by the system.

Employment list effective dates shall be the date the list was approved by the hiring department. The employment list may be maintained up to one year, in order to fill subsequent vacancies which occur during the life of the employment list. The Department Head has the authority to abolish an employment list at any time during the one year period, or when the list has been exhausted. An employment list may be superseded by lists established through subsequent recruitments. Prior to expiration, the Department Head may elect to extend the expiration date of the employment list for a period not to exceed two years.

Candidates who have been placed on any type of an employment list are responsible for notifying the hiring department or the Personnel Office when their contact information has changed.

### **Removal of Names**

Names shall be removed from an employment list after appointment, or when the employment list expires. The acceptance of extra-help employment by persons on an employment list shall not impact their eligibility for a permanent position.

The Department Head may remove names from an employment list when the candidate:

- declines a conditional offer of employment
- fails to respond to written inquiries, including emails from the hiring department
- demonstrates unsatisfactory performance in a similar position while working as extra-help or while working in any other Tehama County capacity

- fails to pass any phase of the pre-employment process including physical examination, drug screening, or background investigation
- fails to continue to meet employment standards established for the classification
- upon written request from the candidate
- fails to show up at a scheduled interview

A candidate who is temporarily unavailable for appointment may, upon written request, be placed in an inactive status. A candidate may be restored to active status, upon written request, provided the eligibility list is still in existence. A candidate who requests to be restored to active status will be placed in the same rank, or the next closest rank if there has been other candidate movement, held prior to their request for inactive status.

Individuals on an abolished list must reapply to the new recruitment in order to compete for placement on the new list.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Candidates for employment are responsible for updating the hiring department or the Personnel Office with their most current contact information.

*Department Head* Department Heads or their designee is responsible for establishing, approving, and maintaining eligibility lists and promotional lists.

*Personnel Office* The Personnel Office is responsible for establishing, approving, and maintaining open eligibility lists. The Personnel Office will notify Department Heads of the classification title and expiration date of any open eligibility lists. The Personnel Office is available to assist departments with questions or concerns regarding employment lists.

**Required Forms:** None

**References:** TCPR §2106: Interview Process; TCPR §2105: Screening Process; TCPR §2308: Layoff; TCPR §2306: Reinstatement; TCPR §2107: Veteran's Preference; Tehama County Charter and Code §3.12.080

**Effective Date:** August 27, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## APPOINTMENTS & STAFFING POSITION ALLOCATION LIST §2201

**Overview:** The Personnel Department provides for the maintenance of a Position Allocation List (PAL), which contains the number of positions which are allocated to each County or budgetary division/section by position classification as determined by the Board of Supervisors.

**Applicable to:** All departments

**Definitions:** Allocation – The full time equivalent (FTE) assignment of an individual position to an appropriate class within a department, as determined in the position allocation list  
Budget Process - Recommended or Adopted budget timeline  
Dual-Fill – When an incoming employee and an outgoing employee occupy the same allocation for a defined transition period for the purpose of training and/or assuming a position while the outgoing employee exhausts leave at separation  
Flexible Allocation – Multiple positions identified within a single allocation in the PAL, which allows flexibility in filling the position according to the needs of the department (Example: an allocation listed as “Nurse Practitioner or Physician’s Assistant”)  
Flexibly Staffed - Multiple positions identified within a single classification specification in which an employee may promote without the recruitment process, once they have met or exceeded the qualifications of the entry level position through fulfilling training requirements, licensing, or experience timeframes. (Example: Medical Assistant I/II)  
FTE – Full Time Equivalent  
Limited Term – A temporary position with a designated start and end (sunset) date, generally associated with a specific project or funding  
Temporary Employee – An employee working in a position designated as limited term

**Guidelines:** The Personnel Office shall maintain the PAL and a list of employees assigned to each allocation. Each allocation is assigned a unique PAL number and corresponds with the employee filling the position or the vacancy in the specific allocation.

Upon notification to the Personnel Director or their designee, a vacant position in the PAL may be filled by a qualified person in the class in which the position is authorized.

### **Flexible Allocations**

Positions that are flexibly allocated have a series of classifications identified within a single allocation on the PAL, which allows the department flexibility in determining which classification will be used to fill the allocation. An employee’s assignment within an allocation may be changed only if the classification specification indicates that the position is flexibly staffed.

### **Underfilling Allocations**

In consultation with the Personnel Director or their designee, an allocation may be filled on a substitute basis by the employment of qualified persons in a closely related class in the same or lower salary range. Underfilling may occur when there has been a recruitment process, but there are insufficient candidates qualified on the eligibility list from which to appoint. This may also occur for budgetary reasons or when there has been a change to an allocation and the current incumbent has not been reclassified. Underfilling of positions will be reviewed on an annual basis during the

budget process to determine if a change to the allocation is appropriate.

### **Limited Term (Sunset) Allocations**

Limited Term or sunset allocations refer to working arrangements that are temporary or limited in term, based on special funding or the need of the employing department to complete a specific project. These positions require a “sunset” date in the PAL, indicating the anticipated project completion or end of funding. Employees in limited term positions are eligible for the same benefits as other County employees. Employees hired to work in sunset positions are considered temporary employees and do not have rights to other positions and are not guaranteed to have the assignment until the end of the sunset period. However, the department may offer the employee a permanent position in the same vacant classification during the sunset period.

Limited Term positions are listed as separate allocations in the PAL and must include a sunset date. The allocation will be deleted upon expiration of the sunset date unless the department requests an extension from the Board. This is usually done in the budget process.

### **Dual-Fill Positions**

Dual-filling a position is generally appropriate when a single position classification, which is critical to department’s day-to-day operations, is vacated or will be vacated through separation or use of leave at separation. The County Administrator and Personnel Director may approve a dual-fill position prior to the date of separation, and thereafter for the duration of the unused leave which is paid to the employee upon their separation. The proposed duration of the dual-fill position may not exceed three calendar months. This supports the overall countywide succession efforts for knowledge transfer and workforce management.

A department requesting a dual-fill position must:

- Have received a written notice of retirement or resignation with the specific termination date from the incumbent which will be effective within the next twelve months
- Conduct a competitive recruitment process to determine a successor to the position and follow County hiring practices in accordance with TCPR §2103: Recruitment.
- Submit a Dual-Fill Position Request Form to the Chief Administrator to include the length/duration of the dual-fill, budgetary implications, and a list of specific tasks/responsibilities expected to be fully transitioned by the outgoing incumbent and new hire during this period.

When dual-filling a position, the incoming employee is placed in the permanent allocation. The outgoing employee is placed in a limited term allocation with a sunset date that corresponds to their retirement/resignation date. The sunset allocation will be removed from the PAL upon termination.

### **Adoption of PAL in Budget Process**

Positions will be reviewed on an annual basis during the budget process to determine if any changes to the allocations are appropriate, including underfilled positions or positions that are vacant with no intention to fill.

Each fiscal year, the Board of Supervisors shall, by resolution, specify the total allocation, classification, and salary rate of all regular employees authorized for each department of the County. Board approval provides departments with the authority to fill positions as allocated on the list. Any subsequent change to classification or

salary range requires the approval of the Board of Supervisors.

### **Request for Changes to the PAL**

The number and classifications specified in the Position Allocation List of the County budget may only be modified as authorized by the Board.

Department Heads may identify a need to make an adjustment to their department PAL based on workload or funding. Adjustments may be made by either adding or subtracting positions currently allocated in the Position Allocation List. Department Heads should submit all requests on a PAL Budget Worksheet to the Chief Administrator in a manner that allows sufficient time for the Chief Administrator's recommendation.

Within the numerical limitations of the position allocation list and the salary limitations established for each position, the County Administrator may approve amendments to the PAL.

It is intended that PAL change requests are made in the budget process and for the department to include in their Recommended or Adopted budget. Those changes approved by the Board of Supervisors in the Recommended Budget process will be effective July 1; changes approved in the Adopted budget process will be effective October 1. No changes can be made to the PAL in the period between the Recommended Budget and Adopted Budget timeline (July 1 - October 1).

### **Maintenance of the PAL**

The budget cycle of the PAL will run from October 1 - September 30. During this period, the Personnel Director or their designee will update the PAL as approved by the Board and maintain records of such changes. Prior to the adoption of the final budget (October 1), any revisions made to the PAL over the budget cycle or anticipated for the adopted budget will be confirmed with the department and a copy provided to the Auditor's office.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

*Department Head* The Department Head or designee, shall submit a formal request to the Chief Administrator requesting a change to the PAL, or a dual-fill position as described in this rule.

*Personnel Office* The Personnel Office is responsible for:

- Preparing and maintaining the PAL, as well as all classification specifications
- Meeting with the applicable bargaining unit representative regarding the impact of the change prior to submitting the agenda item to the Board of Supervisors for approval
- Preparing the agenda items and resolutions for Board of Supervisor approval
- Updating the allocation within the PAL

**Required Forms:** Dual-Fill Request Form; Personnel Action Form; Position Allocation Budget Worksheets

**References:** TCPR §2103: Recruitment; TCPR §2106: Offers of Employment; TCPR §2202: Request for New Classification; TCPR §2203: Request for Reclassification; TCPR §3104: TCPR §2204: Request for Revision to Classification Specification; TCPR

§3206: Promotion; TCPR §3210: Y-Rating; Personnel Action Form; Government Code 29007; County Budget Act §29007, §29064, and §29080

**Effective Date:** December 5, 2017; Revised February 25, 2020

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# APPOINTMENTS & STAFFING REQUEST FOR NEW CLASSIFICATION

§2202

**Overview:** Department Heads may periodically identify a need to create a new position to address work not done previously in the department, resulting in the creation of a new classification. This is often the result of a reorganization or special project or assignment. The procedure listed below identifies the steps to submit a request for a new classification specification.

**Applicable to:** Department Heads or their designee.

**Definitions:** Budget Process - Recommended or adopted budget process timeline  
Classification Specification - Classification specifications are job descriptions which outline essential functions of a position based upon an analysis of the duties and responsibilities performed, supervision received or exercised, organizational considerations, and the qualifications necessary to perform those duties, including, but not limited to, title, class characteristics, a definition of the class, a list of examples of duties, and a statement of qualifications required for appointment.  
LAPS - Local Agency Personnel Standards (Merit System)  
PAL - The Position Allocation List (PAL) contains the number of allocated full-time or part-time positions in each County department or budgetary division as determined by the Board of Supervisors.

**Guidelines:** Each position within Tehama County is identified by a classification specification, and each classification specification is allocated in the PAL. Per Tehama County Charter and Code, the Board of Supervisors may create new classes, divide, combine, alter or abolish existing classes or allocate new positions to appropriate classes.

Department Heads should submit all requests for changes to the PAL to the Chief Administrator in a manner that allows sufficient time for the Chief Administrator's recommendation and for the department to include in their Recommended or Adopted budget. Those changes approved by the Board of Supervisors in the budget process will be effective October 1.

For some job classifications, LAPS Merit Systems rules may override parts of this Personnel Rule. When Merit Systems is silent, Tehama County Personnel Rules will apply.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

**Department Head** The Department Head or their designee, shall submit a formal request to the Chief Administrator with a detailed explanation and justification for the new classification. The budget should also address any budgetary implications, such as additional on-going costs for the current or subsequent years, funding sources, salaries, reduced expenses, cost savings, and new revenue. Upon review, the Chief Administrator will have the authority to recommend the formal request.

The Department Head or their designee will work with the Personnel Office to create acceptable classification specifications and agenda items.

*Personnel Office* The Personnel Office is responsible for:

- Preparing and maintaining the PAL, as well as all classification specifications
- Reviewing all requests reviewed by the Chief Administrator and determining if the classification specification and salary requested are appropriate when compared with other Tehama County positions
- Meeting with the applicable bargaining unit representative regarding the impact of the new classification prior to submitting the agenda item to the Board of Supervisors for approval
- Preparing the classification specification, agenda items, and resolutions for Board of Supervisor approval, with assistance from the Department Head or designee
- Updating the PAL, Master Salary Schedule, the applicable bargaining unit agreement, and range exhibits

**Required Forms:** None

**References:** TCPR §2201 Request for Changes to the PAL; TCPR §2203 Request for Reclassification; TCPR §2204: Request for Revision to Classification Specifications; TCPR §3104: Personnel Action Form

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

# APPOINTMENTS & STAFFING REQUEST FOR RECLASSIFICATION

§2203

**Overview:** Reclassification of a position may be warranted when there is a significant change to the work needing to be done in a specific department. This is often the result of a department reorganization. The change in duties must be so different in nature that the duties identified in the original classification specification no longer reflects the work needing to be done.

**Applicable to:** Department Heads or their designee

**Definitions:** Classification Specification - Job descriptions which outline essential functions of a position based upon an analysis of the duties and responsibilities performed, supervision received or exercised, organizational considerations, and the qualifications necessary to perform those duties, including, but not limited to title, class characteristics, a definition of the class, a list of examples of duties, and a statement of qualifications required for appointment.

LAPS - Local Agency Personnel Standards (Merit Systems)

PAL - The Position Allocation List contains the number of allocated full-time or part-time positions in each County department or budgetary division as determined by the Board of Supervisors.

Position Description Questionnaire (PDQ) - An evaluation form which consists of a series of questions used to gather information about job duties and responsibilities.

Reclassification - A change in a position by either increasing or decreasing the level of responsibility based on the difficulty of the work performed.

**Guidelines:** Each position within Tehama County is identified by a classification specification, and each classification specification is allocated in the PAL. Per Tehama County Charter and Code, the Board of Supervisors may create new classes, divide, combine, alter or abolish existing classes or allocate new positions to appropriate classes.

The incumbent of a reclassified position may be retained in the new position, providing he/she meets the new requirements, and upon recommendation from the Department Head. Department Heads who request to retain the employee in the reclassified position agree to waive a new probationary period. Employees transferred by this process to a higher paying classification or a lateral classification will maintain the same step and the same salary anniversary date in the new position. Employees who are reclassified to a lower paying classification may be placed at a new step/salary, or may be y-rated (See TCPR §3210: Y-Rating). Salary will continue to progress according to the Wages and Classification Article of the applicable MOU.

Department Heads should submit all requests for changes to the PAL to the Chief Administrator in a manner that allows sufficient time for the Chief Administrator's recommendation and for the department to include in their Recommended or Adopted budget. Those changes approved by the Board of Supervisors in the budget process will be effective October 1.

For some job classifications, LAPS Merit Systems rules may override parts of this Personnel Rule. When Merit Systems is silent, Tehama County Personnel Rule will

apply.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

**Department Head** The Department Head, or their designee, shall submit a formal request to the Chief Administrator requesting a reclassification with a detailed explanation and justification for the change. The request should also address any budgetary implications, such as additional on-going costs for the current and subsequent years, funding sources, salaries, reduced expenses, cost savings, and new revenue. Upon review, the Chief Administrator will have the authority to recommend the formal request.

Department Head or their designee will work with the Personnel Office to reclassify the position.

**Personnel Office** The Personnel Office is responsible for:

- Preparing and maintaining the PAL, as well as all classification specifications
- Reviewing all requests reviewed by the Chief Administrator and determining if the reclassification is appropriate
- Creating the reclassification, with assistance from the Department Head
- Working with the Department Head to make a determination whether or not an incumbent meets the minimum qualifications for the new position
- Meeting with the applicable bargaining unit representative regarding the impact of the reclassification prior to submitting the agenda item to the Board of Supervisors for approval
- Preparing the agenda items and resolutions for Board of Supervisor approval, with assistance from the Department Head
- Updating the PAL, Master Salary Schedule, the applicable bargaining unit agreement, and range exhibits

**References:** TCPR §2202 Request for Classification; TCPR §2201 Request for Changes to the PAL; TCPR §3104: Personnel Action Form; TCPR §3210 Y-Rating; Tehama County Charter and Code Article VI. Ordinance 3.12.260, 3.12.270, 3.12.330

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# APPOINTMENTS & STAFFING REQUEST FOR REVISION TO CLASSIFICATION SPECIFICATION §2204

**Overview:** Department heads may periodically identify a need to update an already adopted classification specification to more accurately reflect the work actually being done by a specific person in the position. This may be due to a change in compliance issues, equipment, technology, etc. The procedure listed below identifies the steps to submit a request for a revision.

**Applicable to:** Department Heads or their designee.

**Definitions:** Classification Specification: Classification specifications are job descriptions which outline essential functions of a position based upon an analysis of the duties and responsibilities performed, supervision received or exercised, organizational considerations, and the qualifications necessary to perform those duties. Classification specifications include, but are not limited to, title, class characteristics, a definition of the class, a list of examples of duties, and a statement of qualifications required for appointment.

PAL: The Position Allocation List (PAL) contains the number of allocated full-time or part-time positions in each County department or budgetary division as determined by the Board of Supervisors.

**Guidelines:** Each position within Tehama County is identified by a classification specification, and each classification specification is allocated in the PAL. Per Tehama County Charter and Code, the Board of Supervisors may create new classes, divide, combine, alter or abolish existing classes or allocate new positions to appropriate classes. Department heads may periodically identify a need to revise a classification specification. Revisions may occur due to changes in legislation, responsibilities, complexity of duties or operational procedures.

If revising the classification results in the requirement of significant additional skills, knowledge, or responsibility, a salary reclassification (TCPR §2203) may be recommended instead of a revision under this Personnel Rule. If there is an increase in salary, incumbents will maintain the same step and the same salary anniversary date in the new range. Incumbents will not be required to serve a new probationary period. Salary will continue to progress according to the Wages and Classification Article of the applicable MOU.

For some job classifications, LAPS Merit Systems rules may override parts of this Personnel Rule. When Merit Systems is silent, Tehama County Personnel Rules will apply.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

*Employee* The Department Head will request completion of a PDQ from the incumbent. The Supervisor and Department Head may add comments to the PDQ where appropriate. The completed PDQ must accompany the formal request.

*Supervisor* After the incumbent has completed a PDQ, the Supervisor may add comments where appropriate before Department Head review.

*Department Head* The Department Head will request completion of a PDQ from the incumbent. The Supervisor may add comments to the PDQ where appropriate. The Department Head will add comments last.

If there is no request for an increased salary, the Department Head, or their designee, shall submit a formal request to the Personnel Office for review. If there is a request for a salary increase, the department head or their designee, shall submit a formal request to the Chief Administrator. The request should include a detailed explanation identifying the explicit need for the revision, including justification and budgetary implications, if any. The completed PDQ must accompany the formal request.

Upon review, the Personnel Office or the Chief Administrator may recommend the requested revision to the classification specification. If approved, the Department Head or their designee will work with the Personnel Office to revise the classification specification.

*Personnel Office* The Personnel Office is responsible for:

- Reviewing the request for revision, providing there is no salary increase
- Preparing and maintaining the PAL, as well as all classification specifications
- Preparing the agenda items, and resolutions for Board of Supervisor approval with assistance from the Department Head
- Meeting with the applicable bargaining unit representative regarding the impact of the revision
- Updating the PAL, Master Salary Schedule, and the applicable bargaining unit agreement

**References:** Tehama County Charter and Code Article VI. Ordinance 3.12.260, 3.12.270, 3.12.330; TCPR §2201: Request for Changes to the PAL; TCPR §2203: Request for Reclassification

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## EMPLOYMENT STATUS POST RETIREMENT EMPLOYMENT §2304

**Overview:** State and federal laws provide specific employment restrictions for retirees who return to work with an employer in the same public retirement system from which they receive a benefit. There are specific laws governing the type, timing, and amount of work retired annuitants can accept without affecting their pension.

**Applicable to:** Retired Annuitants

**Definitions:** CalPERS Retiree – An employee of a CalPERS employer who terminates active employment and receives a monthly CalPERS retirement allowance  
PERL – Public Employee Retirement Law  
Reinstatement – Returning from retirement status to active employment with a CalPERS employer  
Retired Annuitant (RA)– A CalPERS retiree working as an at-will employee for a CalPERS employer without reinstating from retirement  
Retirement formula benefit age – The age at which an employee may receive retirement benefits. (For example, age 55 for the “2% at 55” formula.)  
Termination of retirement – The cancellation of your monthly retirement allowance  
Unlawful employment – Retiree employment found to be in violation of the retirement law and regulations

**Guidelines:** Tehama County and retired annuitants (RAs) have an equal responsibility to ensure employment after retirement is lawful by meeting the eligibility and requirements listed in this rule.

RAs must be identified as such on the Personnel Action Form and must be enrolled in CalPERS within 30 days after the effective date of hire. Since a RA will not accrue service credit or retirement benefits during extra help employment, the enrollment is solely for purposes of tracking the RA’s hours, pay, and duration of employment.

### **Retired Annuitant Eligibility and Requirements**

The basic requirements include:

- The position must be designated as a RA position. (See Retired Annuitant Designated Positions below.)
- If the employee retires prior to the retirement formula benefit age, they can’t agree verbally or in writing to post-retirement employment before they retire. If the employee has multiple retirement benefit formula ages, the highest benefit formula age applies, up to the maximum normal retirement age of 62.
- The employee must wait 180 days after the retirement date before they can return to work for a CalPERS employer, unless otherwise authorized by law, and approved by the Board of Supervisors.
- A maximum of 960 hours can be worked within a fiscal year (July1 – June 30). (See Hours Limit below.)
- The salary must be an hourly pay rate that falls within the regular salary schedule for the position. (See Salary below.)
- RAs do not accrue service credit or any additional retirement rights or benefits, including health benefits, sick leave, or vacation.

- RAs cannot be appointed to positions if they have received unemployment insurance payments within 12 months of appointment date.

### **Retired Annuitant Designated Positions**

RAs that intend to remain retired and work for Tehama County may only work in positions designated as RA positions. RAs cannot fill long term, open-ended, or vacant positions, except as interim appointments. Appointment to any permanent or regular staff position (part- or full-time, intermittent, hourly, seasonal, or on-call) requires reinstatement from retirement.

No recruitment process is required to hire RAs in this capacity, but there must be some showing in the retirees work history that he or she has previous experience and the skill set needed to perform the desired work.

- Extra Help

RAs may work as extra help in limited duration, which is defined by a start and end date. Employment should be terminated when the limited duration work is completed. Examples of work of limited duration included, but are not limited to: work to eliminate a backlog, work on a special project, excess of what regular staff can do, or during an emergency (earthquake, flood, etc.)

- Vacant Positions

RAs may be appointed to an interim position if they meet the basic requirements and the following:

- The governing body must determine that the appointment is necessary to prevent work stoppage of public business or requires specialized skills. This means these placements must be made with approval of the Board of Supervisors.
- Before a RA is appointed to an interim position, Tehama County must have in place an active recruitment for a permanent replacement for the vacant position.
- The RA may be hired as an interim only during the period of recruitment. They cannot work in a permanent capacity or for an indefinite period of time.
- RAs may only be appointed once to the vacant position.

### **Hours Limit**

Without exception, a maximum of 960 hours can be worked within a fiscal year (July 1 – June 30). Nonpaid or volunteer hours cannot be used in order to exceed 960 hours in a fiscal year. (See Volunteering below.)

Once the 960 hour limit has been reached, the RA is not permitted to receive any additional compensation from the employer for the remainder of the fiscal year. Should a RA work more than 960 hours, any compensation received for work performed in excess of 960 hours must be returned to the employer or the RA risks having their retirement benefit suspended and being reinstated to active employment.

### **Salary**

The RA may not receive any other compensation (pay incentives, special pays) or benefits in addition to the hourly pay rate, with the exception of mileage reimbursement. The salary rate for RAs will be calculated as follows: Monthly salary rate (as listed in the MOU exhibit which includes the classification), divided by 173.333, to equal the hourly rate. RAs will be placed at Step A, but may be approved for a step other than A with Board approval.

RAs are not eligible for overtime. Should a RA work an overtime hour, it will count as one hour toward the 960-hour limit.

### **Working After Disability/Industrial Disability Retirement**

A person who has retired for disability is prohibited from being employed without reinstatement from retirement if the position is the position from which the person retired, or if the position includes duties or activities the person was previously restricted from performing at the time of the disability retirement. (Government Code 21233) If a person retired for disability is employed without reinstatement from retirement, the County shall provide to CalPERS the nature of the employment and the duties/activities the person will perform.

A limit may be placed on the retirement allowance relative to their post-retirement earnings.

### **Volunteering**

RAs may serve as volunteers for Tehama County after retirement in a non-paid position. RAs cannot “volunteer” to work in any compensated position. In addition, they cannot “volunteer” to avoid meeting any of the restrictions of working after retirement.

### **Penalties for Unlawful Employment**

Eligibility and requirements for post-retirement employment are based on the PERL and federal tax law. An unlawfully employed retiree is subject to mandatory reinstatement from retirement as follows:

- The retiree is reinstated from retirement by CalPERS. Upon appointment by the employer, he or she becomes the active employee and contributing CalPERS member of that employer, in the position in which unlawfully employed, and as of the date the unlawful employment began.
- The now active employee must pay retroactive member contributions, plus interest for the period of unlawful employment. Likewise, the employer will pay employer contributions plus interest on the employee’s behalf for the period of unlawful employment via retroactive payroll reporting.
- The now active employee must reimburse CalPERS the entire amount of retirement allowance he or she received during the period of unlawful employment.
- The member and the employer, to the extent each is determined to be at fault, may be required to reimburse CalPERS for administrative expenses incurred in responding to the investigation and resolution of the unlawful employment.

If a RA is working in violation of the law, CalPERS must terminate the employee’s retirement and collect all of the retirement allowance paid to the employee paid to them during the period of unlawful employment. The County is also subject to fines and reimbursement to CalPERS, compounded monthly, for non-compliance.

### **Elected Officials**

RAs may serve as elected officials or on governing boards under additional regulations.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employees (Retired)* Retired employees accepting an appointment to a RA position must meet the requirements under the PERL. They must acknowledge the requirements by signing a retired annuitant form.

*Supervisors and Department Heads* Department Heads will determine which positions will be designated as RA limited duration extra help or RA interim. The Department Head or their designee will monitor retired annuitant hours to ensure they do not exceed 960 hours in a fiscal year.

*Personnel Office* The Personnel Office is responsible for enrolling RAs into the CalPERS system. The Personnel Office will provide oversight in compliance with RA regulations.

**Forms:** Temporary Assignment to Work as a Retired Annuitant form; Personnel Action Form; Other Than A Step form; Notice to Employee Working as Extra Help

**References:** Government Code §7522.56, §21221, §21224, §21227, §21229, §21233; Public Employees Pension Reform Act of 2013; CalPERS Publication #33: Employment After Retirement; CalPERS Circular Letter #200-002-14; [www.calpers.ca.gov](http://www.calpers.ca.gov)

**Effective Date:** March 31, 2020

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## COMPENSATION PLACEMENT OTHER THAN "A" STEP §3202

**Overview:** Department Heads may request approval from the Board of Supervisors to appoint a candidate with superior qualifications at a salary step higher than Step A.

**Applicable to:** Candidates with qualifications and experience which exceed the minimum qualifications of a position.

**Guidelines:** With prior approval from the Board of Supervisors, new and promotional applicants with experience and qualifications which exceed the minimum qualifications of a position, or when such hiring is necessary due to an otherwise unsuccessful recruitment, may be appointed at a salary step higher than Step A. Under no circumstances will a candidate be placed at a salary step higher than Step A if they do not meet the minimum requirements of the position as they are described in the classification specification. In accordance with AB 168, an applicant's prior salary history shall not be used as the sole justification for Other Than A Step placement.

All Tehama County employees are paid in accordance with ranges prescribed for each classification within the corresponding bargaining unit memorandum of understanding. The normal entry step for all new appointments shall be Step A. However, when a Department Head recognizes an individual's education, knowledge, skills, or experience exceeds the minimum qualifications of a position, or there has been difficulty recruiting for a specialized position, the Department Head may request Board of Supervisor approval to appoint the candidate at higher than Step A.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Department Head* The Department Head or their designee shall draft the agenda item. The name of the candidate shall be redacted from all documents in the agenda item. Board of Supervisor approval shall be obtained prior to the candidate's appointment date. Step B appointments may be placed on the Consent Agenda, and all others shall be placed on the Regular Agenda. The following items shall be attached to the Agenda Item for Board of Supervisor approval:

- Completion of an Other Than A Step Form, including written justification for the Other Than A Step placement (with name redacted)
- Completion of a Personnel Action Form (PAF) to appoint the candidate (with name redacted)

Copies of the completed Other Than A Step Form, PAF, and Tehama County Employment Application, including all attachments, shall be forwarded to the Personnel Office. The Personnel Office will review all of the documentation to ensure Other Than A Step placement is appropriate.

*Special Note: The Department Head may elect to extend a conditional offer of employment to the candidate prior to Board of Supervisor approval. However, additional language should be included to indicate the salary placement is contingent upon Board of Supervisor approval.*

Upon receiving board approval, and the candidate's successful completion of all pre-employment requirements, a final offer of employment may be extended.

*Personnel Office* The Personnel Office will review all of the documentation to ensure Other Than A Step placement is appropriate.

**Required Forms:** Other Than A Step Form, PAF, Tehama County Employment Application

**References:** Tehama County Charter and Code §3.20.020; AB 168; Tehama County Failed Recruitment Policy; TCPR §2109: Offer of Employment; TCPR §3206: Promotion

**Effective Date:** May 22, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## COMPENSATION PROMOTION §3206

**Overview:** All Tehama County employee promotions shall be made in accordance with established standards outlined in this policy.

**Applicable to:** All Tehama County employees

**Definitions:** Break in Service - Termination of County employment for any length of time.  
Flexibly Staffed - Multiple positions identified within a single classification specification in which an employee may promote without the recruitment process, once they have met or exceeded the qualifications of the entry level position through fulfilling training requirements, licensing, or experience timeframes  
PAL – The Position Allocation List contains the number of allocated full-time or part-time positions in each County department or budgetary division as determined by the Board of Supervisors.  
Probationary Status - The status of an employee who is serving a probationary period of the position and/or class in which he/she is currently employed following either initial appointment or promotion.  
Promotion - The movement of a regular employee from one classification to a higher paying classification.  
Regular employee – An employee who has successfully completed an initial probationary period after first being hired by the County.

**Guidelines:** All promotions will be in accordance with the governing MOU, or if not governed by an MOU, at the Department Head's discretion. All promotion processes will be conducted in a manner which recognizes only a candidate's qualifications to perform the work prescribed in the classification specification. Employees who accept an offer of employment in a higher paying classification, or are promoted to a higher paying classification within their department as a result of a flexibly staffed position, fulfilling training requirements, licensing, or experience, shall receive salary step placement as described below.

Reclassifications and equity adjustments do not constitute a promotion. For purposes of this personnel rule, moving from a position designated as non-bilingual to a position designated as bilingual is a "classification change" and does not constitute a promotion.

Local Agency Personnel Standards (LAPS) Merit System rules specifically addressing promotions will override this rule. When Merit System is silent, this rule shall prevail.

### **Compensation**

Compensation will be at the range provided for in the MOU in which the new, higher paying classification exists. The employee will be placed at a step in the new classification which is higher than the employee's former pay rate, at the percentage indicated in the respective MOU. With prior approval from the Board of Supervisors, applicants with experience and qualifications which exceed the minimum qualifications of the new position may be appointed at a salary step higher than the minimum as indicated in the MOU. Department Heads choosing this

option will follow the process for placement other than A Step. (TCPR §3202: Placement Other Than "A" Step) In no event shall an employee be placed at a pay rate higher than Step E (or Step EL depending upon the governing MOU and date of hire).

When practicable, the effective date of the appointment should be the first day of the pay period following qualification for the promotion or the date of appointment in the new department.

After one (1) full year of employment in the higher classification, the employee is eligible to advance to the next salary step effective the first day of the following month after completion of one (1) full year of service in the previous step.

### **Probation**

All promotional appointments will be probationary for six months or one full year, depending upon the classification and governing MOU. All promotional appointments may have their probationary period extended for a period not to exceed an additional six months for purposes of conducting a more thorough review and evaluation.

Whenever a regular employee's promotional appointment is terminated during the probationary period, the employee shall either be returned to the previous classification in which a probationary period was completed or to another vacant classification which is mutually acceptable. Employees who were appointed to a higher paying classification prior to completing the probationary period do not have bumping rights, and therefore; will not be allowed to return to their former position or be given the opportunity to agree to a position which is mutually acceptable.

If the regular employee is returned to the previous classification, the employee's placement will be at the same range and step the employee held prior to the promotion. The employee's prior salary anniversary date shall be extended by an amount of time equal to the period in which the employee held the promotional position. If the employee is placed in another mutually acceptable position, placement will be at the range and step which represents the salary closest to, but not less than, the salary the employee was receiving prior to the promotion action.

### **Leave Balances**

When an employee is promoted without a break in service from one department to another department, the department in which the employee is moving shall accept the employee's sick leave and vacation balances. The department in which the employee previously served shall pay all compensatory time off to the employee upon transfer to the new position. A regular or probationary employee, who is promoted without a break in service, shall retain their original hire date for computation of vacation accrual.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Department Head* The Department Head or their designee should thoroughly review the employee's experience, knowledge, training and skills prior to the promotion to ensure the individual meets the minimum qualifications of the higher classification.

*Personnel Office* The Personnel Office will review all documentation to ensure the promotion is in accordance with the guidelines established in this rule.

**Required Forms:** Personnel Action Form, Tehama County Employment Application

**References:** TCPR §3207: Demotion; TCPR §2301: Probationary Period; TCPR §3202: Placement Other Than "A" Step; TCPR §3203: Appointment to a Higher Classification

**Effective Date:** April 24, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## COMPENSATION DEMOTION §3207

**Overview:** All Tehama County employee demotions shall be made in accordance with established standards outlined in this policy.

**Applicable to:** All Tehama County Employees

**Definitions:** Career path demotion - When an employee is seeking a position with a salary range lower than their current classification, however the new position allows for upward mobility which exceeds the range and salary of the current classification.

Demotion - The movement of an employee from a higher paying classification to a lower paying classification.

Involuntary demotion - Failed probation, discipline issues, layoff, or other just cause may be reasons for an involuntary demotion.

**Guidelines: Voluntary Demotion**

If an employee previously held permanent status in a classification that is currently vacant, he or she may request to voluntarily demote back into the lower paying classification. The Department Head or their designee would have the authority to approve or deny the request.

Any Tehama County employee may also go through the application process to voluntarily demote to any position with a lower salary range for which the employee possesses the minimum qualifications.

Employees who voluntarily accept a demotion do not have return rights to the higher paying classification, even if they have passed probation in the higher paying classification. Employees seeking to return to a higher paying classification, which they previously held, must reapply for the vacant position.

**Involuntary Demotion**

All involuntary demotions will occur in accordance with the applicable memorandum of understanding.

Employees who have failed to pass probation after a promotion may return to their prior classification if they successfully passed the probationary period in that classification. An employee does not have rights to return to a classification previously held unless they successfully passed the probation period.

**Career Path Demotion**

An employee may request a career path demotion for purposes of career development and lateral advancement. The Personnel Director and the Department Head or their designee will review the employee's knowledge, skills, and experience to establish salary step placement. An employee may request a career path demotion when:

- The employee has successfully passed the probationary period in their current classification.
- The employee has applied for the position and has been placed on an eligibility list.

- The classification to which the employee is demoting is in the same occupational group and aligns with the professional development of the employee's current or chosen career field.
- The employee has received a rating of satisfactory or better on their most recent performance evaluation.

**Procedure: Compensation**

Tehama County employees who demote into a classification in which they previously held permanent status will be re-appointed at the same range and salary step they held prior to the promotion. The employee is eligible to advance to the next salary step effective the first day of the following month after completion of one (1) full year of service in the previous step. Any partial years served in the lower classification, which occurred prior to the promotion, will be credited towards the one (1) full year of service. *Example: If the employee spent three months in the lower classification before promoting, and then demotes back into the lower position, their "year of service" would be credited by three months.*

Tehama County employees who demote into a position they have not previously held (or employees who are eligible for a career path demotion) will have their salary reduced to the salary step in the lower classification's range that is the next lower in amount than the salary they were receiving before the demotion. *Example: Employee is currently at Range 50, Step C, or \$2705. Employee demotes to Range 48. The employee's current salary, \$2705 is Step D in Range 48. Employee would be placed at Step C in Range 48, or \$2572. (The next lower in amount than the salary they were receiving before the demotion.)* Upon demotion, the employee shall advance to the next salary step effective the first day of the following month after completion of one (1) full year of service in the previous step.

For purposes of this personnel rule, moving from a classification designated as bilingual to an allocation designated as non-bilingual does not constitute a demotion.

**Probation**

If an employee voluntarily demotes into a lower paying classification, which they have not previously held, they will be required to complete the probationary period as defined in the new classification specification.

If the demotion is involuntary, and the employee has already passed the probationary period in the lower paying classification, they will not be required to serve a new probationary period.

Tehama County employees do not have right of return to any classification in which they have not successfully passed the probationary period.

**Leave Balances**

When an employee demotes without a break in service from one department to another department, the department in which the employee is moving shall accept all the employee's sick leave and vacation balances (via a payroll function). The department in which the employee previously served shall pay all compensatory time off to the employee. A regular or probationary employee, who is demoted without a break in service, shall retain their original hire date for computation of vacation accrual.

*Employee* Employees who are applying for or requesting a voluntary demotion will be asked to

provide a written request of concurrence to the Department Head.

*Department Head* If the demotion is voluntary, the Department Head or their designee shall review all the documentation prior to the demotion to ensure the demotion is applicable and in accordance with the guidelines established in this rule.

If the demotion is involuntary, the Department Head or their designee shall reference the personnel rule for Discipline Procedures.

*Personnel Office* The Personnel Office will review all documentation to ensure the demotion is in accordance with the guidelines established in this rule.

**Required Forms:** Personnel Action Form, Tehama County Employment Application, Written Request of Concurrence

**References:** TCPR §3206: Promotion; TCPR §2303: Layoff; TCPR §7401: Discipline Procedures; TCPR §7402: Cause for Dismissal; TCPR §7408: Discharge of Probationary Employees

**Effective Date:** June 19, 2018  
Edited for clarification purposes only - May 15, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## COMPENSATION Y-RATING §3210

**Overview:** An employee's salary may remain at a higher salary range upon appointment to a position in a lower salary range as a result of a reclassification or reorganization.

**Applicable to:** All regular employees

**Definitions:** PAF - Personnel Action Form  
Y-rate - Term used to indicate when the salary of a particular employee is "frozen" at a certain step. This occurs when the incumbent's salary has been determined to exceed the appropriate salary range for the classification held, due to an event such as a reclassification or reorganization.

**Guidelines:** Reclassification to a lower salary range: Generally, when a position is reclassified to a class with a lower salary range, an incumbent's salary step is adjusted to a corresponding step of the new range. Should the new salary range be less than the employee's existing salary, the employee's salary rate is not reduced, but maintained (y-rated) until the salary range for the classification is an amount greater than the employee's y-rated salary. At that time, the employee's pay rate is adjusted to the nearest higher rate in the salary range for the class.

Elimination of a position: A Department Head may determine during a program reorganization that specific positions will be eliminated. If an employee whose position is being eliminated is determined by the Department Head to be qualified for a new position within the reorganization, the employee may be offered a new position. Should the new salary range be less than the employee's existing salary, the department has the option of not reducing the employee's salary, but maintaining (y-rating) the rate until the salary range for the classification is an amount greater than the employee's y-rated salary. At that time, the employee's pay rate is adjusted to the nearest higher rate in the salary range for the class. If the employee chooses not to accept the new position, he/she is subject to the layoff process.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

*Department Personnel Contact:*

- The Department will submit a PAF reflecting the y-rating condition to the Personnel Office.
- When the salary range reaches an amount greater than the employee's y-rated salary, it should be indicated on a PAF and submitted to the Personnel Department.

*Personnel Department:*

- The y-rate should be presented for approval by the Board of Supervisors as part of the reclassification, reorganization, or layoff process.
- The Personnel Department will receive the PAF from the department and verify the y-rate. Upon Board approval, the Personnel Department will route the PAF in the usual manner.

**Required Forms:** Personnel Action Form

**References:** Salary schedule; TCPR §2202 Request for New Classification; TCPR §2203 Request for Reclassification; TCPR §2204 Request for Changes to the PAL; TCPR §3104: Personnel Action Form

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## WORK HOURS & CONDITIONS WORK HOURS & ATTENDANCE §4101

**Overview:** Tehama County employees provide important and valuable services to the public and each other. To accomplish this mission, it is imperative that every employee be present when scheduled to fulfill their obligation. Tehama County employees are expected to report to work and perform assigned duties on a consistent, regular, and punctual basis.

**Applicable to:** All employees

**Definitions:** Absence – The failure of an employee to report for work when they are scheduled to work.

Abuse of Sick Leave - Abuse of sick leave is the misrepresentation of the actual reason for taking sick leave, using sick leave for unauthorized purposes, failure to report sick leave, and may include chronic, persistent, or patterned use of sick leave.

Alternate Schedule - An alternate work schedule is defined as a variation of the standard workweek with the purpose of better serving the public and providing flexibility in coverage. Alternate schedules include 4/10 schedules, 9/80 schedules, hours from 7am – 3:30pm, and others, but in each case the schedule will result in employees working a fixed schedule.

Authorized Absence - Authorized absence is permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave.

AWOL – Absent Without Leave

CFRA – California Family Rights Act

Excessive Absenteeism - Excessive absenteeism occurs when the amount of time the employee is absent from work is frequent, and significantly disrupts the workflow in the department.

Excused Absence – An absence that occurs when an employee has sufficient accrued paid time to cover such absence and one of the following conditions are met: 1) The absence is scheduled in advance with the employee's manager or supervisor, such as a vacation, medical appointments, jury duty, family activities, funerals, etc.; 2) the employee notifies their employer in advance of their scheduled shift in the case of an unexpected illness or injury (which may require medical documentation).

FMLA – Family Medical Leave Act

FLSA – Fair Labor Standards Act

Occurrence - An occurrence is defined as one continuous period of absence of any duration for the same reason, or a period of absenteeism related to a single cause. An occurrence may include paid or unpaid time. Doctor appointments, leave supported by acceptable medical documentation, bereavement leave, approved vacation time, jury duty, or leave under a protected leave does not qualify as an occurrence.

Pattern of sick leave use - The repeated use of sick leave on a particular day or before and/or after scheduled days off, weekends, or holidays.

PIP – Performance Improvement Plan

Tardiness - Not being at the designated workstation and ready to work at the designated time or the failure to return to work at the scheduled time following a meal break or rest period.

Workstation – The area where an individual performs work and/or uses equipment specific to their assigned tasks.

Workweek - The regular workweek is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday. The workweek will begin at 12:00am on Sunday, and end at 11:59pm on Saturday.

**Guidelines:** Good attendance habits form an integral part of every employee's job and are essential job functions. Among other things, good attendance habits mean:

- Reporting to work at the designated time
- Being at your work station ready to work at the start of the shift
- Remaining at your assigned work location unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks) and lunch periods.
- Remaining at work until the scheduled end of your shift, unless excused by a supervisor
- Leaving promptly at the end of your shift, unless you have been given advance permission from your supervisor to work past the end of the shift.
- Calling in and personally notifying your supervisor or designee if you are going to be either absent or tardy, unless an emergency makes it impossible for you to do so

The department head may, at any time, cause any employee or group of employees to change a work schedule permanently or temporarily. Except in case of an emergency, the department head shall provide the employee with advance notice of fourteen days of a permanent schedule change and/or 12 hours' notice of a temporary change.

Improper use of sick leave, excessive absenteeism, tardiness, unplanned absences, a pattern of absences, or failure to notify your department when you are unable to report to work may result in disciplinary action, up to and including termination.

Unless specifically authorized in advance by the department head or his/her designee, employees may not begin work prior to the regular starting time, take work home, or otherwise engage in overtime work.

#### **Rest and Lunch Periods**

Non-Exempt employees shall be granted one 15-minute rest period during shifts of four to six hours. Employees whose shift is longer than six hours shall be granted a 15-minute rest period in each half of the work shift. Unless otherwise approved by the department head for a non-recurring circumstance, such breaks shall not be taken within one hour of the employee's starting time, quitting time, or meal break and shall not be accumulated or used to supplement meal breaks, late arrival to work, or early departure.

Employees shall be permitted a lunch period of not fewer than thirty (30) minutes or more than one (1) hour, which shall be scheduled generally in the middle of the work shift. Employees working more than ten (10) hours may be entitled to additional rest periods.

Employees are required to take their full rest and lunch periods as directed.

#### **Reporting of Time**

An employee's signature on their time sheet is the employee's verification that the

time reported accurately reflects the time worked, inclusive of all rest and lunch periods.

### **Overtime and Compensatory Time**

Employees are expected to stop working at the scheduled stop time. Work beyond the assigned work period must be expressly approved by the department head or his/her designee in advance. Only those hours actually worked may be used to qualify for overtime compensation. Overtime will be computed on actual minutes worked, adjusted to the next increment of 15 minutes.

In recording time under the FLSA, infrequent and de minimis periods of time beyond the scheduled working hours, which cannot as a practical matter be precisely recorded for payroll purposes, may be disregarded. For example, if an employee voluntarily comes in before their starting time or remains after quitting time, the employee does not have to be paid for such periods, provided that they do not do any work during this time. Likewise, minor differences between time clock records and actual hours worked cannot ordinarily be avoided because all employees cannot clock in or out at precisely the same time.

### **Alternate Schedules**

Department Heads who wish to assign alternate schedules must initially have the schedule(s) approved in writing by the Chief Administrator, with the notice to the employee, Personnel, and the employee's representative (if any).

The usage of accrued leave balances such as vacation, sick leave, and other paid time off shall be on an hour-to-hour basis. For example, an employee on a 4/10 schedule who misses a day because of illness shall be charged 10 hours sick leave for that day.

Management reserves the right to revoke or deny alternate schedules. Denial of an alternate work schedule, or rescission of a work schedule, is not grievable.

### **Temporary Flexible Scheduling**

At the request of an employee, the Department Head or their designee may temporarily flex an employee's schedule, but not as a recurring option. For example, an employee who needs to leave 15 minutes early for an appointment may request to arrive 15 minutes early that day.

### **Requests for Time Off**

Employees who have accrued vacation, paid time off, compensatory time, holiday in lieu, or other applicable leave must request permission from their supervisor or designee to be absent from duty. Employees who request permission and receive approval will be on an authorized absence.

If two or more requests are submitted requesting time off for the time period, the employee whose request is submitted first shall be given priority for time off. If two or more requests are submitted on the same day for the same time off period, the employees will be granted time off by seniority.

### **Call in Procedures**

If an illness or emergency causes an unforeseeable absence, employees are expected to notify their immediate supervisor or designee as soon as possible. Notification should be made as soon as practicable, and preferably prior to the employees scheduled work time on the first day of the absence. If additional time off is required, employees must advise the department of each subsequent day

during the absence. In the case of an extended leave of absence, employees may be asked to complete additional forms and submit medical certifications as required.

Employees who are on an approved leave of absence do not have to make daily notifications.

### **Tardiness**

Tardiness is considered a form of absenteeism. Employees are expected to be at the workstation and prepared to work at the scheduled time. An employee is considered tardy and may be subject to discipline if he/she reports to work after the scheduled start time or returning late following a meal break or rest period.

The supervisor may require an employee who is tardy to: 1) adjust a day's schedule to work the equivalent amount of time at the end of the shift on the same day; or 2) record any missed time of eight minutes or more on their time sheet as vacation or other paid time off (minimum absence of 15 minutes).

### **Excessive Absenteeism**

Excessive absenteeism occurs when the amount of time the employee is absent from work is frequent and consistent, or forms a pattern, or significantly disrupts the workflow in the department.

The number of occurrences of absences should not exceed eight (8) in a 12-month period. If more than eight are used, progressive disciplinary action may be initiated. If less than a year of data is available, the supervisor may calculate use of sick leave on a proration basis. The County uses a rolling calendar year when determining excessive absences. For the purpose of calculating tardiness for discipline, a tardy of up to 30 minutes is tallied as half an occurrence.

In establishing excessive absenteeism "occurrences", a supervisor may consider:

- An unscheduled absence when an employee calls in sick following the established process and has sufficient leave available to cover the time off
- A leave that is scheduled when an employee has sufficient leave, but then the employee exhausts all leave prior to the scheduled absence.
- An absence in which an employee failed to appropriately request and receive approval for paid leave, or failed to follow the established procedure for calling in to report an unscheduled absence (AWOL)
- Failure to maintain scheduled work hours, tardiness, leaving work early, taking extended breaks, and taking lunch hours beyond the allotted time
- An absence that is not scheduled in advance and the employee doesn't have sufficient paid leave to cover the absence
- An absence in which the employee does not have adequate documentation to support an absence when requested by their supervisor
- When an employee requests to come in late or leave work early for an unexpected event such as a sick child, vehicle issues, home emergency, etc. (The circumstances of these events are usually of a serious nature and it is difficult for the supervisor to say no to the request. An employee may use appropriate leave for the absence.)

An occurrence may qualify under more than one of these descriptions.

In establishing "occurrences", a supervisor may not consider:

- Protected leaves of absence such as FMLA, CFRA, parental leave, pregnancy disability, Military Family Leave, leave for military duties

- Leave supported by acceptable medical documentation
- Leave due to an industrial injury
- Jury Duty
- Bereavement Leave
- Leave for victims of domestic violence
- Approved vacation or management leave

### **Abuse of Sick Leave**

For sick leave accruals and standards for sick leave, see TCPR §6101: Sick Leave.

### **No-Call/No-Show or Absent Without Leave (AWOL)**

Not reporting to work and not calling to report the absence is a no-call/no show.

It is a serious matter when an employee fails to show up for work as scheduled and does not contact their supervisor. If the department is unable to contact the employee within two hours of the assigned start time, the supervisor should bring the issue to the department head. The department head or designee may begin phoning emergency contacts. If the Department Head or designee is still not successful in contacting the employee, the Department Head may contact law enforcement to request a welfare check. The department will make the Personnel Office aware that law enforcement has been contacted. Supervisors and/or staff are not to make a home visit. A supervisor may start the process of attempting to contact the employee as soon as the supervisor deems appropriate.

If it is determined that the employee is safe, but negligent in contacting their supervisor, the employee will be subject to disciplinary action. A second separate offense may result in severe discipline up to and including termination.

If the employee has already begun the step discipline process for attendance and punctuality when a no-call/no show occurs, the disciplinary process may be accelerated to the final step.

Any no-call/no-show lasting three days is considered job abandonment and will result in immediate termination of employment. However, when there are extenuating or mitigating circumstances which delay the employee's return, the County will allow the employee an opportunity to provide the County with the circumstances to make a final determination of employment by way of appealing a finding that the employee had automatically resigned. Additionally, an employee who fails to return to work within three working days of the expiration of the employee's approved leave shall be deemed to have tendered an automatic resignation. The Department Head will acknowledge the resignation in writing and send the notification to the employee's last known address.

Management may consider extenuating circumstances when determining discipline for a no-call/no-show and has the right to exercise discretion in such cases. (For instance, if the employee is in a serious accident and is hospitalized.) When there are extenuating or mitigating circumstances which delay the employee's return from leave, the County will allow the employee an opportunity to provide information regarding the circumstances to make a final determination of employment by way of appealing a finding the employee had automatically resigned.

### **Addressing Excessive Absences and/or Tardiness**

Employees who do not adhere to the standards outlined in this rule will be subject

to discipline and will be delivered by the direct supervisor or department head. The steps below may vary when used in conjunction with discipline for reasons other than absences or tardiness.

To maintain consistency across the departments, the following guidelines have been established to assist supervisors in the monitoring of attendance and communicate expectations to employees.

A pattern of frequent occurrences (absences and tardiness combined) in less than a 12-month rolling period may be basis for a coaching discussion between the employee and their direct supervisor. The purpose of the coaching session is to make the employee aware of the frequency of occurrences, to be certain the employee understands the rule, and the consequences of violation.

Eight occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and documentation in the employee's supervisor file. Documentation for this meeting may be in the form of a confirming memo when the performance problem is acute or has a demonstrable impact on operations. The confirming memo will memorialize the meeting, what was discussed, the response, and/or an agreement reached.

Ten occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and a written counseling memo, putting the employee on formal notice of violation. This documentation will be placed in the employee's personnel file.

Twelve occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and a performance improvement plan (PIP). The PIP specifies the supervisor's expectations for performance, establishes the standards, sets regular meetings between the employee and supervisor to discuss progress, and explains consequences for failing to meet and/or sustain improved performance within an established time frame. This documentation will be placed in the employee's personnel file.

Fourteen occurrences in the same 12-month rolling period are cause for intermediary disciplinary action. Employee will be noticed and heard through the Skelly process and may involve such disciplinary action as a one day suspension, reduction in pay, withholding a salary step increase, or demotion. Documentation will be placed in the employee's personnel file.

Eighteen occurrences in the same 12-month rolling period are cause for severe disciplinary action. Employee will be noticed and heard through the Skelly process and may involve such disciplinary action as termination. Documentation will be placed in the employee's personnel file.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Employees must request permission from their direct supervisor or designee to be absent from duty. If the need for leave is due to an unforeseen injury or illness, the employee shall make notification to the supervisor or designee as soon as practicable.

*Supervisor* Supervisors shall thoroughly document all absences, tardiness, and sick leave abuse.



**Department Head** If an employee has been issued discipline for excessive absences or tardiness, a copy of the documentation should be provided to the Personnel Office and placed in the employee's official personnel file.

**Personnel Office** If requested, the Personnel Office may provide guidance to the department head or supervisor. The Personnel Office will maintain any documentation or discipline for violation of this rule in the employee personnel file as provided by the department.

**Required Forms:** Absence Request Form (or complete the time off request process specific to the department)

**References:** U. S. Department of Labor Fair Labor Standards Act; Govt. Code §12945.1-12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §233; TCPR §2308: Reinstatement; TCPR §6101: Sick Leave; TCPR §6105: Leave Without Pay; TCPR §6107: Family Medical Leave; TCPR §6207: Leave for Domestic Violence Victims; TCPR §7401: Discipline Procedures; bargaining unit MOUs

**Effective Date:** November 5, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## BENEFITS HEALTH BENEFITS §5101

**Overview:** All regular employees and probationary employees are eligible to participate in the Tehama County group health insurance benefit plan. Enrollment is offered upon initial hire appointment with the County, during the annual open enrollment period or in the case of a qualifying event.

**Applicable to:** All regular employees.

**Definitions:** COBRA – The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that may allow an individual to keep health coverage after employment ends, loss of coverage as a dependent of a covered employee or another qualifying event. If COBRA is elected, the individual pays 100% of the premiums, including the employer share of cost, plus a small administrative fee.

Domestic Partnership – Two adults of the same sex or members of the opposite sex where one of the partners is over the age of 62, who are unmarried, share a common residence and are in an intimate and committed relationship that is registered with the State of California.

Eligible Family Members – Legal Spouse; domestic partner; natural, adopted or step child(ren) under 26 years of age (even if married or employed); Legal Ward(s) under 18; a disabled dependent child; qualified dependents of a spouse or domestic partner.

Qualifying Event – A change in family status through marriage, domestic partnership, birth or adoption. Other qualifying events may include loss of coverage, change in military status, change in custody status of a child, or exceeding a lifetime limit on benefits under another health plan.

Regular Employee (Benefits) – For the purpose of this Rule, is an employee who is employed in a full-time or part-time permanent position working at least 20 hours per week.

**Guidelines:** Upon initial hire appointment, employees have the option to enroll in the County health care plan or to decline enrollment. Employees who choose to participate in the County's group health insurance plan have a deadline of thirty-one (31) days to submit the completed application forms and required documentation to the Auditor's Office. If an employee fails to enroll timely, he/she must wait until the next open enrollment period to enroll, unless a qualifying event occurs. The County's group health insurance plan is a bundled package which includes medical, prescription drug, dental, vision and life insurance. Employees who enroll will automatically be enrolled in the entire bundled package.

Tehama County health insurance package includes:

- Medical Plans provided through Anthem Blue Cross – Two plans available: Exclusive Provider Organization (EPO) plan and the Preferred Provider Organization (PPO) plan
- Prescription drug insurance provided through Express Scripts
- Dental insurance provided through Delta Dental
- Vision insurance provided through VSP
- A \$30,000 term Life and Accidental Death and Dismemberment (AD&D) insurance provided through VOYA (for active employee only)

In addition, the County provides an Employee Assistance Program (EAP), through ACI Specialty Benefits, to its employees at no cost to the employee.

The County may, at its discretion, change insurance carriers, claims administrator or the benefit structure of the group health insurance program provided overall benefits and premiums remain the same.

Coverage begins the first of the month following one (1) full month of continuous employment with the County. (i.e., an employee who is hired on January 1<sup>st</sup> would be covered effective February 1<sup>st</sup>, while coverage for an employee hired on January 2<sup>nd</sup> would be effective March 1<sup>st</sup>.)

If an employee chooses not to participate in the County's group insurance program, the employee must submit a completed Waiver of Group Health Benefits & Notice of Special Enrollment Rights Form to the Auditor's Office. If the employee selects to waive coverage due to other coverage, proof of the coverage must be provided. The employee may then only enroll during the open enrollment period or if there is a qualifying event.

Employees may still enroll in the Voya Life & AD&D insurance if they choose to waive the bundled health plan. If an employee chooses to waive the Tehama County term Life and AD&D Insurance, a Waiver of Life insurance must be completed and sent to the Auditor's Office. The waiver can only be revoked in writing by the employee and is effective only when accepted by The County of Tehama.

The County does not provide cash-in-lieu of benefits for employees who chose not to enroll.

### **Premiums**

Employees must elect, upon enrollment, to participate in the County's "Premium Only" Section 125 benefit program which permits pre-tax benefits for employees' group health insurance premium contributions. There may be tax implications in covering a domestic partner if the domestic partner does not qualify as a dependent per Section 152 of the Internal Revenue Code. An Affidavit of Federal Tax Status for Health Insurance Purposes for Registered Domestic Partners Enrolled in Tehama County's Group Health Insurance Plan form must be submitted to the Auditor's Office with the enrollment forms to determine if there will be tax implications.

The County shall contribute an amount towards the premium cost of each enrolled employee's County-sponsored health plan premium, according to the respective MOU. The employee must pay the remaining amount of the premium cost. Once enrolled, insurance premiums shall be deducted from the employee's pay via payroll deduction.

Employees who work less than full-time will be responsible to pay a pro-rated premium which is calculated using the same ratio as the part-time employee's work hours have to the full-time employee's work hours. Employees who are not full-time and wish to enroll in the County health insurance should contact the Auditor's Office for the premium amount they would be required to pay.

### **Covered Members**

Coverage is provided to the subscriber and all enrolled eligible family members. Employees who wish to enroll their spouse or domestic partner must provide a copy of their Marriage License or Registered Domestic Partnership Certificate to the Auditor's Office upon enrollment.

A child covered as a dependent on an employee's health plan that turns twenty-six (26) years of age will be removed from the plan the first of the month following their birth month. The employee will be notified that coverage will be ending for the dependent. If coverage is to continue due to a child that qualifies as a disabled dependent a request for coverage to continue must be submitted.

*Dual coverage is not allowed.* Married spouses or domestic partners who are both employed by Tehama County are only allowed to have one spouse/partner enrolled as a subscriber on the County-sponsored group health insurance plan. The other spouse/partner may still be covered on the plan, however they will be enrolled as a dependent. This also applies if a parent and child (under 26 years of age) are both employed by Tehama County. The child may only be enrolled as a dependent on the parent's health plan or enrolled as a subscriber on their own individual County-sponsored health plan. However, employees covered on the same plan may still choose to enroll in the individual Term Life and AD&D insurance plan.

Employees adding a child by reason of adoption, should provide a copy of an Adoption Order, Adopt 215. However, if an employee has not yet received an Adopt 215, they must provide legal evidence of both the intent to adopt and the right to control the health care of the child or assumed legal obligation for full or partial financial responsibility for the child in anticipation of the child's adoption. Legal evidence to control the health care of the child means a written document, including, but not limited to, a health facility minor release report, a medical authorization form, or relinquishment form, signed by the child's birth parent, or other appropriate authority, or in the absence of a written document, other evidence of the subscriber's, the spouse's or the domestic partner's right to control the health care of the child.

A child for whom the subscriber, spouse or domestic partner is a legal guardian is considered eligible on the date of the court decree (the "eligibility date"). Legal evidence of the decree must be provided to the County.

### **Open Enrollment**

Each year there will be an open enrollment period starting October 1 and ending October 31. During this period, employees have the option to enroll or change benefit decisions regarding health coverage. If an employee wishes to enroll or drop the health plan, add or delete dependents or make changes to their coverage, he/she must submit an enrollment packet or change forms to the Auditor's Office by the last day of open enrollment. Employees who do not wish to make any changes to their health plan do not need to take any action. Changes that are made during open enrollment are effective on January 1 following the open enrollment period. If changes are not made during the open enrollment period, there must be a qualifying event to make the change throughout the year.

Retirees and COBRA Participants must submit their change forms directly to the third party administrator.

### **Qualifying Event**

In the occurrence of a qualifying event, employees have a thirty-one (31) day period, from the day the qualifying event occurs, to add or make changes to their health care plan outside of the open enrollment period. Changes that qualify as a qualifying event include a change in family status through either marriage, divorce, domestic partnership, birth, or adoption. If an employee is not enrolled in the health benefits but has a newly eligible dependent as a result of marriage, birth, adoption or placement for adoption, he/she may then enroll themselves and eligible dependent(s). Other qualifying events may include loss of coverage, change in military status, change in custody status of a child, or exceeding a lifetime limit on benefits under another health plan. Coverage for a qualifying event will begin the first of the month following the event's start date. Births and deaths are exceptions and coverage may be added/dropped outside of the first of the month following.

### **Employees on a Leave of Absence**

Employees on an approved statutory leave of absence, may have his/her County-sponsored health insurance continued on the normal premium share-of-cost basis for the duration of the leave.

An employee who has exhausted all leave balances, with less than five (5) years of continuous regular County service who is on a leave of absence beyond any statutory leaves may maintain the County's group health insurance coverage for one (1) full calendar month on the normal premium share-of-cost basis. If an employee with five (5) or more years of continuous regular County service is on a leave of absence beyond any statutory leaves he/she may maintain the County's group insurance for a total of three (3) months on the normal premium cost-sharing basis. However, an employee may receive the insurance continuation payment by the employer only once in a twelve (12) month period. The period begins the date the employee returns to work from the leave of absence in which the employee completed the use of the one (1) or three (3) month continuation payment benefit referred to in this section.

If an employee continues to be on an approved leave of absence beyond a statutory leave and has utilized their one (1) or three (3) month share-of-cost term the employee is responsible for the full benefit amount, including the employer's share-of-cost portion.

Employees who are on an approved industrial leave of absence should reference their applicable memorandum of understanding for the period of insurance continuation on the normal sharing premium cost basis.

### **Cancellation of Coverage**

An employee may voluntarily cancel their County-Sponsored health insurance coverage at any time by completing the Group Health Insurance Change Form. Coverage will end on the due date for the required monthly contribution coinciding with or following the date of the voluntary cancellation. If an employee voluntarily chooses to disenroll from coverage, he/she will not be eligible to reapply for coverage until the next open enrollment period or upon a qualifying event.

If an employee is no longer employed with Tehama County he/she is disenrolled from the County's insurance. Termination is effective the last day of the month of the employment end date. For example, if an employee resigns on January 12 he/she will be covered until January 31.

### **Retiring Employees**

An employee with a minimum of five (5) or more years of service with Tehama County who goes directly from active employment with active insurance coverage to retirement under the Public Employees' Retirement System (PERS) may elect to continue participation in the County-sponsored Retiree Group Health Insurance plan. To do so, a Retiree Group Health Insurance Enrollment Form must be completed and submitted to the Auditor's Office. Premiums are outlined in the Retiree Group Insurance Enrollment form. Payments under the retiree plan are to be made directly to the third party administrator. The employee is responsible to pay all of the premium costs for the benefit. Dental and Vision are not allowed as standalone coverage for retirees, and may only be taken as a supplementary to health coverage. If a retiree cancels any of his/her retiree health options he/she cannot reenroll in the future.

### **Flexible Spending Account**

Tehama County offers employees the option of enrolling in a Flexible Spending Account (FSA). The employee does not have to be enrolled in the County Health Insurance package to enroll in an FSA. To enroll, employees must complete an FSA Enrollment Form. The employee elects the amount they would like to be deducted semi-monthly from their pre-tax earnings to go towards their FSA account. This election form will remain in effect and cannot be revoked or changed during the plan year, unless the revocation and new election are due to and consistent with a change in family status. Such changes include; marriage, divorce, birth, death, adoption, or applicable employment changes of a spouse or employee. Contributions made to an FSA account must be used within the plan year or the contributions will be forfeited and may not be paid to the employee or used in a later plan year. Employees must re-enroll annually. The annual open enrollment period begins October 1 and ends October 31.

Employees shall submit for medical, dental, vision, prescription and dependent care expense reimbursement through the third party administrator.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

#### *Employee* **Enrollment Upon Hire**

Upon receipt of the Tehama County Health Benefits Packet, employees who choose to enroll must complete a Tehama County Health Insurance Enrollment Form. The completed form must be submitted to the Auditor's Office within thirty-one (31) days. It is the employee's responsibility to ensure all eligible family members they would like covered on their plan are included on the enrollment form. When enrolling a spouse or domestic partner it is required to provide a Marriage License or Registered Domestic Partnership Certificate.

If an employee chooses not to enroll, the employee must complete a Waiver of Group Health Benefits & Notice of Special Enrollment Rights. If the employee elects not to enroll due to possessing other coverage, proof of coverage must be provided.

Employees who wish to enroll in the County's Life and AD&D Insurance must complete a Life Insurance Enrollment Form. If an employee chooses to waive this benefit, a Waiver of Life insurance must be completed and sent to the Auditor's Office.

To enroll in an FSA the employee must submit a completed Flexible Spending Accounts Enrollment form to the Auditor's Office. It is the employee's responsibility to re-enroll annually during the open enrollment period.

### **Qualifying Event**

In the occurrence of a qualifying event, an employee must request an enrollment packet or Tehama County Health Insurance Change Form from the department's personnel contact, the Personnel Office or the Auditor's Office. The forms must be submitted no later than thirty-one days after the start date of the qualifying event. If the forms are not submitted by the thirty-one day deadline the employee must wait until the next open enrollment period.

### **Open Enrollment**

If an employee chooses to enroll or make changes during the open enrollment period, he/she must request an enrollment packet or Tehama County Health Insurance Change Form from the department's personnel contact, the Personnel Office or the Auditor's Office. Forms must be submitted by the last day of the open enrollment period.

### **Cancellation of Coverage**

If an employee chooses to disenroll from the County health insurance plan he/she must submit a completed Tehama County Health Insurance Change Form to the Auditor's Office. To re-enroll the employee must submit an enrollment packet during open enrollment or if there is a qualifying event.

*Department Personnel Contact* Department personnel contacts shall provide enrollment packets and/or health insurance change forms to employees upon hire and/or request. In addition, the personnel contacts shall send any health insurance forms received from employees to the Auditor's Office upon receipt.

*Personnel Office* Following requests from a department or an employee, the Personnel Office will provide enrollment packets and/or change forms. In addition, the Personnel Office shall send any health insurance forms received from employees and/or departments to the Auditor's Office upon receipt.

### **Disenrollment**

Upon receipt of a Termination Checklist from the department, the Personnel Office shall disenroll the individual from the County's group insurance plan.

### **Open Enrollment**

The Personnel Office shall notify employees of the open enrollment dates.

*Auditor's Office* The Auditor's Office shall process employee's enrollment and change forms upon receipt.

**Required Forms:** Tehama County Health Insurance Enrollment Form, Life Insurance Enrollment Form, Waiver of Group Health Benefits & Notice of Special Enrollment Rights, Waiver of Life Insurance Form, Tehama County Health Insurance Change Form, Flexible Spending Accounts Enrollment Form, Affidavit of Federal Tax Status for Health Insurance Purposes for Registered Domestic Partners Enrolled in Tehama County's Group Health Insurance Plan

**References:** Family Code – Fam Division 2.5. Domestic Partner Registration [297]; County of Tehama Prudent Buyer Exclusive Plan Benefit Booklet, January 1, 2017; Joint

**Effective Date:** July 24, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## BENEFITS PENSION PLAN §5301

**Overview:** Tehama County participates in the State of California Public Employees Retirement System (CalPERS). CalPERS provides retirement benefits to miscellaneous and safety members who are employed by public agencies and is regulated by California Public Employees' Retirement Law. The purpose of this Rule is to define the employee/employer responsibilities for the application of the pension plan.

**Applicable to:** All regular and probationary Tehama County employees who work twenty (20) or more hours per week.

**Definitions:** CalPERS - The California Public Employees Retirement System is a defined benefit retirement system.

Defined Benefit - A retirement formula used to determine the percentage of pay an employee is eligible to receive upon their retirement

Final Compensation - Calculated by averaging your highest base pay rate over a continuous 12- or 36-month period.

PEPRA – Public Employee's Pension Reform Act

Service Credit - represents the amount of time worked for a CalPERS covered employer.

**Guidelines:** All regular and probationary Tehama County employees are enrolled in CalPERS upon initial appointment.

Employees make contributions into the CalPERS system through an automatic payroll deduction. The percentage of the contribution varies depending on the employee's defined benefit retirement formula. Employees should reference the applicable memorandum of understanding to determine their defined benefit retirement formula and required member contribution.

Employees may be eligible for a CalPERS service retirement once they have reached the minimum age for retirement and have at least five years of CalPERS credited service. The amount of an employee's retirement benefit will be calculated based upon their service credit, benefit factor, and final compensation. PEPRA requires all public agency employees hired on or after January 1, 2013 to have a 36-month final compensation period. Those employees hired prior to January 1, 2013 have a 12-month final compensation period. Employees with prior CalPERS service credit who were hired by Tehama County after January 1, 2013 may still qualify for the 12-month final compensation period if their break in service was for a period less than six months.

Employees may be eligible for reciprocity through CalPERS if the prior employer has a reciprocal agreement on file with CalPERS. All newly hired employees will be asked to complete the CalPERS Reciprocal Self-Certification form to determine their eligibility for reciprocity.

Employees can view more information about retirement benefits and access their CalPERS account by visiting [www.calpers.ca.gov](http://www.calpers.ca.gov).

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Eligible employees will be automatically enrolled in the CalPERS retirement system upon appointment. All enrolled employees will be asked to complete the Pre-Retirement Lump Sum Beneficiary Designation form, as well as the Reciprocal Self-Certification form. Employees should update their beneficiary designation upon a change in their family status, such as marriage, divorce, or birth of a child. In addition, employees should complete a Special Power of Attorney to appoint an attorney-in-fact. An attorney-in-fact will be able to conduct retirement affairs in the event the employee is unable to act on their own behalf. A Special Power of Attorney is specific to the employee's CalPERS retirement benefits. Other power of attorney documents set up through another resource may not specifically address CalPERS retirement benefits.

*Department Head* The Department Head or their designee shall complete the CalPERS Member Action Request. The Department Head or their designee shall provide the new employee with the Pre-Retirement Lump Sum Beneficiary, and the Reciprocal Self Certification forms. Upon completion of these forms, all CalPERS documents shall be forwarded to the Personnel Office for processing.

*Personnel Office* The Personnel Office will be responsible for activating and deactivating members in the CalPERS system. In addition, all required CalPERS forms will be processed by the Personnel Office and forwarded to CalPERS.

**Required Forms:** CalPERS Member Action Request, Pre-Retirement Lump Sum Beneficiary Designation, Reciprocal Self-Certification, Special Power of Attorney

**References:** California Public Employees' Retirement Law; California Code of Regulations §550 - §599.515; California Government Code §20000 - §22970.89; [www.calpers.ca.gov](http://www.calpers.ca.gov); bargaining unit MOUs; Public Employee's Pension Reform Act

**Effective Date:** April 24, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS **SICK LEAVE** §6101

**Overview:** Employees who are away from work because of a personal illness or injury, to receive medical treatment, or to attend to the medical need of a qualifying family member may be eligible to use accrued sick leave.

**Applicable to:** All regular and probationary Tehama County employees, excluding elected officials and contract employees.

**Definitions:** Family Sick Leave - Family sick leave is time away from work for employees to attend to the health needs of a qualifying family member.

Medical Certification Requirement – When an employee who may be abusing sick leave is required to provide a doctor’s note for each use of sick leave when returning to work

Occurrence – An occurrence of sick leave is defined as one continuous period of absence of any duration for the same reason, or a period of absenteeism related to a single cause if supported by acceptable medical documentation. An occurrence may include paid or unpaid time. Doctor appointments, bereavement leave, or leave under a protected leave does not qualify as an occurrence.

Pattern of Sick Leave Use – The repeated use of sick leave on a particular day or before and/or after scheduled days off, weekends, or holidays.

PFL – Paid Family Leave is pay received while away from work for an extended period of time to recover from a serious health issue, take care of a seriously ill family member, or bond with a newborn or newly adopted child

Protected Leave – A leave of absence that provides job protection under law, such as the Family Medical Leave Act, the Uniformed Services Employment and Re-Employment Act, the Americans with Disabilities Act, California Family Rights Act, Pregnancy Disability Act, Military Spouse Leave, Bone Marrow and Organ Donation Leaves, Domestic Abuse Leave, Victims of Crime Leave, Voting Leave, Jury Duty/Witness Leave, and Emergency Personnel Leave.

Sick Leave - Sick leave is time away from work for employees to address their own personal health needs.

SDI – California State Disability Insurance is a partial wage replacement insurance plan for California workers. The SDI program is state-mandated and funded through employee payroll deductions.

**Guidelines:** All full-time regular and probationary Tehama County employees may be eligible to accrue sick leave at a rate of eight (8) hours per month. Part-time regular and probationary employees may be eligible to accrue sick leave at a pro-rated amount based on the ratio of assigned work hours. Sick leave shall not exceed a balance greater than 500 hours.

### **Sick Leave Standards**

Regular attendance of employees is necessary to carry out the County’s work. Continuity of service, coverage, and production all rely on the dependability of staff to report to work as scheduled. It is recognized that abuse and/or excessive use of sick leave places a hardship on each department. Sick Leave procedures as defined in this Rule will be monitored and utilized in the employee’s overall performance.

- The number of occurrences of sick leave use should not exceed eight (8) in a

12-month period. If more than eight are used, progressive disciplinary action may be initiated. If less than a year of sick leave data is available, supervisor may calculate use of sick leave on a proration basis.

- When evaluating an employee's use of sick leave, the employee's entire attendance record should be considered, including: 1) number of days taken, and number of occurrences; 2) pattern of usage including employee's actual schedule; 3) the employee's past record; and 4) extenuating circumstances.
- Indications of possible abuse of sick leave include (but are not limited to): 1) a pattern of sick leave use as defined above; 2) a low accrual balance or usage of sick leave accruals as they are earned; 3) usage of sick leave on days previously requested and denied as vacation; 4) failure to produce medical certification; and 5) usage of more than eight occurrences in a 12-month period.
- Use of sick leave will be monitored by the employee's supervisor or designee on a regular basis and may be used in the evaluation process.
- Use of unpaid leave may result in disciplinary action, including but not limited to postponement of step increases.
- No employee will be disciplined in any way for sick leave abuse on the basis solely of statistical evidence or mechanical application of the number of sick leave occurrences. Discipline will be imposed on the basis of loss to the County, i.e. deadlines not met or delayed, public not served, others having work reassigned for cover, etc.
- Sick Leave used to supplement Worker's Compensation payment for injuries will not be considered in calculating the total amount of sick leave usage.

### **Sick Leave Use**

With approval from the supervisor or designee, employees may be eligible to use accrued sick leave for the following events:

- Employee's own bona fide incapacity due to illness or injury;
- Employee treatment or examination by a licensed medical practitioner;
- Bereavement Leave - Employees may be eligible to use sick leave to extend bereavement for a period not to exceed forty-eight (48) hours per occurrence;
- Domestic Violence, Sexual Assault, or Stalking for the employee to obtain relief, including seeking a restraining order or ensure the health, safety, or welfare of themselves or their children. See Leave for Domestic Violence Victims §6207.

### **Family Sick Leave Use**

With approval from the supervisor or designee, employees may be eligible to use half of their annual sick leave accruals to attend to the medical need of an immediate family member. Sick leave for this purpose shall not exceed forty-eight (48) hours per fiscal year. Eligible family members who qualify as an immediate family member, includes only:

- Child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the eligible employee stands in loco parentis, regardless of age or dependency status);
- Parent (biological, adoptive, foster parent, stepparent, or legal guardian of an eligible employee or the eligible employee's spouse or registered domestic partner, or a person who stood in loco parentis when the eligible employee was a minor child);
- Spouse
- Registered domestic partner
- Grandparent or step-grandparent
- Grandchild
- Sibling

### **Notice for Sick Leave Use**

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advanced notice to the employee's direct supervisor or designee by the department's usual method. A supervisor may suggest alternative options for foreseeable appointments and elective procedures if the employee's absence will negatively affect service to the public or clients. If the employee is requesting accommodation of recurring appointments, the supervisor may request resolution through an interactive process.

If the need for paid sick leave is not foreseeable, the employee shall provide notice to the employee's direct supervisor or designee as soon as practicable. Upon the employee's return to work from the unforeseen paid sick leave, the employee shall complete the department's usual process for requesting time off.

Any use of sick leave will decrease the employee's sick leave balance in an amount equal to the amount of sick leave taken. Sick leave taken in increments less than one hour will be calculated to the nearest quarter hour for purposes of the County's payroll system.

Employees who become ill during an authorized vacation and wish to use sick leave instead of vacation leave, shall make a request to their supervisor or designee as soon as possible. The supervisor or designee shall make a determination regarding whether to approve the request based on the information normally utilized in approving sick leave.

### **Sick Leave Verification**

Employees who are sick for four consecutive workdays (paid or unpaid status) or more may be required to provide a physician's verification before returning to work. At the discretion of the supervisor or designee, employees may be required to provide a written verification of illness or family illness signed by a licensed medical practitioner. An employee who fails to provide verification upon return to work may be placed in leave without pay status for the absent period.

In some circumstances, the County may request a fitness-for-duty examination by a physician upon return from sick leave. The exam would be approved and paid for by the County. The purpose of the exam would be to determine the employee's ability to perform the essential functions of his/her position without hazard to the employee's fellow workers.

At the discretion of the supervisor or designee, employees with excessive sick leave use as defined in the standards above may be placed on medical certificate requirement status. An employee who has been placed on a medical certificate requirement must provide a medical certificate for each absence to their supervisor no later than the day they return to work. Employees who fail to provide a medical certificate should be disciplined consistent with County procedures. The requirement for a medical certificate may be withdrawn after improvement to a satisfactory level has been sustained. The decision to remove the medical certificate requirement is at the discretion of the supervisor or manager. An employee that doesn't provide a medical certificate as required will be considered on "unauthorized leave", which may result in disciplinary action or unpaid leave.

### **Sick leave Coordination**

State disability insurance benefits are available to employees in accordance with the terms and conditions of the State Disability Insurance Program (SDI). Employees who wish to coordinate SDI, or any other wage replacement benefit,

with accrued leave balances must initially use their sick leave balances prior to supplementing wage replacement benefits with other accrued leave balances (vacation, compensatory time off, holiday). Should the status of their leave change (exhaustion of FMLA, etc.), the employee may resubmit a coordination form to use other accrued leave balances. Disability payments will be considered the primary benefit and leave accruals will be used and treated as secondary to supplement the employee's earnings. The total compensation from accrued leaves and disability payments shall not exceed the employee's base salary at the time of disability.

Employees who are receiving Paid Family Leave (PFL) benefits to care for a qualifying family member will be limited to coordinating forty-eight (48) hours of family sick leave per fiscal year. If applicable, the employee may be eligible to supplement PFL with other available leave accruals after sick leave is exhausted. For purposes of bonding with a child, sick leave coordination with PFL is not allowed. However, employees may be eligible to supplement PFL for bonding with other available leave accruals.

Employees who are on a leave of absence and not receiving SDI, or other wage replacement benefits, must exhaust all accrued sick leave before using accrued vacation, management leave, or compensatory time off.

#### **Sick Leave Balance and Conversion**

Sick leave shall not exceed a balance greater than 500 hours. Upon an employee's use of sick leave, the balance will be decreased by an equal amount. Sick leave will continue to accrue each pay period at the employee's normal pay period accrual rate until the 500 hour balance is reached.

For sick leave which would have been credited had the employee not had a 500 hour sick leave balance, employees shall receive 50% of the dollar value as a deposit to their deferred compensation account each payroll period. The dollar value will be based upon the employee's hourly rate at the time of conversion. Employees must be enrolled in a 457 deferred compensation plan administered by Tehama County in order to receive this benefit. This benefit shall not be available to the employee as a direct cash payment and shall not be subject to CalPERS contributions.

#### **Change in Employment Status**

If a full-time regular employee voluntarily separates from County employment and is rehired within one year from the date of separation to the same full-time classification the employee held prior to separation, the County will reinstate previously accrued and unused sick leave upon rehire.

Full-time employees who elect to reduce to extra-help status may be eligible to maintain up to a maximum of 48 hours of their sick leave balance. However, if a full-time employee separates from Tehama County employment, and reinstates as an extra-help employee, they are not eligible to receive reinstatement benefits as described in the paragraph above.

#### **Sick Leave Upon Retirement**

Upon retirement from the California Public Employees Retirement System (CalPERS), Social Security Retirement, or upon the death of an employee, an employee may be eligible to receive a cash payout of their remaining sick leave balance pursuant to the applicable MOU.

An employee who is entitled to receive a cash payout, may elect to have all or part

of the funds deposited into the employees 457 deferred compensation account administered by Tehama County.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee shall make notification to the employee's supervisor or designee by completing the department's approved method for requesting and/or recording time off. If the need for sick leave is unforeseeable, the employee shall make notification to the supervisor or designee as soon as practicable.

*Supervisor* Upon receiving an absence request form specifying a need for sick leave, the supervisor or designee shall confirm the employee's eligibility and document the information correspondingly.

Supervisors may address excessive use of sick leave or require medical certification requirement as described in this Rule. Employees must be notified in writing when they are being placed on medical certification requirement and a copy provided to the Department Head and Personnel. A copy of the letter will be placed in the employee's personnel file.

*Department Head* If an employee has been given notice for excessive use of sick leave or for abusing sick leave, a copy of the notice will be provided to Personnel.

*Personnel Office* If requested, the Personnel Office may provide guidance to the department head or supervisor. The Personnel Office will maintain documentation regarding excessive use of sick leave in employee personnel files as provided by departments.

**Required Forms:** Absence Request Form (or the department's usual process for requesting time off)

**References:** Govt. Code §12945.1-12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §233; TCPR §2308: Reinstatement; TCPR §4101: Work Hours and Attendance; TCPR §6107: Family Medical Leave; TCPR §6207: Leave for Domestic Violence Victims; bargaining unit MOUs

**Effective Date:** November 5, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS LEAVE WITHOUT PAY (LWOP) §6105

**Overview:** Leave without pay (LWOP) is an approved temporary absence from duty in a non-pay status that is requested by an employee. Granting LWOP is a matter of Department Head discretion and is limited by this rule. Suspension, furlough, industrial injury leave, FMLA/CFRA, or absence without approved leave (AWOL), is not considered LWOP under this rule.

**Applicable to:** All employees (Employees in a non-paid status while on an approved job protected leave of absence, such as industrial disability leave or other leaves granted under an Memorandum of Understanding due to an employee's own or a qualifying family member's serious medical condition, are not limited under this rule. This rule also does not apply to safety receiving industrial disability leave on the terms and conditions required by the California Labor Code Section 4850.)

**Definitions:** Absence – The failure of an employee to report for work when they are scheduled to work.

Authorized Absence - Permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave.

AWOL – Absent Without (approved) Leave

CFRA – Leave under the California Family Rights Act

Excessive Absenteeism - When the amount of time the employee is absent from work is frequent, and significantly disrupts the workflow in the department.

FMLA – Leave under the Family Medical Leave Act

New Hire – For the purpose of this Rule, a “new hire” would be someone who has been employed such a short time, they have not had the opportunity to accrue more than a month's worth of sick leave/vacation.

Non-paid status or uncompensated leave – When an employee is on an approved job protected leave of absence, such as industrial disability leave, FMLA, CFRA, or PDL, but is uncompensated due to the exhaustion of paid leaves.

PDL – Pregnancy Disability Leave

Qualifying family member – A parent, spouse, or child.

Tardiness - Not being at the designated workstation and ready to work at the designated time or the failure to return to work at the scheduled time following a meal break or rest period.

**Guidelines:** An employee may make a request specifically for leave without pay for circumstances allowed under this rule. Requests for leave without pay may only be approved by the Department Head.

An employee may not be in Leave Without Pay status for more than 10 workdays in a rolling 12-month period, with exceptions for emergency responders as described in this rule. A Department Head may grant less than the full 10 days of leave when applicable.

LWOP shall be limited to when an employee does not have sufficient leave balances to cover an approved absence. An employee may not choose to go into LWOP status in lieu of using vacation, compensatory time, management time, or any other accrued leave.



Circumstances when LWOP may be appropriate are listed below.

- Plans made prior to hire – A new employee requires time off for a pre-planned event such as a wedding, pre-paid trip, etc.
- New hire illness/emergency - A new employee requires time off due to an illness, unavoidable emergency, hospitalization, or bereavement.
- Victims of domestic violence – An employee requires time off under Tehama County Personnel Rule §6207: Leave for Victims of Domestic Violence.
- Personal legal matters and victims of crime – An employee requires time off to attend judicial proceedings or address personal legal matters (see Tehama County Personnel Rule §6203: Leave for Legal Matters)
- Child's school related activities – An employee who is a parent/guardian requires time off for school related activities such as enrollment, discipline issues, school closure, etc. Under the labor code, the employee may use up to 40 hours per year of vacation, personal leave, or compensatory time for this purpose. The employee may use time off without pay for this purpose, but only to the extent made available under this rule.
- Emergency Services Training – An employee requires time off to attend training related to their duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. Under the labor code, the employee may use up to 14 days of vacation, personal leave, or compensatory time for this purpose. Should the employee's paid leave not be sufficient to cover the 14 days, the employee may use time off without pay for this purpose after other leave is exhausted, but not to exceed 14 days total.
- Spouse on leave from military deployment – An employee requests time off to spend time with a spouse on leave (see Tehama County Personnel Rule §6204: Military-Related Family Leave)
- Educational purposes – An employee requests time off to attend specific training as part of career development efforts
- Other circumstances as authorized by the Department Head with consultation with the Personnel Director

The Department Head may require substantiation for LWOP, either before leave is taken, or upon the employee's return to work. An employee who does not provide substantiation as requested may be considered absent without leave (AWOL).

When an employee is absent for any portion of a pay period and there are insufficient leave balances to cover the absence, the department shall submit a Personnel Action Form (PAF) to document the period that the employee is in LWOP status.

#### **Time Off Approved Prior to Exhaustion of Leave**

If an employee requests time off and is approved when there is leave available, and then exhausts available leave, the original time off request may be retroactively denied. Or if the employee no longer has sufficient leave accrued to cover the full period of the request for leave, the leave granted may be restricted to the actual amount of accruals available.

#### **Salary Anniversary Date**

An employee who is in a LWOP status shall have an adjustment made to his/her salary anniversary date in the same manner as any other employee who is in non-pay status. In accordance with the MOU, an employee shall be advanced to the next salary step effective the first day of the month following 2080 regular hours of service in the previous step.

### **Leave Accruals**

Sick Leave and vacation do not accrue during periods of unpaid leave. Sick Leave and vacation will be adjusted and prorated accordingly for any unpaid absences within a pay period. At no time should an employee receive full leave accruals for pay periods which contain Leave Without Pay.

If an employee is in LWOP status the day before and the day following a holiday (as listed in the respective MOU), the employee does not receive pay for the holiday.

### **Seniority, Pension, and Benefits**

LWOP shall be without accrual of seniority hours.

Employees on leave without pay for an entire month will not receive service credit for retirement for that month.

Employees in unpaid status for a full pay period are not eligible for the County match for deferred compensation for that pay period.

### **Subject to Discipline**

Excessive absences may be subject to disciplinary action in accordance with the MOU and Tehama County Personnel Rule §4101: Work Hours and Attendance.

Failure to report for duty after a LWOP has expired or has been revoked may be considered absence without leave and subject to disciplinary action, at the discretion of the Department Head. Additionally, an employee who fails to return to work within three (3) working days of the expiration of the employee's approved leave shall be deemed to have tendered an automatic resignation. The Department Head will acknowledge the resignation in writing and send the notification to the employee's last known address.

An employee who is in LWOP status for more than 10 workdays in a rolling 12-month period under the provisions of this rule is subject to discipline, up to and including termination.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Requests for LWOP must be initiated by the employee directly to the Department Head. Leave requests must be submitted by an employee sufficiently in advance of the proposed effective date or as soon as possible in the case of an emergency to permit review by the Department Head. LWOP requests shall include reasons, substantiating and supporting information, beginning dates, and ending dates which relate specifically to the reason for the request, and the employee's signature. In the event of an emergency, the employee will contact their supervisor as soon as possible.

*Department Head* The Department Head will review the request indicating approval or denial. When reviewing requests for unpaid leave, the Department Head will take into consideration the impact which the leave will have on the employee, department, and others who may be required to replace or fill in for the employee while on leave. If approved, the Department will submit a Personnel Action Form (PAF) for the LWOP.

*Personnel Office* Each PAF for a LWOP will be reviewed by Personnel and forwarded to Payroll.

**Required Forms:** Leave of Absence Request Form (if that is the department's process for requesting time off), Personnel Action Form

**References:** Govt. Code §12945.1-12945.6: Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Govt. Code §21150-21153; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §230 and 2800.2; Consolidated Omnibus Budget Reconciliation Act (COBRA); Health and Safety Code §1373.621; Insurance Code §11512.03; TCPR §2308: Reinstatement; TCPR §4101: Work Hours and Attendance; TCPR §6101: Sick Leave; TCPR §6207: Leave for Domestic Violence Victims; TCPR §6203: Leave for Legal Matters ; bargaining unit MOUs

**Effective Date:** June 4, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS FAMILY MEDICAL LEAVE §6107

**Overview:** Tehama County will grant eligible employees with leaves of absence pursuant to federal, state, and local laws.

**Applicable to:** All Tehama County Employees who meet the minimum eligibility requirements

**Definitions:** CFRA – California Family Rights Act  
FMLA – Family Medical Leave Act

**Guidelines:** The Family Medical Leave Act and the California Family Rights Act allow eligible employees to take up to 12 weeks (480 hours) in a 12 month period of unpaid job protected leave for family and medical reasons with continuation of group health insurance under the same terms and conditions as if the employee had not taken leave.

An employee may take FMLA/CFRA leave for any of the following reasons:

- An employee's own serious health condition;
- The birth of a child and to care or bond with such child;
- The placement of a child with the employee for adoption or foster care;
- To care for an immediate family member with a serious health condition (spouse, registered domestic partner, child, or parent).

Leave may be taken intermittently or as a continuous block of time.

FMLA may run concurrently with other leaves, including industrial leave.

To be eligible for FMLA/CFRA, an employee must have worked for the County at least 12 months, and worked at least 1,250 hours in the 12 months immediately preceding the commencement of leave. If the need for leave is foreseeable, the employee must give 30 days prior notice. If the leave is not foreseeable, the employee must give notice as soon as practicable. If an employee qualifies for more than one statutory leave, all applicable leaves will run concurrently.

Tehama County uses the 12-month measuring backward method to establish the 12 month period. For example, if an employee begins 12 weeks of leave on February 10, he/she is not eligible for another 12 weeks of leave until February 10 of the following year. All requests for leaves of absence will not be unreasonably denied.

Intermittent Leave or a reduced schedule under FMLA allows an employee to take leave in separate blocks of time, rather than taking one continuous leave. Guidelines for intermittent FMLA are:

- All time must be taken for one single qualifying reason
- Leave must be medically necessary (no voluntary treatments or procedures)
- Leave is subject to authorization under medical certification which specifically describes the conditions, duration, frequency, and medical necessity for intermittent leave or a reduced schedule (For example, a doctor may authorize four days per month for cancer treatments or a schedule reduced to three hours per day.)
- If an employee's absences are longer or more frequent than originally

authorized, or if there are safety concerns regarding the employee's ability to perform his/her duties due to the serious health condition, the County can request reauthorization and/or schedule an interactive process meeting

- If the employee has taken intermittent leave for this medical reason prior to formal FMLA designation, the County may designate some of the leave retroactively (when allowed by FMLA)
- Employee must adhere to usual time off request procedures
- Employee may be required to schedule planned treatments in a manner that does not unduly disrupt County operations
- Employee may be reassigned to an alternative position for which he/she is qualified that has equivalent pay and benefits, and that better accommodates the employee's intermittent leave or reduced schedule
- Unscheduled, sporadic absences that do not follow the terms of the medical authorization may not be protected under FMLA and may be subject to disciplinary action
- Employees will be charged for the actual amount of leave taken, in 15 minute intervals

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* To take FMLA/CFRA, the employee must:

- Make notification to their immediate supervisor or designee;
- Complete a Leave of Absence Request Form;
- Submit a completed Certification of Health Care Provider. The form must be completed in its entirety by the employee's physician or qualifying family member's physician within 15 calendar days of the request for leave. Incomplete certifications will be returned to the employee for follow up with the physician.
- If the leave is due to placement of a child for adoption or foster care, the employee will be required to provide a copy of the signed Adoption Order (Adopt 215) or placement authorization form in lieu of the Certification of Health Care Provider form;
- Complete a Coordination of Benefits Form;
- Five calendar days prior to the employees estimated return to work date, the employee will be required to submit a completed Return to Work Form. This is not applicable if the leave is for bonding or leave to care for a qualifying family member.

It is the employee's responsibility to complete these forms timely. Failure to provide sufficient information needed to determine eligibility for protected leave may delay and/or cause the request for protected leave to be denied.

*Supervisor* Upon receiving a Leave of Absence Request Form, the supervisor or designee shall confirm the employee's eligibility for FMLA/CFRA. Once eligibility has been confirmed, the supervisor or designee shall immediately prepare a Preliminary Designation Letter and provide the employee with the following documents and forms for completion:

- Certification of Health Care Provider for the Serious Health Condition of the Employee or the Employee's Family Member
- Leave of Absence Request Form
- Coordination of Benefits Form
- Return to Work Form with attached job description
- Department of Fair Employment and Housing – CFRA Brochure

- United States Department of Labor – FMLA Fact Sheet
- Employment Development Department – SDI Brochure
- Employment Development Department – PFL Brochure

Once the Certification of Health Care Provider has been submitted, the supervisor or designee shall complete a Leave of Absence Designation Notice and provide a copy to the employee within five calendar days of the commencement of the employee's leave. A Personnel Action Form shall be completed documenting the FMLA/CFRA leave of absence and forwarded to the Personnel Office for processing. Copies of all leave of absence documentation should be attached (Preliminary Designation Letter, Leave of Absence Request Form, Certification of Health Care Provider, etc.).

*Personnel Office* The Personnel Office Leave of Absence Coordinator will review, process, log, and track all leaves of absence.

**Required Forms:** Leave of Absence Request Form  
 Leave of Absence Designation Form  
 Preliminary Designation Letter  
 Medical Certification for the Serious Health Condition of the Employee or Medical  
 Certification for the Serious Health Condition of the Employee's Family Member  
 Coordination of Benefits Form  
 Leave of Absence Designation Form  
 Return to Work Form with attached job description

**References:** TCPR §6101: Sick Leave; TCPR §6108: California Family Rights Act; TCPR §6109: Pregnancy Disability Leave; TCPR §6201: Parental Leave; TCPR §6204: Military-Related Family Leave; Govt. Code §12945 Pregnancy; Govt. Code §12945.1 – 12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; California Department of Fair Employment and Housing [www.dfeh.ca.gov](http://www.dfeh.ca.gov); U. S. Department of Labor, FMLA [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla)

**Effective Date:** February 27, 2018

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS PREGNANCY DISABILITY LEAVE §6109

**Overview:** Tehama County will grant Pregnancy Disability Leave in accordance with provisions set forth by the Department of Fair Employment and Housing.

**Applicable to:** All Tehama County employees who are physically unable to work because of pregnancy, childbirth, or a pregnancy related medical condition.

**Definitions:** CFRA - California Family Rights Act  
FMLA - Family Medical Leave Act  
Parental Leave - Sometimes called “baby bonding leave”, this leave allows eligible employees to take paid leave upon the birth or adoption of a child.  
PDL - Unpaid job protected leave which allows employees to take up to four months (17.3 weeks) of disability leave per pregnancy. Leave can be taken before or after childbirth, or during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition.

**Guidelines:** An employee who is on Pregnancy Disability Leave is entitled to a continuation of group health insurance under the same terms and conditions as if the employee had not taken leave. Employees may be eligible for Pregnancy Disability Leave if they are physically unable to work because of pregnancy, childbirth, or a pregnancy related medical condition. For example, an employee may be eligible to take Pregnancy Disability Leave for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.

Under FMLA/CFRA, eligible employees may take additional leave for the birth or bonding of a new child entering their life through birth, adoption, or foster placement. Refer to TCPR §6107: Family Medical Leave and TCPR §6108: California Family Rights Act.

**Procedure:** An employee is eligible for Pregnancy Disability Leave upon their first day of employment. Employees must give at least 30 days advance notice of the date for which the Pregnancy Disability Leave is sought and the estimated duration of the leave. If 30 days advance notice is not possible, the notice must be given as soon as practicable. If an employee on Pregnancy Disability Leave qualifies for other statutory leaves, all applicable leaves will run concurrently. For clarification of leave concurrence, contact the Personnel Department.

**Employee** The employee is responsible for:

- Making notification to your immediate supervisor or designee;
- Completing a Leave of Absence Request Form;
- Submitting a completed Certification of Health Care Provider. The form must be completed in its entirety by the employee’s physician within 15 days of the request for leave. Incomplete certifications will be returned to the employee for follow up with the physician;
- Completing a Coordination of Benefits Form

Five days prior to the employees estimated return to work date, the employee will be required to submit a Return to Work Form completed by the employee’s

physician. If the employee will be staying off work to bond with the newborn child, the employee will need to make notification to their supervisor or designee immediately.

It is the employee's responsibility to complete these forms timely. Failure to provide sufficient information needed to determine eligibility for protected leave may delay and/or cause the request for protected leave to be denied.

*Supervisor* Upon receiving a Leave of Absence Request Form, the supervisor or designee shall immediately prepare a Pregnancy Disability Leave notification letter and provide the employee with the following forms for completion:

- Leave of Absence Request Form
- Certification of Health Care Provider for the Serious Health Condition of the Employee
- Coordination of Benefits Form
- Return to Work Form
- Department of Fair Employment and Housing – CFRA Brochure
- United States Department of Labor – FMLA Fact Sheet
- Employment Development Department – SDI Brochure
- Employment Development Department – PFL Brochure

Once the completed Certification of Health Care Provider has been submitted, the supervisor or designee shall complete a Leave of Absence Designation Notice and provide a copy to the employee within five days of the commencement of the employee's leave. A Personnel Action Form shall be completed documenting the PDL leave of absence and forwarded to the Personnel Office. If the employee is eligible to receive FMLA in addition to PDL, the entitlements will be designated as FMLA/PDL for the first 12 weeks. If an eligible employee elects to stay off work for bonding leave, the remaining FMLA entitlements will be ran concurrently with CFRA. Once FMLA is exhausted, the leave entitlements will be designated as CFRA only. Copies of all leave of absence documentation should be attached to the PAF (Pregnancy Disability Leave notification letter, Leave of Absence Request Form, Certification of Health Care Provider, etc.).

*Personnel Office* The Personnel Office Leave of Absence Coordinator will review, process, log, and track all leaves of absence.

**Required Forms:** Leave of Absence Request Form; Coordination of Benefits Form; Health Care Provider Certification; Return to Work Form; Pregnancy Disability Leave notification letter; any and all literature as listed under "Supervisor" section above.

**References:** TCPR §6107: Family Medical Leave; TCPR §6108: California Family Rights Act; TCPR §6201: Parental Leave; Cal Govt Code §12945; Cal Code Regulations Title 2 §11035-11042; [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL CODES

## LEAVES & ACCOMMODATIONS CATASTROPHIC DONATIONS PLAN §6110

**Overview:** Tehama County Catastrophic Donations Plan is a program for administering time off with pay to regular employees whose leave balances have been exhausted, and they are incapacitated and unable to work due to a catastrophic illness or injury.

**Applicable to:** All regular employees

**Definitions:** Catastrophic: A medically certified condition in which the employee is incapacitated and unable to work due to an illness or injury which is estimated to last for at least thirty (30) calendar days.

CFRA: California Family Rights Act

FMLA: Family Medical Leave Act

Rolling back year - The rolling backward method of calculating the 12-month period during which the 60 workdays of Catastrophic Donations may be taken is a “rolling” 12-month period measured backward from the date an employee uses any Catastrophic Donations. Under the rolling 12-month period, each time an employee receives Catastrophic Donations, the remaining leave entitlement would be any balance of the available leave which has not been used during the immediately preceding 12 months.

**Guidelines:** The purpose of this policy is to provide a method for employees to assist fellow employees who have exhausted their paid leave time due to a catastrophic illness or injury.

- Participation in the Catastrophic Donations Plan shall be voluntary.
- An employee may donate to or receive from an unrepresented employee, or a represented employee whose bargaining agreement provides for such donation or receipt, vacation, compensatory time off (CTO), paid time off (PTO), or management leave hours. Sick leave hours may not be donated.
- Employees may be eligible for catastrophic donations due to a medically certified condition related to pregnancy, but not for “baby bonding” time.
- Catastrophic donations received and applied to any one person may not exceed sixty (60) workdays in a rolling back year.
- Coordination of Catastrophic donations with short or long term disability will not extend the employee’s benefit beyond 60 workdays.
- An employee’s request for donations may be posted until there are sufficient donations pledged to equal the maximum of 60 workdays. When this occurs, Payroll will communicate with Personnel that the employee has reached the 60 workdays worth of donations. Personnel will advise the departments to remove the notice requesting donations.

Catastrophic donations may be used until the earliest of the following events occurs:

- All leave balances, including both donated and accrued leave have been exhausted; or
- The employee returns to work at his/her normal work schedule; or
- The employee’s employment terminates.

### **Health Insurance Continuation**

Health insurance will be continued on the normal premium share-of-cost basis for the duration of any statutory leaves (FMLA, CFRA) of absence.

An employee who has exhausted all leave balances, with less than five (5) years of continuous regular County service, who is receiving Catastrophic donations beyond any statutory leaves may maintain the County's group health insurance coverage for one (1) full calendar month on the normal premium share-of-cost basis. An employee with five (5) or more years of continuous regular County service who is on a leave of absence beyond any statutory leaves may maintain the County's group health insurance coverage for a total of three (3) months on the normal premium cost-sharing basis.

An employee may receive the insurance continuation payment by the employer only once in a twelve (12) month period. The twelve (12) month period begins the date the employee returns to work from the leave of absence in which the employee completed the use of the one (1) month or three (3) month insurance continuation payment benefit referred to in this section.

### **Requesting Employee**

To be eligible to use donations, an employee must:

- Be incapacitated and unable to work due to an illness or injury which is estimated to last for at least thirty (30) calendar days
- Have exhausted all usable leave balances, including sick leave, vacation and compensatory time; and
- Be on an approved leave of absence.

While receiving time off with pay under the Catastrophic Donations Plan:

- The employee will not accrue vacation, sick leave, or holiday pay.
- The County will not contribute matching deposits to the deferred compensation plan for employees.
- The employee and the County will continue to contribute to CalPERS.
- Used donated time shall be subject to the recipient's normal payroll deductions.
- All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient.
- If the employee is receiving combined payments from Catastrophic donations and State Disability Insurance, or any other source of wage replacement income, the employee is required to coordinate these benefits with payroll in such a manner not to exceed the employee's gross salary.

### **Donating Employee**

- Donations from any leave category must be a minimum of eight (8) hours.
- In order to donate leave, employees must have a minimum of 40 hours of combined accrued leave (sick, CTO, PTO, management leave, or vacation) remaining after the pledge.

**Procedure:** Regular employees shall be entitled to participate in the Catastrophic Donations Plan with the following provisions.

*Employee* Employees who meet the eligibility requirements may apply for donations by completing the Catastrophic Donations Plan Recipient Application.

Employees who wish to pledge donations shall complete the Catastrophic Donations Pledge Form and forward the completed document to the Auditor's Office for payroll. (See Guidelines)

If the employee is receiving combined payments from Catastrophic donations and State Disability Insurance, or any other source of wage replacement income, the employee is required to coordinate these benefits with payroll in such a manner not to exceed the employee's gross salary.

*Department Head* The Department Head will ensure the requests for donations are posted in an area easily accessible by all employees. The notice will remain posted until the department is notified by the Personnel Office.

*Personnel Office* The Personnel Office shall review all Catastrophic Donations Plan Recipient Applications for employee eligibility. If eligible, the Personnel Office will send a memo to all department heads requesting catastrophic donations. When notified by Payroll that the employee has received the 60 workdays' worth of donations, or has returned to regular work hours (whichever comes first) the Personnel Office will notify Department Heads to remove notices.

*Auditor's Office* The Auditor's Office shall review all Catastrophic Donations Pledge Forms for employee eligibility. (See Guidelines)

Prior to being disbursed, all donations shall be converted from the donor's wage to the recipient's wage.

The Auditor's Office will use a "first in" and "first out" system for all donated hours, per date received. Donated hours shall be held in a pledge status until used. Pledged hours will be debited from the donor's leave balance and credited to the recipient's usable vacation accrual balance. Once credited, the donation is irrevocable. When the recipient of donated hours returns to work and a regular work schedule, the remaining hours will be returned to the donor on a "last in" and "first out" basis.

Payroll will communicate with the Personnel Office when donations pledged are equal to the maximum of 60 workdays.

**Required Forms:** Catastrophic Donations Plan Recipient Application; Catastrophic Donations Pledge Form

**Effective Date:** February 27, 2018

**Revised:** November 5, 2019



## PERSONNEL RULES

# LEAVES & ACCOMMODATIONS PAID SICK LEAVE FOR TEMPORARY OR EXTRA HELP EMPLOYEES

§6111

**Overview:** Extra-help sick leave is paid sick leave benefits provided to Tehama County extra-help and Tehama County unrepresented employees. This rule supersedes Tehama County Resolution Number 2015-72.

**Applicable to:** All extra-help and unrepresented Tehama County employees, excluding extra-help retired annuitants and elected officials

**Definitions:** Extra-Help Employee - Temporary employees who are hired to relieve or assist permanent staff members. Extra-help employees do not have property rights or rights to permanently allocated positions.

Retired Annuitant - A former member of the California Public Employee's Retirement System who is rehired by the same employer, or a different employer who participates in the same retirement system.

Unrepresented Employee - Someone who is hired pursuant to an ordinance, resolution, or contract and does not include any employee represented by a recognized employee organization.

**Guidelines:** After actually working 30 days within one year of the commencement of their Tehama County extra help assignment, extra-help and unrepresented employees are eligible to receive 24 hours of credited sick leave. Sick leave accruals will not be eligible for use until the employee has been employed by Tehama County for 90 calendar days. The requirement of serving 30 working days and the 90 day employment period prior to sick leave use is only upon initial employment, and the employee is not required to meet this minimum in subsequent years.

Extra Help employees are limited to 24 hours of sick leave accrual for use in a calendar year of County employment. On January 1, and on each January 1 thereafter, the extra-help or unrepresented Tehama County employee may receive up to 24 hours of credited sick leave, not to exceed a maximum of 24 hours total accruals for use during that calendar year.

### **Sick Leave Use**

With approval from the supervisor or designee, extra-help or unrepresented employees may be eligible to use accrued sick leave for the following events:

- Bona fide employee illness during the employee's own incapacity due to illness or injury;
- Employee treatment or examination by a licensed medical practitioner for the employee to undergo any medically related treatment or examination;
- Domestic Violence, Sexual Assault, or Stalking for the employee to obtain relief, including seeking a restraining order or ensure the health, safety, or welfare of themselves or their children. See Leave for Domestic Violence Victims §6207.

Leave during which the employee is excused from working and paid for sick leave is included in calculating the employee's maximum of 1000 hours/year.

### **Family Sick Leave Use**

With approval from the supervisor or designee, extra-help or unrepresented employees may be eligible to use sick leave accruals to attend to the medical need of an immediate family member. Eligible family members who qualify as an

immediate family member, includes only:

- Child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the eligible employee stands in loco parentis, regardless of age or dependency status);
- Parent (biological, adoptive, foster parent, stepparent, or legal guardian of an eligible employee or the eligible employee's spouse or registered domestic partner, or a person who stood in loco parentis when the eligible employee was a minor child);
- Spouse
- Registered domestic partner
- Grandparent or step-grandparent
- Grandchild
- Sibling

#### **Notice for Sick Leave Use**

In order to request sick leave use, extra-help or unrepresented employees must have been previously scheduled to work at a designated time. Employees who are called in for duty or offered a work assignment and decline, due to an illness or prescheduled medical appointment, are not eligible for sick leave use.

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advanced notice to the employee's direct supervisor or designee by completing an absence request form. If the need for paid sick leave is not foreseeable, the employee shall provide notice to the employee's direct supervisor or designee as soon as practicable. Upon the employee's return to work from the unforeseen paid sick leave, the extra-help or unrepresented employee shall complete an absence request form.

Any use of sick leave will decrease the sick leave balance in an amount equal to the amount of sick leave taken. Sick leave taken in increments less than one hour will be calculated to the nearest quarter hour for purposes of the County's payroll system.

#### **Sick Leave Verification**

Extra-help or unrepresented employees requesting to use sick leave accruals may be asked to provide a doctor's note confirming the illness or the medical appointment to be eligible for sick leave payment.

#### **Change in Employment Status**

If an employee moves from an extra-help or unrepresented position to a permanently allocated position, which entitles the employee to paid sick leave under a Memorandum of Understanding, any sick leave accrued as an extra-help employee shall be carried over and made available for use under the guidelines of this rule.

If an employee separates from County employment and is rehired within one year from the date of separation to the same classification the employee held prior to separation, the County will reinstate previously accrued and unused sick leave upon rehire.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee shall make notification to the employee's supervisor or designee by

completing an absence request form. If the need for sick leave is unforeseeable, the employee shall make notification to the supervisor or designee as soon as practicable.

*Supervisor* Upon receiving an absence request form specifying a need for sick leave, the supervisor or designee shall confirm the employee's eligibility and document the information correspondingly.

*Department Head* Notification to the Personnel Office shall be made if an employee has excessive use of sick leave or if there is reasonable suspicion the employee may be abusing sick leave privileges.

*Personnel Office* If requested, the Personnel Office may provide guidance to the department head or supervisor. The Personnel Office will maintain documentation regarding excessive use of sick leave in employee personnel files as provided by departments.

**Required Forms:** Absence Request Form (may be specific to the Department)

**References:** Govt. Code §12945.1-12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §233; TCPR §2206: Extra Help; TCPR §2308: Reinstatement; TCPR §4101: Work Hours and Attendance; TCPR §6107: Family Medical Leave; TCPR §6207: Leave for Domestic Violence Victims; TCPR §6101: Sick Leave; bargaining unit MOUs, Tehama County Resolution No. 2015-72

**Effective Date:** November 13, 2018

**Revised:** January 1, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS PARENTAL LEAVE §6201

**Overview:** Tehama County employees shall be entitled to paid parental leave for the first week the employee is out due to the birth of the employee's child or during the process of adoption of a minor child by an employee.

**Applicable to:** All regular Tehama County employees who have at least one (1) year of continuous service and have a new child entering their life either by birth, adoption, guardianship, or foster care placement.

**Definitions:** PAF - Personnel Action Form  
PFL - For the purpose of this Personnel Rule, Paid Family Leave provides benefits to parents who need to take time off to bond with a new child.  
SDI - State Disability Insurance

**Guidelines:** The purpose of Parental Leave is to facilitate parental bonding, family adjustment, and childcare, and such leave shall be used consistent with these purposes.

**Procedure:**

- All regular Tehama County employees with at least one year of continuous service shall be entitled to schedule paid parental leave upon the birth of the employee's child or during the adoption of a minor child by an employee.
- The maximum entitlement shall be one week for the birth or adoption regardless of the number of children born or adopted (twins, triplets, etc.). If applicable, the paid parental leave shall run concurrently with any qualifying statutory leaves.
- Parental leave is separate and distinct from the use of sick leave for pregnancy because it is not based upon an employee's ability to work.
- Parental Leave is only available for the first week of leave taken for the birth or adoption of a child. If the employee applies and qualifies to receive benefits under SDI or PFL, the Parental Leave benefit provided under Tehama County will only supplement the employee's salary for the first week of leave. Coordination with SDI/PFL benefits does not extend the length of Parental Leave beyond one week. Parental leave shall be pro-rated for part-time regular employees.

*Employee* Employees who are requesting parental leave shall notify their supervisor or designee in a manner consistent with the procedures for requesting a leave of absence. A Tehama County Absence Request Form and any supporting documentation shall be submitted for approval. Parental leave shall be documented on the employee's timesheet as such.

*Supervisor* Upon receiving notification of the need for parental leave, the supervisor or designee shall evaluate the request for approval. A PAF may be generated if this leave is not attached to another form of leave, such as Family Medical Leave.

*Personnel Office* The Personnel Office may provide guidance to the department and/or employee.

**Required Forms:** Tehama County Leave of Absence Request Form  
Personnel Action Form, if necessary

**Effective Date:** January 23, 2018

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS **BEREAVEMENT LEAVE** §6202

**Overview:** Tehama County will grant up to twenty four (24) work hours of paid Bereavement Leave per occurrence for bereavement of an employee's immediate family member.

**Applicable to:** All regular and probationary Tehama County employees who are absent from work due to the death of an immediate family member.

**Definitions:** Immediate Family Member - Includes the employee's or the employee's spouse's (or registered domestic partner's) child, foster child, parent, step-parent, foster parent, sibling, step-sibling, grandparent, great grandparent, grandchildren, the other parent of a child, aunt, uncle, niece, nephew, and any relative/person who resided with the employee at the time of death

**Guidelines:** Tehama County will pay a regular or probationary employee up to twenty four (24) work hours of paid leave for bereavement purposes per occurrence. If the need for leave extends beyond twenty-four (24) work hours, regular and probationary employees may request an extension, not to exceed forty-eight (48) work hours, for a combined total of seventy-two (72) work hours.

Employees having sufficient leave balances must use accumulated sick leave, vacation, or compensatory time during this 48-hour extension. Employees having insufficient leave balances will be granted a leave of absence without pay, not to exceed forty-eight (48) work hours.

Time off for the death of someone not listed above would be subject to approval from the employee's supervisor, and would follow the standard process for requesting time off. If granted, the employee would use available vacation or compensatory time off for the absence. Employees with no leave available may be allowed to take leave without pay with approval from the supervisor.

**Procedure:** Responsibilities for implementation, application, and enforcement of this Personnel Rule are listed below.

*Employee* Employees who are requesting bereavement leave shall notify their supervisor or designee in a manner consistent with the procedures for requesting sick leave usage. The employee will notify their immediate supervisor or designee as soon as the need for bereavement leave is known. A Tehama County Absence Request Form shall be submitted for approval. Bereavement Leave shall be documented on the employee's timesheet as such.

*Supervisor* Upon receiving notification of the need for bereavement leave, the supervisor or designee shall process and document the request.

*Personnel Office* The Personnel Office may provide guidance to the department and/or employee.

**Required Forms:** Tehama County Absence Request Form

**References:** Labor Code §230.5

**Effective Date:** January 23, 2018

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS LEAVE FOR LEGAL MATTERS §6203

**Overview:** Tehama County shall grant paid leave for an employee who is absent from work as required by law to serve on a jury or to comply with a subpoena or other court order as a witness in a judicial proceeding. Other leave for legal purposes may be granted, but with the employee using vacation, personal leave, personal illness and injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee.

**Definitions:** Crime Victim - For the purpose of this Rule, a crime victim is one who is a victim of one of the following crimes: a) a violent felony as defined in Penal Code 667.5; b) a serious felony as defined in Penal Code 1192.7; or c) a felony provision of law proscribing theft or embezzlement.

Family Member – Spouse or significant other; natural, step or legal: child, grandchild, parent, grandparent, sibling, niece, nephew, aunt, uncle; father-in-law; mother-in-law; son-in-law; daughter-in-law or individual living in the employee's immediate household.

Official Duty - An employee who is summoned as a witness in official capacity on behalf of Tehama County. This is official duty, leave for legal matters.

**Applicable to:** All regular or probationary Tehama County employees.

**Guidelines:** **Jury Duty**

An employee will be granted leave with pay for jury duty or jury duty selection. The employee shall refuse pay for jury duty.

**Compliance with a Subpoena or Court Order**

An employee will be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive full pay for work time lost at the employee's regular rate of pay.

**Leave for Crime Victims**

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or when a family member (see Definitions) or registered domestic partner is a victim. For these purposes, the employee may use vacation, personal leave, personal illness and injury leave, unpaid leave, compensatory time off, or any other leave that is otherwise available to the employee.

**Leave for Personal Legal Matters**

An employee may request time off from work to attend court proceedings which have resulted from personal affairs. This includes, but is not limited to, appearing in court as a defendant, a plaintiff in a lawsuit, or divorce/family proceedings. For these purposes, the employee may use vacation, personal leave, unpaid leave, compensatory time off, or any other leave that is otherwise available to the employee.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible party, unless advance notice is not feasible. When advanced notice is not feasible or an unscheduled absence occurs, the employee shall, within five days of the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. The employee shall complete a Tehama County Absence Request Form and provide the Department Head or designee with a copy of the notice.

If an employee is released from jury duty or a scheduled court appearance prior to the end of the employee's work shift, he/she shall return to work the remainder of their work shift.

If the court requires the employee to be available by telephone alert, the employee may remain at their workplace until called to testify or serve jury duty.

Because the employee is receiving full pay from Tehama County for court appearances, the employee should refuse jury pay. Should the employee receive any jury pay or witness remuneration, the employee must report the amount to the County and the amount will be deducted from the employee's next paycheck.

The employee may accept payment for mileage and travel expenses.

*Supervisor* Upon receiving proper notification of the need for leave for legal matters, the Department Head or designee shall review the request and follow the law in granting such leave. A supervisor may not prohibit or intimidate an employee from participating in a jury. Any requests for time off related to legal matters must be kept confidential.

*Personnel Office* If requested, the Personnel Office may provide guidance to the department and/or employee.

*Payroll* Pay or leave granted for legal matters shall be computed at the employee's regular rate at the time of such absence.

**Required Forms:** Tehama County Leave of Absence Request Form

**References:** Labor Code §230; Penal Code §667.5 and §1192.7; TCPR §1203: Public Records and Subpoenas; TCPR §6207: Leave for Victims of Domestic Violence

**Effective Date:** February 27, 2018

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## LEAVES & ACCOMMODATIONS MILITARY-RELATED FAMILY LEAVE §6204

**Overview:** Tehama County will grant family leave to eligible employees in order to address issues arising from military deployment, care for an injured service member, or to spend time with a military member on military deployment leave. Leave for military duties is regulated under Tehama County Personnel Rule §6205.

**Applicable to:** All Tehama County Employees who meet the minimum eligibility requirements

**Definitions:** Military Caregiver Leave - Family Medical Leave that allows employees to care for an injured covered service member.

Military Family Leave - Family and Medical Leave specific to the needs of military families. There are two types of Military Family Leave: Qualifying Exigency Leave and Military Caregiver Leave.

Next of kin - A person's closest living blood relative or relatives.

Qualifying Exigency Leave - Family and Medical Leave that allows employees to attend to qualifying exigencies for their family member on active military duty.

Spouse on Leave for Military Deployment Leave - Leave that allows the spouse of an active military member to take time off while his/her spouse is on leave from active deployment.

**Guidelines:** Qualifying Exigency Leave allows a family member to take up to 12 weeks (480 hours) unpaid leave in a 12-month period. The military member must be the employee's spouse, parent, son or daughter. This leave may be used to:

- Address issues arising from short-notice deployment;
- Make or update financial/legal arrangements arising from covered active duty;
- Attend counseling for yourself, the military member, or the child of the military member when the need for counseling arises from the active duty of the military member;
- Attend military events and related activities;
- Spend up to fifteen calendar days with a military member on Rest and Recuperation leave during active duty.

Military Caregiver Leave allows an employee up to 26 weeks (1040 hours) unpaid leave in a 12-month period to care for a covered service member with a serious injury or illness.

- The military member must be the employee's spouse, parent, son or daughter, or next of kin.
- A covered service member may be either a current service member or a veteran of the Armed Forces.

Spouse on Leave for Military Deployment Leave allows an employee who works 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves to take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict.

**Procedure:** Employees requesting a Military Family leave of absence must meet the minimum requirements. To be eligible, an employee must have worked for the County at

least 12 months, and worked at least 1,250 hours in the 12 months immediately preceding the commencement of leave. If the need for leave is foreseeable, the employee must give 30 days prior notice. If the leave is not foreseeable, the employee must give notice as soon as practicable.

If an employee qualifies for more than one statutory leave, all applicable leaves will run concurrently. These leave options are not in addition to the regular 12 weeks of leave available for other FMLA purposes. Tehama County uses the 12-month measuring backward method to establish the 12 month period. For example, if an employee begins 12 weeks of leave on February 10, he/she is not eligible for another 12 weeks of leave until February 10 of the following year. All requests for leaves of absence will not be unreasonably denied.

Spouse on Leave for Military Deployment Leave is not regulated by FMLA. Employees will follow procedure under "Employee" below to request this type of leave.

The County will continue to pay the employer's portion of the group health insurance under the same terms and conditions as long as the employee is on Military Family Leave. The employee will be responsible for their portion of the group health insurance whether or not he/she is in paid status.

*Employee* For Qualifying Exigency Leave, the employee must:

- Make notification to their immediate supervisor or designee
- Complete a Leave of Absence Request Form
- Complete a Coordination of Benefits Form

For Military Caregiver Leave, the employee must:

- Make notification to their immediate supervisor or designee
- Complete a Leave of Absence Request Form
- Submit a completed Certification of Health Care Provider. The form must be completed in its entirety by the qualifying family member's physician within 15 days of the request for leave. Incomplete certifications will be returned to the employee for follow up with the physician.
- Complete a Coordination of Benefits Form

For Spouse on Leave for Military Deployment Leave:

- Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee must provide his/her supervisor of his/her intention to take the leave.
- The employee must submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested.
- The employee may choose to use vacation or compensatory time during this period to remain in paid status.
- The employee may take more than 10 days leave if approved in advance by the employee's supervisor.

It is the employee's responsibility to complete these forms timely. Failure to provide sufficient information needed to determine eligibility for protected leave may delay and/or cause the request for protected leave to be denied.

*Supervisor* Upon receiving a Leave of Absence Request Form, the supervisor or designee shall confirm the employee's eligibility for Military Family Leave. If the need for leave is for Qualifying Exigency Leave, the supervisor should contact the Personnel

Office for guidance. If the need for leave is for Military Caregiver Leave, the supervisor or designee shall immediately prepare a Preliminary Designation Letter and provide the employee with the following forms for completion:

- Certification of Health Care Provider for the Serious Health Condition of the Employee or the Employee's Family Member
- Leave of Absence Request Form
- Coordination of Benefits Form
- United States Department of Labor – FMLA Brochure
- United States Department of Labor – Employee Guide to Military Family Leave
- Employment Development Department – PFL Brochure

Once the Certification of Health Care Provider has been submitted, the supervisor or designee shall complete a Leave of Absence Designation Notice and provide a copy to the employee within five days of the commencement of the employee's leave. A Personnel Action Form shall be completed documenting the leave of absence and forwarded to the Personnel Office for processing. Copies of all leave of absence documentation should be attached (Preliminary Designation Letter, Leave of Absence Request Form, Certification of Health Care Provider, etc.)

*Personnel Office* The Personnel Office Leave of Absence Coordinator will review, process, log, and track all leaves of absence. The Personnel Office will maintain communication with Payroll throughout the process for any changes in employee status or benefits.

**Required Forms:** Leave of Absence Request Form  
Preliminary Designation Letter  
Medical Certification for the Serious Health Condition of the Employee's Family Member  
Coordination of Benefits Form  
Leave of Absence Designation Form  
Documentation certifying military leave of absence (if applicable)

**References:** TCPR §6107 Family Medical Leave; TCPR §6205 Leave for Military Duties; Military and Veterans Code §395-395.9; United States Code Title 38 §4301-4334  
Uniformed Services Employment and Reemployment Rights Act of 1994

**Effective Date:** December 5, 2017

*The provisions of this Personnel Rule shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Personnel Rules shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# LEAVES & ACCOMMODATIONS MILITARY DUTY LEAVE OF ABSENCE §6205

**Overview:** Military Duty Leave of Absence is a leave of absence from employment to engage in the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. This includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by federal law. Tehama County will grant employees with military duty leave and reemployment rights pursuant to federal, state, and local laws.

**Applicable to:** All Tehama County employees

**Definitions:** Active Duty - Ordered active military service for members of the Armed Forces of the United States, National Guard, or the Naval Militia.

Emergency Military Leave - A military leave for members of the National Guard during such time as the Governor may have issued a proclamation of a state of extreme emergency or insurrection or during such time as the National Guard may be on active duty for one or more situations.

Inactive Duty - Reserve obligations and scheduled reserve drill periods or other non-ordered training.

Temporary Military Leave - A leave of absence from public employment to engage in ordered military duty, including travel time for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or Armed Forces of the United States, the National Guard, or the Naval Militia.

USERRA - Uniformed Services Employment and Reemployment Rights Act

**Guidelines:** The Uniformed Services Employment and Reemployment Rights Act (USERRA) and the California Military and Veterans Code protect the employment rights of individuals who must be voluntarily or involuntarily absent from their civilian employment positions to serve in the U.S. military. USERRA and the California Military and Veterans Code also prohibit employers from discriminating against past and present members of the uniformed services. Federal and state laws apply to all service members, with a focus on those that have civilian careers while serving in the Armed Forces of the United States, National Guard, and Naval Militia.

A regular Tehama County employee, who is ordered to military duty as described above, is eligible for an approved military duty leave of absence regardless of probationary employment status.

Those ordered to inactive duty training, such as drills or regularly scheduled weekend meetings, may be eligible for a military duty leave of absence, however inactive duty is unpaid.

### **Paid Temporary Military Duty Leave of Absence**

Paid Temporary Military Duty Leave of Absence is a leave of absence from County employment to engage in ordered active military duty, including travel time, for purposes of active military training, encampment, naval cruises, special exercises,



or like activity as a member of the reserve corps or Armed Forces of the United States, National Guard, or the Naval Militia.

Employees who meet the eligibility requirements for a Paid Temporary Military Leave of Absence for ordered active military duty are entitled to receive his or her full salary and compensation during the first 30 calendar days of leave in any one fiscal year. To be eligible for a paid temporary military duty leave of absence, employees must meet the following requirements:

- Must be a regular Tehama County employee, occupying a regularly budgeted position and working a minimum of 20 hours per week (extra help employees are not eligible).
- Must have at least one year of employment in Tehama County immediately preceding the date upon which ordered military leave begins. Time previously spent by the employee in a recognized military service shall be used in computing the one year of employment. The employee may be asked to provide satisfactory evidence of prior military service when his/her total combined County service and military service is equal to the minimum of one (1) full calendar year.

Employees may be on a paid temporary military duty leave of absence for ordered active military duty more than once per fiscal year. However, pay may not exceed 30 calendar days in any one fiscal year. If the employee remains on a military duty leave of absence after exhausting the 30 calendar days of paid leave, he or she may continue to remain in a paid status by using accumulated vacation time, compensatory time off, or any other accrued paid time off. The employee may also request leave without pay.

### **National Guard**

National Guard members called to active duty shall be entitled to a paid military duty leave of absence without regard to the length of County service. National Guard employees called to active duty are entitled to their full salary and compensation for up to the first 30 calendar days of any declared emergency regardless of the number of emergencies declared in a fiscal year, provided such duty is performed during a Governor proclaimed state of extreme emergency or other active duty as described in the Military and Veteran's Code.

*Special Note Regarding Paid Military Leave Calculations: The 30 days allowed for a paid military duty leave of absence are calendar days. For example, if an employee is on a military duty leave of absence for 14 calendar days, and is eligible to receive pay, he/she will only receive pay for the actual work time missed. In this example, if the employee was scheduled five (5) days per week (40 hours), he/she would receive ten (10) days of paid leave. However, the whole 14 calendar days of leave would count against the 30 calendar days of paid temporary military duty leave allowable per fiscal year.*

### **Accrual and Use of Leave During Military Duty Leave**

Employees shall not accrue vacation, sick leave, or other paid leaves, during the period he/she is on an unpaid military duty leave of absence. Employees are permitted to use accrued leave balances while on a military duty leave of absence. However, the County does not require an employee to use accrued leave balances while on a military duty leave of absence. Sick leave may not be used during a military duty leave of absence.

### **Health Benefits**

Arrangements for health insurance payments should be made with the Auditor's Office prior to the start of military leave. The County life insurance and accidental

death and dismemberment insurance policy does not cover individuals while they are actively serving in the military.

Employees on a temporary military duty leave of absence may elect to continue their health insurance benefits at the normal employee share of cost during the first 31 days of their unpaid military duty leave of absence. After 31 days, if the employee elects to continue receiving his/her health insurance benefits, the employee will be responsible for paying both the employee share of cost and the employer share of cost. If an employee elects to use their leave accruals, they may continue their health insurance benefits at the normal employee share of cost until exhaustion of all available leave accruals.

An employee electing to continue their health insurance benefits may continue coverage for up to 24 months after the military duty leave of absence begins.

### **Pension Benefits**

An employee reemployed from a military duty leave of absence may receive service credit in accordance with the California Public Employees' Retirement System laws and policies. Please reference the CalPERS Military Service Credit Options publication guide for additional information.

### **Return to Duty and Reemployment Rights**

An employee shall notify the Department Head or designee of an anticipated early return from a military duty leave of absence as soon as possible. Employees returning from military leave due to an illness or injury will be required to receive a proper medical clearance prior to returning to work.

An employee returning from a military duty leave of absence shall have a right to return if released, separated, or discharged under conditions other than dishonorable, to his/her former position within six (6) months after the termination of active service, or after the emergency no longer exists. Upon returning from a military duty leave of absence, employees shall be reemployed in their former position as long as the position still exists. In the event the position was abolished during the employee's absence, he or she shall be reinstated to a vacant position of like seniority, status, and pay for which he or she is qualified. If no position exists, the employee shall have the same rights and privileges he or she would have had if he or she would have occupied the position when it ceased to exist and had not taken a temporary military duty leave of absence.

Health insurance coverage shall be reinstated upon the employee's return to work. Benefits will be effective without any waiting periods.

Time spent on a military duty leave of absence counts as service credit for any calculation of seniority, determination, promotion, or other decision dependent upon length of employment, as if the employee had remained continuously employed. This includes any salary adjustments, vacation accrual rate and seniority ranking, which may have occurred during the employee's absence. For step advancement purposes, an employee who has returned from a military duty leave of absence shall maintain the same salary anniversary date they had prior to the military duty leave of absence. If the employee did not complete an initial probationary period prior to the start of a military duty leave of absence, the employee's initial probationary period shall be extended by the number of calendar days the employee was on military leave when he or she returns to work.

In the case of an employee who incurs a disability or aggravates an existing injury

while on a military duty leave of absence, and is no longer capable of performing the essential functions of their position, the employee shall be reemployed in an alternate position. The alternate position will be equivalent in seniority, status, and pay. If no position exists, the employee shall be reemployed in a position which is the nearest approximation to a position in terms of seniority, status, and pay. In each circumstance, consideration will be made in regards to the employee's qualifications, as well as the employee's ability to become qualified with reasonable efforts by the County.

### **Temporary or Seasonal Positions**

The County is not required to reemploy an employee if the employment left was for a brief, nonrecurring period and there is no reasonable expectation the employment would have continued indefinitely or for a significant period.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee shall complete a leave of absence request form prior to the start of military leave. Please attach a copy of the military orders specifying a tour of military duty.

*Supervisor* Upon receiving a Leave of Absence Request Form and military orders specifying a tour of military duty, the supervisor or designee shall confirm the employee's eligibility for a military duty leave of absence and a paid temporary military duty leave of absence. A Personnel Action Form shall be completed documenting the military duty leave of absence and forwarded to the Personnel Office for processing. Copies of all leave of absence documentation should be attached.

*Department Head* Notification shall be made to the Personnel Director if an employee fails to return from a military duty leave of absence.

*Personnel Office* The Personnel Office Leave of Absence Coordinator will review, process, log, and track all leaves of absence. The Personnel Office will maintain communication with Payroll throughout the process for any changes in employee status or benefits.

**Required Forms:** Leave of Absence Request Form

**References:** TCPR §6201: Military Related Family Leave; Military and Veterans Code §389-399.5; Uniformed Services Employment and Reemployment Rights Act of 1994, U.S. Code Title 38, §4301, et seq.

**Effective Date:** February 27, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

# LEAVES & ACCOMMODATIONS ACCOMMODATIONS & LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE

§6207

**Overview:** An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, management leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to related activities. The County will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work.

**Applicable to:** All employees

**Definitions:** Domestic Violence – Abuse perpetrated against any of the following persons: 1) A spouse or former spouse; 2) A cohabitant or former cohabitant; 3) A person with whom the accused perpetrator is having or has had a dating or engagement relationship; 4) A person with whom the accused perpetrator has had a child, where the presumption applies that the male parent is the father of the child of the female parent; 5) A child of a person defined here in 1, 2, 3, or 4; or 6) Any other person related within the second degree

Reasonable accommodations - For purposes of this rule, reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or referral to a victim assistance organization.

Sexual Assault – Any of the crimes set forth in Penal Code §261-262, 265, 266-267, 269, 273.4, 285-286, 288-289, and 311.4

Sexual Assault Counselor - A person who: 1) is employed by a domestic violence victim service organization, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of domestic violence; 2) is engaged in any office, hospital, institution, or center commonly known as a rape crisis center, whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who has received a certificate evidencing completion of a training program; 3) is a psychotherapist; 4) has a master's degree in counseling or a related field; or 5) has one year of counseling experience, at least six months of which is in rape crisis counseling.

Stalking - A crime where a person is engaged in a pattern of conduct with the intent to follow, alarm, place under surveillance, or harass another person

Undue Hardship - An action that would violate an employer's duty to furnish and maintain a place of employment that is safe and healthful for all employees.

Victim – A person on which domestic violence as defined in this Rule has been perpetrated.

**Guidelines:** An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, management leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities:

- Obtain or attempt to obtain any relief, including, but not limited to, a temporary

restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child

- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
- Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

The employee may also request to use vacation or compensatory time off in the usual manner, without disclosing that they have been the victim of domestic violence.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible.

When an unscheduled absence occurs, the employee shall show documentation, within ten days, certifying the absence in the form of any of the items listed below. The supervisor should not retain copies of the documentation used to certify the absence.

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court
- Documentation from a domestic violence or sexual assault counselor, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The County will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work. Upon the request of the County, an employee requesting a reasonable accommodation shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this Rule. The employer may also request certification from an employee requesting an accommodation demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking.

If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the employer. If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

In the interest of workplace safety, employees who apply for or obtain an Order of Protection or Restraining Order which the employer's property as being a protected area, must provide their supervisor with a copy of the petition used to obtain the

order, and any subsequent orders.

**Supervisor and/or Department Head** Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee as a victim of domestic violence, sexual assault, or stalking shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, sexual assault, or stalking, if the victim provides notice to the employer of the status or the employer has actual knowledge of the status.

An employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

**Personnel Office** The County will provide the document "Rights of Victims of Domestic Violence, Sexual Assault, and Stalking" to all new employees.

The County will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work. The County will engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations. Reasonable accommodations for victims of domestic violence may include, but are not limited to, putting in locks, changing shifts, changing the employee's phone number, transfer, reassignment, parking in more secure areas, arranging for escorts to vehicles, or additional time off. In determining whether the accommodation is reasonable, the employer shall consider an exigent circumstance or danger facing the employee. This Rule does not require the employer to undertake an action that constitutes an undue hardship on the employer's business operations. An employer who requests certification pursuant to the "Employee" procedure may request recertification of an employee's status as a victim of domestic violence, sexual assault, or stalking every six months after the date of the previous certification.

**Required Forms:** Tehama County Request for Leave

**References:** California Labor Code §230, 230.1, 246.5, 6400; California Evidence Code §1035.2, 1037.1; Government Code §12926; Division of Labor Standards Enforcement of the Department of Industrial Relations §98.7; Family Code §6211; Penal Code §261-262, 265, 266-267, 269, 273.4, 285-286, 288-289, 311.4, and 646.9; Civil Code 1708.7; Rights of Victims of Domestic Violence, Sexual Assault, and Stalking (Tehama County Personnel Document)

**Effective Date:** May 1, 2018

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## PERSONAL SAFETY HARASSMENT §8102

**Overview:** This rule expresses Tehama County's commitment to prohibit and prevent unlawful harassment, discrimination, and retaliation in County operations and set forth a procedure for investigating and resolving internal complaints of such conduct. Issues of bullying, disrespect, abusive behavior, etc. are addressed separately in Tehama County Personnel Rule §8103: Respective Workplace and/or §1301: Code of Conduct.

**Applicable to:** All employees, including permanent, probationary, part-time, and extra-help, as well as volunteers, contract employees, private contractors, appointing authorities, interns, and elected officials

**Definitions:** Discrimination - Adverse actions, decisions or other treatment affecting an employee and motivated by or directed toward the employee on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, gender, gender identity, gender expression, sexual orientation, genetic information, marital status, military or veteran status, or age, including but not limited to those affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, lay-off, recall, transfer, leave of absence, termination, and reinstatement.

Disparate Impact - Following a rule or practice that has a discriminatory impact on a protected person (unintentional)

Disparate Treatment - Treating an individual less favorably than another individual for discriminatory reasons (intentional)

Harassment - Any unwelcome or offensive conduct motivated by or directed to a person on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, gender, gender identity, gender expression, sexual orientation, genetic information, marital status, military or veteran status, or age, including harassment of a person of the same gender as the harasser.

Hostile Work Environment - Referred to under Equal Employment Opportunity Commission (EEOC) guidelines as "work environment" harassment. A hostile work environment exists when one's behavior within a workplace creates an environment that is difficult or uncomfortable for another person to work in, due to discrimination. Hostile work environment harassment is a common complaint in sexual harassment cases when there is unwelcome sexual advances, requests for sexual favors (even if not of a quid pro quo or conditional nature), verbal, visual and physical conduct of a sexual nature. Conduct creating a hostile work environment is a violation of this rule whether or not there is any tangible, adverse impact on the employee's job benefits. The conduct need not be explicitly sexual to meet this definition and may include repeated or continuing unwelcome or offensive romantic advances, requests, invitations, or unwelcome or offensive overtures to express a romantic or intimate interest in another employee.

Retaliation - Adverse actions, decisions or other treatment including, but not limited to, threats or coercion affecting an employee and motivated by or directed toward the employee on the basis of the employee's participation as complainant or witness in a report or complaint of discrimination, harassment, or retaliation, or the employee's participation in the investigation of such a complaint, including but not limited to actions, decisions, or other treatments affecting hiring, placement, compensation,

assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination, and reinstatement.

Sexual Harassment - Any unwelcome or offensive behaviors regarding sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. This also includes any unsolicited written or oral communications and physical or visual contact with sexual overtones including emails, internet links, screen savers, etc. There are two types of sexual harassment – Hostile Work Environment and Quid Pro Quo.

Quid Pro Quo - Commonly referred to under EEOC guidelines, as “conditional” harassment. Quid pro quo (*this for that – i.e., something offered or given in exchange for something else*) harassment occurs when submission to the harassing conduct described above is made an explicit or implicit term or condition of employment; or rejection of such conduct is used as the basis for employment decisions.

**Guidelines:** Harassment and discrimination are unlawful employment practices prohibited by state and federal law and are unacceptable work behaviors which will not be tolerated by Tehama County. All Tehama County employees are expected to adhere to a standard of conduct which conveys dignity, respect, and courtesy towards other employees, County officials, vendors, and the general public. A working environment free from harassment and discrimination is essential to the well-being of an employee and an employee's right to perform his or her job effectively without distraction or interference from any unlawful discrimination or harassment.

#### **Prohibited Conduct Under this Rule: Discrimination, Harassment and Retaliation**

Examples of behaviors constituting discrimination, harassment, and retaliation include, but are not limited to:

- Verbal Abuse
- Visual Abuse
- Physical Abuse
- Preferential Treatment

#### **Prevention and Training**

This rule, including any revisions, shall be distributed to all County offices, including elected officials, managers, supervisors, and employees, as well as contractors as the need arises.

#### Supervisors, Managers, and Department Heads

All supervisors, managers, and department heads shall receive harassment training pursuant to California Assembly Bill AB 1825. Effective January 1, 2005, all supervisors must attend harassment training for a minimum of two (2) hours every two (2) years and all newly hired or promoted supervisors must attend harassment training within six (6) months of appointment and every two (2) years, thereafter.

#### Employees

All employees, including seasonal, temporary, and extra-help shall receive harassment training pursuant to California Senate Bill 1343. Effective January 1, 2019, all employees must attend harassment training for a minimum of one (1) hour every two (2) years within six (6) months of appointment and every two (2) years, thereafter.



### Contractors

Contractors will be provided a copy of Tehama County's Harassment Rule as an Exhibit to the agreement. County employees responsible for administering or monitoring the work of contractors shall assure contractors do not engage in harassment, discrimination, or retaliation of County employees. If inappropriate behavior by a contractor is committed or persists, necessary steps will be taken to prevent further harassment, up to and including termination of the agreement.

### Objective

Harassment training must consist of classroom, or other effective interactive training designed to assist employers and employees in preventing and/or changing or modifying workplace behaviors that create or contribute to harassment. The training must also contain components which develop, foster and encourage a set of values in employees which will assist them in preventing and effectively responding to incidents of harassment.

### **Complaint Procedure**

Notifying an offender his or her behavior is unwelcome and offensive may be an effective way to end inappropriate conduct. However, confronting the perceived offender may be difficult and complicated and is not required before initiating a complaint.

If, for any reason, the incident remains unresolved, it is of the utmost importance for any person described in this rule, who believes he or she has been subjected to unlawful discrimination, harassment, or retaliation, to report the incident immediately.

The following steps should be taken to report a complaint of discrimination, harassment or retaliation; a complaint may be made orally or in writing, and one report of the incident is sufficient. Employees are not required to follow their usual chain of command in making a complaint concerning unlawful discrimination, harassment or retaliation. An employee is entitled to file a complaint with any of the following personnel:

- Their immediate supervisor
- Any other supervisor
- The Assistant Department Head
- The Department Head
- The Tehama County Personnel Director
- The Tehama County Chief Administrator

Once an employee chooses a person from the above list with whom they feel most comfortable, and reports the incident to him or her, an investigation will be conducted. If an employee is dissatisfied with the outcome of the investigation, they may file an external complaint with the Department of Fair Employment and Housing (DFEH) or the EEOC.

All complaints received by first-line supervisors or managers shall be forwarded to the Department Head and the Personnel Office immediately. The Department Head shall forward a copy of all reports, investigations, and resolutions of prohibited harassment, discrimination, or retaliation to the Equal Employment Officer (EEO) (Personnel Director).

If the Personnel Director or the Chief Administrator receives the initial complaint, said person shall forward the results of the investigation to the Department Heads of the

involved employees, except and unless the Department Head is the person accused of the prohibited conduct.

In the case of a Department Head being the accused, the results of the investigation will be forwarded to the appropriate authority for resolution. Under no circumstances shall the Department Head, alleged to have engaged in prohibited conduct, investigate the complaint.

### **Management's Response to Complaints**

#### Referral to Employee Assistance Program

Supervisors may refer an employee who is an alleged target of harassment to the employee assistance program. A referral may also be made to the person to the accused of harassment as an intervention to stop the alleged behavior.

#### Investigate

All reports shall be promptly and thoroughly investigated. Depending on the depth and scope of the complaint, investigations will be performed by the Department Head or their designee, by the Personnel Office, or by the Chief Administrator. The Personnel Director or Chief Administrator may delegate the investigation to an appropriate designee. The depth of the investigation will vary depending upon the circumstances of each case, but management personnel will be sensitive and respectful of all persons involved in the incident during investigations.

#### Document

All designated persons receiving complaints shall document the allegations reported, investigation conducted, and the resolution decided upon. All investigations shall be thoroughly documented.

#### Take Action

In the event a complaint has been substantiated, appropriate corrective action will be taken to remedy the situation and to prevent future episodes of inappropriate behavior. Appropriate corrective action, depending upon the circumstances, may include mandatory training, referral to or mandatory participation in the employee assistance program, or discharge from County employment.

As both a precautionary and an informative measure, all unsubstantiated claims will result in the re-education of the parties involved by providing them with a copy of this rule, or other educational measures determined by the Personnel Director or Chief Administrator to be appropriate under the circumstances.

### **Prohibitions Regarding Complaints**

- a) No one shall be subjected to retaliation or reprisal due to filing a complaint, or for participating in an investigation about harassment, discrimination, or retaliation.
- b) No person shall make a false accusation against another person. False accusations of harassment or discrimination will result in disciplinary action.
- c) No employee, supervisor, or manager shall attempt to suppress a complaint about harassment or discrimination.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* It is the responsibility of Tehama County employees to know and follow this rule and avoid engaging in conduct which constitutes unlawful discrimination, harassment or retaliation. All employees shall be informed of this discrimination and harassment rule

and complaint process which ensures their right to file a complaint without fear of retaliation. This rule will be reviewed with employees during their annual performance evaluation. Employees will be given the opportunity to review the rule and ask questions of their supervisor during this time. Every employee is required to sign his or her performance evaluation noting the fact the harassment rule was reviewed during his or her evaluation.

**Department Head** All department heads, managers, and supervisors have the duty to implement and enforce this rule. In addition, department heads, managers, and supervisors have the responsibilities, as appropriate for their level in the organization, to ensure all employees are aware:

- Harassment is prohibited.
- Employees' have a right to complain about harassing behavior.
- Employees' are protected from retaliation.
- Incidents should be reported to help ensure they will not recur.
- Prompt and appropriate follow-up action will be taken to stop such behavior.
- Harassment may be grounds for disciplinary action.
- Ensure all employees have received a copy of the most current Harassment Rule.
- Promptly and thoroughly report any complaint of harassment, discrimination or retaliation to Department Heads, Personnel Director and/or Chief Administrator or their designees.
- Take appropriate corrective action (sufficient to stop the inappropriate behavior).
- Ensure all employees attend County-sponsored training in recognizing and preventing sexual harassment on a bi-annual basis.
- Take appropriate corrective action to prevent the possible existence of "hostile work environment". This may include the removal or discouragement of offensive pictures, cartoons, e-mail messages, off-color jokes or conversations in the workplace where the communication may be offensive.
- Maintain confidentiality of all complaints by limiting dissemination of information to only necessary parties.

**Personnel Office** The Personnel Director has the responsibility for:

- Advising Department Heads on how to handle complaints under this rule.
- Accepting complaints from County officers, elected officials, and employees who believe they are being subjected to harassment, discrimination or retaliation.
- Investigating and attempting to resolve complaints.
- Advising all parties about the limited confidentiality of the complaints and the investigative process.
- Provide training opportunities to inform employees about harassment in an effort to deter harassing behavior.

**Required Forms:** None

**References:** California Department of Fair Employment and Housing <http://www.dfeh.ca.gov/>; Title VII of the Civil Rights Act of 1964 - Equal Employment Opportunity Commission <http://www.eeoc.gov/laws/statutes/titlevii.cfm>

**Effective Date:** February 25, 2020; The adoption of this rule deletes and replaces Tehama County Administrative Policies and Procedures #308, adopted May 25, 2010.

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## SAFETY & SECURITY RESPECTFUL WORKPLACE §8103

**Overview:** Tehama County firmly believes all employees should be able to work in an environment free from bullying. Mutual respect at work is important to a successful workplace. Tehama County will not tolerate any behavior which is characteristic or consistent with actions described as workplace bullying. Those employees who display abusive behavior towards fellow employees, colleagues, or staff will be disciplined in accordance with the Tehama County Personnel Rule §7401: Discipline Procedures. This rule applies to all employees including supervisors, managers, and administrators.

**Applicable to:** All employees

**Definitions:** Cyberbullying (or cyber harassment) - Bullying or harassment that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through short message service (SMS), text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation.

Workplace Bullying - Inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and / or in the course of employment. Actions such as offensive language, humiliating, gossiping, threatening, or disparaging treatment; coercive, belittling, sabotaging, isolation, and discourteousness are considered abusive behaviors and may be considered workplace bullying. These actions may be verbal or non-verbal, acts of commission or omission, direct or indirect, covert or overt, or incidents of aiding or abetting. This includes cyberbullying.

**Guidelines:** Tehama County employees are expected to adhere to the highest level of standards and expectations for professionalism and integrity. Workplace bullying negatively impacts employee morale and the workplace climate, which subsequently undermines the objective of creating a work culture conducive to successful team building and cohesiveness among staff members.

In addition, workplace bullying as described above is a violation of Tehama County Personnel Rule §1302: Code of Conduct, which clearly states employees shall treat one another with respect, kindness, and fairness regardless of different perspectives and/or beliefs.

Employees who feel they have been subjected to workplace bullying should inform their supervisor, manager, department head, or contact the Tehama County Personnel Office for assistance immediately. Victims of bullying are free from reprisal. Employees who are found to be in violation of this rule are subject to discipline, up to and including dismissal.

### **Workplace Bullying Behavior**

Bullying may be intentional or unintentional. However, the intent behind the behavior is irrelevant when making a consideration for discipline. As in other cases

of harassment, the effect of the behavior on the individual is the mitigating factor in determining disciplinary action. Examples of bullying include, but are not limited to the following:

- **Verbal Bullying:**
  - angry outbursts or yelling
  - profane or disrespectful language
  - derogatory or sarcastic remarks about an employee's appearance or performance
  - hostile, abusive or offensive remarks
  - humiliating comments, spreading rumors or gossiping
  - slandering, belittling, teasing, lying, publicly reprimanding, ridiculing, name calling, or insulting behavior
  - threatening to cause harm
- **Social Bullying**
  - socially or physically excluding or disregarding a person in work-related activities
  - assigning punitive tasks and duties to a specific individual
  - isolating, ostracizing, ignoring, disparate treatment, or sabotaging work
  - embarrassing someone in public
  - spreading rumors about someone
  - facilitating conflict among employees
- **Physical Bullying**
  - pushing, shoving, kicking, poking, tripping
  - throwing anything at or toward a co-worker
  - assaulting or threatening physical violence
  - vandalizing or damaging an employee's work area or personal property
  - nonverbal threatening gestures

### **Effects of Workplace Bullying**

Unresolved workplace bullying can have long term mental and physical side effects on employees. Workplace bullying may negatively impact an employee's performance or interfere with an individual's career or employment status (unwarranted reassignment, demotion, termination, or refusal to promote or transfer). In addition, workplace bullying may be directly attributable to adverse health consequences, which may ultimately lead to excessive sick leave abuse. For instance, increased tobacco, alcohol, and drug abuse; depression, anxiety, suicidal thoughts and even acts of suicide may be residual effects of workplace bullying.

### **Supervisors, Managers, and Department Heads**

In the workplace, supervisors, managers, and department heads occupy a critical role. These leaders are responsible for ensuring a work environment which is free from violence, harassment, intimidation, and other disruptive behaviors. In addition, they are responsible for fostering a culture which prioritizes inclusion and does not tolerate workplace bullying. Therefore, reports of bullying and associated behaviors must be addressed promptly and consistently. Managers and supervisors must make reasonable efforts and take swift action to demonstrate workplace bullying will not be tolerated.

Supervisors, Managers, and Department Heads should:

- Resolve conflicts within the department at the onset of disputes in order to avoid future instances, including communicating expected behaviors and consequences for not adhering to this personnel rule.
- Work with other Department Heads to resolve issues that cross over one or more departments. Supervisors should not directly address behavior of those

- other than their own subordinates.
- Regularly demonstrate a commitment against bullying.
- Be proactive by educating employees on respectful workplace topics such as civility and bystander intervention. The Personnel Office may assist with resources and trainings.
- Empower employees to intervene when they witness workplace bullying or similar harassing behavior.
- Promote respect among employees from different cultures, backgrounds, and different career levels.
- Help to create a sense of collective responsibility by eliminating workplace bullying and other problematic behavior in the workplace.
- Model respectful behavior.

### **Conduct Not Considered Workplace Bullying**

Workplace bullying should not be confused with an employer's right to assign tasks, transfer or re-assign employees based on the needs of the organization, and to reprimand or impose disciplinary sanctions. Insofar as the employer does not misuse these rights, it is not workplace bullying to administer respectful coaching and counselling or justified progressive disciplinary procedures. Other examples of conduct not considered bullying are loud or expressive communication styles, differences of opinions on work-related concerns, or conflicts between parties which are resolved through traditional resolution methods or techniques.

### **Retaliation**

Employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about, or participated in any investigation or administrative process related to a complaint of workplace bullying, is against the law and will not be tolerated. Disciplinary action will be taken against an employee who is found to have retaliated against another employee for their involvement.

### **Complaint Procedure**

Complaints about workplace bullying may be made to an employee's direct supervisor, manager, department head, or the Tehama County Personnel Office. Any reports of workplace bullying will be treated seriously and investigated promptly and impartially. Complaints will be kept confidential to the extent possible.

- Complaints within a Single Department

Workplace bullying occurring within a department shall first be reported to the Department Head, designee, or Personnel Director within 30 working days of the incident/occurrence. After reviewing the complaint, the Department Head or designee shall conduct such investigation as they deem necessary. The Department Head or designee shall respond to the complaint within thirty (30) business days. The Department Head or his/her designee may at any time after being made aware of the complaint, refer the matter to the Personnel Office for discussion and recommendations. In the event the complaint is reported to Personnel, Personnel shall conduct such investigation as it deems necessary to determine whether there has been a violation of this rule, and if so, the steps necessary to address the rule violation.

- Complaints Involving a Department Head, Elected Official, Chief Administrator, Member of the Board of Supervisors and/or Multiple Departments

Conduct by a Department Head, Elected Official, member of the Board of Supervisors, or conduct involving multiple departments, shall be reported to the

Personnel Office within 30 working days of the incident/occurrence. The Personnel Office will conduct such investigation of the complaint as it deems necessary in order to determine whether there has been a violation of this Rule and if so the steps necessary to address the rule violation. The Personnel Director or his/her designee may at any time after being made aware of the complaint, refer the matter to the Chief Administrator and/or County Counsel for discussion and recommendations. If a complaint involves the Director of Personnel, other than as a witness, the matter shall be referred to the Chief Administrator.

### **Review and Investigation of Complaints**

In reviewing the complaints made under this rule, the Department Head, Personnel Director or designee may consider the severity of the conduct, the frequency of the conduct, whether the conduct is physically threatening or humiliating, whether the conduct is unwelcome, whether the conduct unreasonably interferes with an employee's work performance or alters conditions of employment, whether a reasonable person would find the conduct offensive or intimidating and any other factors which may have bearing upon the complaint.

Whenever an employee is interviewed as part of an any investigation under this rule, whether by the Department head or designee, the Personnel Director or designee or an outside investigator, the employee is entitled to have a Union or legal representative present during their interviews where the employee reasonably believes the investigation could result in the imposition of disciplinary action against them. If the accused is a public safety officer, the investigation will be in accordance with the Peace Officer Bill of Rights.

Following the completion of the investigation, the complainant and accused employee(s), Department Head or Supervisor will be notified of the completion of the investigation and of the ultimate outcome, i.e. whether the evidence establishes a violation of this rule.

- If the investigation has been completed by the Department head or designee and it is determined that this rule has been violated, the Department Head shall take prompt and effective remedial action commensurate with the severity of the offense(s) which may include coaching and/or counseling intervention, required training for the employee(s) determined to have violated this rule or disciplinary action.
- If the investigation is completed by the Personnel Director or designee or an outside investigator and the determination is made that this rule has been violated, the Director of Personnel, Chief Administrator or County Counsel shall recommend to the Department Head prompt and effective remedial action commensurate with the severity of the offense(s), which may include coaching and/or counseling intervention, required training for the employee(s) determined to have violated this Rule or disciplinary action.

Personnel may provide investigation materials and evidence to the relevant department head or other employee(s) as strictly necessary to carry out any disciplinary or corrective action. However, preservation of the confidentiality of the records pursuant to applicable statutes shall apply. For example, in the event disciplinary action is taken, the nature of any discipline will not be disclosed to the complainant.

Employees who make a good faith complaint under this Rule will be protected from retaliation. Repeated unfounded complaints may be determined to be a violation of this rule. Relevant supervisors and managers must continue to monitor the

workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting a violation of this rule and to maintain an environment of compliance with the provisions of this Rule.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* Employees are encouraged to report workplace bullying to their direct supervisor, manager, department head, or the Tehama County Personnel Office, whether a victim or witness to workplace bullying.

*Department Head and Supervisors* Supervisors, managers, and department heads must take reasonable measures to prevent workplace bullying and respond promptly in order to address and prevent future instances. For assistance with resolving workplace bullying, contact the Tehama County Personnel Office for guidance.

*Personnel Office* The Tehama County Personnel Office will provide assistance, and / or guidance to departments as requested. In the event of a workplace bullying complaint, the Personnel Office may conduct a thorough, impartial, and objective investigation.

**Required Forms:** None

**References:** Tehama County Personnel Rule §1301: Code of Conduct; Tehama County Personnel Rule §7401: Discipline Procedures; Tehama County Harassment Policy; Tehama County EEO Plan; [www.stopbullying.gov](http://www.stopbullying.gov)

**Effective Date:** March 19, 2019

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

# SAFETY & SECURITY DECLARED HEALTH EMERGENCIES §8104

**Overview:** This rule provides guidance for employee use of leave and the continuation of work in the event of a local declared health emergency. When emergency operations result in a disruption of work, this rule will be superseded by the County disaster plan as integrated by the Office of Emergency Services.

**Applicable to:** All employees

**Definitions:** Essential services – Services that, if not provided, would endanger the life, health, or personal safety of the whole or part of the population; or services which are not essential in the strict sense of the term, but where the extent and duration of a disruption might be such as to result in an acute local crisis endangering normal living conditions of the population; and in public services of fundamental importance.

Isolation – Keeping people who are infected with a contagious illness away from those who are not infected

Self-isolation – A person ill with a virus may be isolated at home instead of being hospitalized, as directed by a healthcare provider

Self-quarantine – A person who has been exposed and is at risk for contracting a virus may practice self-quarantine as recommended by a healthcare expert

Shelter-in-Place – Stay at home as much as possible, only going out for essentials like food and supplies, or for medical reasons

Social distancing – Deliberately increasing the physical space between people to avoid spreading illness. Examples of social distancing are standing at least six feet away from others, working from home instead of at the workplace, or holding meetings via conference call or by other electronic device.

**Guidelines:** Whether it is caused by a natural disaster, man-made error, or unforeseen events, County business may be disrupted by a health emergency. It is an employee's responsibility to follow official guidance related to the containment of the disease or health emergency.

### **Continuation of Work Plan**

In the case of a declared health emergency, it is the County's goal to keep employees working, although tasks and locations may be temporarily changed. Departments should plan in advance to establish the following at a minimum:

- A plan to provide essential services
- Tasks that can be completed remotely at another County facility or from the employee's home
- Tasks that may keep employees productive, including assisting other departments
- Tasks related to obligations as a disaster service worker

Staff will be instructed as to when and where to report based upon the circumstances created by the event. A Department Head may order some or all employees to perform work during their regularly scheduled hours at an alternate work location.

### **Disaster Service Worker**

All Tehama County employees are disaster service workers. Should the work

disruption be caused by a declared health emergency, employees who are unable to perform their regular duties may be assigned to other areas of need.

### **Facility Closure During a Declared Health Emergency**

During a declared health emergency, the employee should plan on reporting to work at their usual workplace unless they are contacted by the Department Head or their designee. The Department Head may initiate contact procedures once the impact of the declared health emergency has been determined. A Department Head or their designee may make the decision to release employees, depending on the severity of the circumstances.

If an employee is required to report to work, but is not put to work or furnished with less than half of his/her usual or scheduled day's work, he/she must be paid for half the usual or scheduled day's work, but in no event less than three hours at his/her regular rate of pay.

### **Employees With Health Symptoms Related to the Emergency**

An employee who comes to work exhibiting communicable illness symptoms may be directed to go home and not come to work until they are free of fever and other symptoms for a minimum of 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees will be allowed to use any available leave balances to cover the period of the absence or be in unpaid status. The County cannot require the employee to use sick leave in this circumstance.

Employees who have recently traveled to an identified high-risk area will be directed to stay home for the minimum period as identified by the Center for Disease Control, unless a health care provider indicates that the employee may return earlier.

Medical certification will be required to substantiate illness related to the health emergency. Departments are asked to suspend the accumulation of any sick leave occurrences for employees during the emergency, including those with excessive leave usage or for employees suspected of abuse of leave.

Employees identified as part of the high-risk population (ex. age 65 or over, chronic medical conditions) may choose to stay at home using any available leave balances. If an employee chooses to work, the department shall ensure the employee is provided with a workspace which allows for social distancing.

Departments will follow the County's procedures for Work-Related Injury or Illness Reporting in the event an employee requests to file a worker's compensation claim.

### **Flexing Hours**

At the Department Head's discretion, he/she may allow flexible hours in order to keep employees at work as much as possible. An example of when this may be appropriate is when an employee's childcare situation has changed due to a school closure.

A Department Head may choose to reduce the hours that they are open to the public in order to reduce employees' exposure to the public.

### **Working Off-Site**

Employees will be approved for work from home arrangements on a case-by-case basis at the discretion of the Department Head. If doing so is deemed feasible and

approved, employees may temporarily work doing predetermined assignments or training. The following are examples of possible circumstances when telework may become an option. This is not an exhaustive list, as it is not possible to conceive every scenario. Other circumstances may be approved by the Personnel Director and Chief Administrator.

- County facility closures
- School closures (employee must stay home to care for children)
- Quarantine or exposure to illness
- Caring for a qualified family member

Employees working off-site must complete an Off-Site Work Plan and Agreement form to be signed by the employee, his/her supervisor, and the Department Head.

### **Compensation and Leave During Declared Health Emergencies**

*Compensation:* Employees will be paid for actual hours worked, whether at the worksite or off-site.

*Exempt Employees:* In recognition of the requirement that exempt employees occasionally work beyond a normal workday, some flexibility is allowed for authorized time off with pay during the normal workday or workweek. An absence of less than half of the employee's regularly scheduled workday will not be deducted from leave accruals. Also, if an employee has worked a total of 40 or more hours in a workweek, he/she is not required to use leave accruals for partial day absences. However, an absence equal to or greater than half of the employee's regularly scheduled workday shall be deducted from an exempt employee's appropriate leave accruals when the employee has not worked 40 or more hours in a workweek.

*Benefit Programs:* Employees may be eligible for unemployment insurance benefits or State Disability.

*Use of Leave:* An employee may request to use sick leave, management leave, vacation, or compensatory time off to receive compensation during a declared health emergency, including while in quarantine or shelter-in-place. The County cannot require an employee to use paid time off; the employee may choose to be in unpaid status.

*Leave Advances:* Employees impacted by the health emergency who have exhausted all leave balances may request an advance of up to 40 hours of sick leave. Employees receiving advanced leave must sign an Agreement for Repayment of Advanced Leave form. The number of sick leave hours advanced is required to be repaid within six (6) months of the date of the advance being granted. Advanced sick leave will be repaid by the forfeiture of any sick leave, vacation, management leave, compensatory time, or any other paid leave as it is accrued. If, for any reason, the employee leaves County employment prior to the full repayment of the sick leave advance, the employee consents to the withholding of the amount necessary to repay the County for the sick leave advance from their last payroll warrant. If any amount remains due after these deductions, they must agree to pay the remaining balance back to the County within ten (10) business days of the date of separation from County employment. Any failure to repay the County will result in the County proceeding with legal action to recover the advancement.

*Family Medical Leave:* Employees who take time off due to their own serious illness or to care for an ill family member may be eligible for Family Medical Leave or Paid Family Leave under the existing statute.

*Public Health Emergency Leave (PHEL-FMLA):* Effective April 2, 2020 and ending December 31, 2020, the Public Health Emergency Leave Act will temporarily expand coverage and eligibility under FMLA for reasons related to the COVID-19 pandemic. In addition to reasons allowed under current FMLA guidelines, PHEL may be used when an employee is unable to work or telework to take care of a son or daughter under the age of 18 because their school is closed or the childcare provider is unavailable.

- Eligible employees are those who have been employed for 30 calendar days. The County may exclude health care providers and emergency responders.
- The total length of leave for FMLA per rolling calendar year remains at 12 weeks. If an employee has already used 12 weeks of FMLA, they are not eligible for more. If the employee has used less than 12 weeks, they are eligible for the remaining weeks of unused leave.
- The initial 10 days may be unpaid under this leave. Employees may choose to use any accrued paid leaves for this period.
- From the eleventh day forward, the employer must provide paid leave of at least 2/3 of the employee's regular rate of pay for the number of hours the employee would have regularly been scheduled to work. Employees may choose to use any accrued paid leaves for this period to receive full pay (the other 1/3).
- Pay is capped at \$200/day and \$10,000 total.

*Emergency Paid Sick Leave (EPSL):* Effective April 2, 2020 and ending December 31, 2020, Emergency Paid Sick Leave may be used for the following:

- 1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- 4) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
- 5) The employee is caring for a son/daughter of such employee is the school or place of care of the son/daughter has been closed, or the childcare provider is unavailable
- 6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services

Emergency Paid Sick Leave entitlements are described below.

- Full time employees will receive up to 80 hours. Part time employees receive the number of hours equal to the average number of hours they would work over a two week period.
- If employees take EPSL for purposes listed under 1, 2, or 3 above, they receive their regular rate of pay. However, EPSL may not exceed \$511/day and \$5,111 total.
- For purposes 4, 5, or 6 above, an employee receives 2/3 of his/her regular rate of pay. However, EPSL may not exceed \$200/day and \$2,000 total.
- Employees may use other accrued paid leaves to receive full pay, but they are not required to.

*Exhaustion of Leave:* If an employee requests time off and is approved when there is leave available, and then exhausts available leave or has leave advanced, the original time off request may be retroactively denied. Or if the employee no longer has sufficient leave accrued to cover the full period of the request for leave, the leave granted may be restricted to the actual amount of accruals available.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee is responsible for keeping up-to-date contact information available to their supervisor and/or Department Head.

*Supervisor* The supervisors should work with the Department Head and staff to create a continuation of work plan. If directed to do so by the Department Head, the supervisors will initiate contact procedures in the event there is a declared health emergency.

*Department Head* The Department Head or their designee will determine whether employees should be released during a declared health emergency, following the guidelines in this rule. They are also responsible for initiating contact procedures in the event there is a declared health emergency prior to the workday. The Department Head will determine the employee's work plan for off-site work and sign the employee agreement. The Department Head will approve/deny an employee's advanced leave request and route as indicated on the form.

*Administration* Keep the Department Heads informed of any declared health emergency.

**Required Forms:** Agreement for Repayment of Advanced Leave; Temporary Off-Site Work Plan and Agreement; Off-Site Work Daily Report

**References:** Labor Code §230.8; TCPR §1404: Disaster Service Workers; TCPR §6105: Leave Without Pay; TCPR §4104: Exempt Employees; [www.cdph.ca.gov](http://www.cdph.ca.gov); [www.cdc.gov](http://www.cdc.gov)

**Effective Date:** March 24, 2020

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



## PERSONNEL RULES

## SAFETY POWER OUTAGE SAFETY PLAN §8106

**Overview:** This rule provides guidance to employees in the event of a power failure, outage, disruption, or interruption, either planned or unplanned. When emergency situations result in a power failure, this rule will be superseded by the County disaster plan as integrated by the Office of Emergency Services.

**Applicable to:** All employees

**Definitions:** HVAC – Heating, Ventilation, and Air Conditioning system  
OSHA – Occupational Safety and Health Administration, a division of the United States Department of Labor

**Guidelines:** Whether it is caused by a natural disaster, man-made error, unforeseen events, or planned maintenance, there may be times in the course of conducting County business when power may be disrupted. If a Department Head or Administration receives advanced warning of a planned power outage, that information should be communicated to other affected departments. If the outage is unplanned, a call should be made to the electric utility to determine if there is an estimated length of the outage. Safety will be the priority consideration during any power outage.

### **HVAC Systems**

In a power outage, heating, ventilation, and air conditioning systems will shut down. OSHA has determined that room temperature and humidity are a matter of comfort and there is no standard. However, should inside temperatures exceed 87°, employees should follow procedures according to the County Heat Illness Prevention Program. The Department Head may also consider the establishment of a cooling area. If the Department Head determines the temperature has reached a point where it is harmful for extended exposure, or where the air quality reaches an unhealthy state due to lack of circulation, employees may be released from the workplace in accordance with TCPR §4109: Power Outages.

### **Security Systems**

In a power outage, the inability to operate lights, automatic door locks, security alarms, and surveillance cameras may limit employee safety and security. Department Heads should establish alternate plans for when these systems are inoperable.

### **Generators**

Due to the dangers of carbon monoxide poisoning and use of flammable materials, only those trained in the use of generators should be responsible for initiating their use.

### **Elevators**

Employees should be aware that cell phones are not generally operable in an elevator. An employee caught in an elevator during a power outage should use the emergency phone or any other practical means to notify someone of their location.

### **Sanitation Facilities and Potable Water**

Under OSHA guidelines, Tehama County must provide adequate and readily

accessible sanitation facilities and potable water. Should a power outage interfere with an employee's accessibility to a toilet and handwashing, the employer must relocate work or ensure that employees have immediately available transportation to readily accessible sanitation facilities.

### **Cooling Rooms**

During a power outage, it is possible that County staff may be working without the comfort of air conditioning. For those facilities without standby generators, power outages will require designating a cooling room for breaks as needed to prevent heat-related illnesses.

Cooling rooms should be located near the employees who will utilize them. Cooling rooms should be large enough to accommodate 25% of employees at one time, with the expectation that breaks and lunch periods will be staggered.

When selecting a room for this purpose, Department Heads or their designee(s) should also consider: 1) a smaller room will require less cooling and power; and 2) location of generators and air conditioning unit vents.

### **Evacuation Plan**

Departments should ensure employees (or specifically assigned employees) are equipped with working flashlights. An evacuation plan should be pre-arranged for interior spaces that will become dark should the power go out. Employees should receive instructions as to the appropriate gathering area where they will receive further instruction.

To mitigate risk while walking through a darkened workplace, employees should walk slowly and cautiously. Walkways should be clear of debris at all times.

Internal plans should be established for accommodating employees, clients, patients, and customers who have limited mobility to ensure they will be able to safely exit the building.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee should follow safety procedures as outlined in this rule or as established by the department.

*Department Head* The Department Head or their designee will establish safety procedures specific to their department and as outlined in this rule. A Department Head who becomes aware of a planned power outage should inform the Chief Administrator or their designee.

*Administration* Keep the Department Heads informed of any planned outages.

**Required Forms:** None

**References:** TCPR §4109: Power Outages; Tehama County Illness and Injury Prevention Plan; Tehama County Heat Illness Prevention Program

**Effective Date:** June 23, 2020

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*





## PERSONNEL RULES

## SAFETY WILDFIRE SMOKE PROTECTION §8203

**Overview:** The County is responsible for taking action to protect employees from particulate matter when the air quality index reaches the level as described in this rule.

**Applicable to:** All employees

**Definitions:** AQI – The Air Quality Index tells you how clean or polluted the air is, and what associated health effects might be a concern.

N95 – A respiratory protective device designed to achieve a very close facial fit and very efficient filtration of airborne particles.

Particulate Matter – Tiny particles suspended in the air, many of which may be hazardous.

PM2.5 – The smallest atmospheric particulate matter (2.5 micrometers or smaller) and is usually the most harmful.

**Guidelines:** Smoke and particulate matter from wildfires can travel hundreds of miles and affect the health of people far from the fires' path. Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is “particulate matter,” the tiny particles suspended in the air. Particulate matter can irritate the lungs and cause persistent coughing, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, and heart disease.

### **Employer Requirements**

If employees may be exposed to wildfire smoke, then the employer is required to find out the current AQI applicable to the worksite. If the current AQI for PM2.5 is 151 or more, the employer is required to:

- Check the current AQI before and periodically during each shift.
- Provide training to employees.
- Lower employee exposures.
- Provide respirators and encourage their use.

Employers shall alert employees when the air quality is harmful and what protective measures are available to employees. Employers shall encourage employees to inform their employers if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

Employers shall take action to protect employees from PM2.5 when the current AQI for PM2.5 is 151 or greater. Examples of protective methods include:

- Locating work in enclosed structures or vehicles where the air is filtered.
- Changing procedures such as moving workers to a place with a lower current AQI for PM2.5.
- Reducing work time in areas with unfiltered air.
- Increasing rest time and frequency, and providing a rest area with filtered air.
- Reducing the physical intensity of the work to help lower the breathing and heart rates.

### **Obtaining AQI Information**

Various government agencies monitor the air at locations throughout California and report the current AQI for those places. The AQI is a measurement of how polluted the air is. An AQI over 100 is unhealthy for sensitive people and an AQI over 150 is unhealthy for everyone. Although there are AQIs for several pollutants, Title 8, section 5141.1 about wildfire smoke only uses the AQI for PM2.5. The easiest way to find the current and forecasted AQI for PM2.5 is to go to the Tehama County Air Pollution Control District Website <https://www.tehcoapcd.net/current-air-quality/>. The current AQI is also available from the U.S. Forest Service at <https://tools.airfire.org/>, [www.airnow.gov](http://www.airnow.gov) or a local air district, which can be located at [www.arb.ca.gov/capcoa/dismap.htm](http://www.arb.ca.gov/capcoa/dismap.htm). Employees who do not have access to the internet can contact their employer for the current AQI. The EPA website [www.enviroflash.info](http://www.enviroflash.info) can transmit daily and forecasted AQIs by text or email for particular cities or zip codes.

### **Health Effects of Wildfire Smoke**

Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is “particulate matter,” the tiny particles suspended in the air. Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death. People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects. The smallest—and usually the most harmful—particulate matter is called PM2.5 because it has a diameter of 2.5 micrometers or smaller.

### **Use of Respirators**

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke, when they are properly selected and worn. Respirator use can be beneficial even when the AQI for PM2.5 is less than 151, to provide additional protection. When the current AQI for PM2.5 is 151 or greater, employers shall provide their workers with proper respirators for voluntary use. If the current AQI is greater than 500, respirator use is required. A respirator should be used properly and kept clean. The following precautions shall be taken:

- Employers shall select respirators certified for protection against the specific air contaminants at the workplace. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Center for Disease Control and Prevention certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will list what the respirator is designed for (particulates, for example). Surgical masks or items worn over the nose and mouth such as scarves, T-shirts, and bandanas will not provide protection against wildfire smoke. An N95 filtering facepiece respirator is the minimum level of protection for wildfire smoke.
- Read and follow the manufacturer’s instructions on the respirator’s use, maintenance, cleaning and care, along with any warnings regarding the respirator’s limitations. The manufacturer’s instructions for medical evaluations, fit testing, and shaving should also be followed, although doing so is not required by Title 8, section 5141.1 for voluntary use of filtering facepiece respirators.
- Do not wear respirators in areas where the air contains contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect employees against gases or vapors, and it will not supply oxygen.
- Employees should keep track of their respirator so that they do not mistakenly use someone else's respirator.

- Employees who have a heart or lung problem should ask their doctor before using a respirator.

To get the most protection from a respirator, there must be a tight seal around the face. A respirator will provide much less protection if facial hair interferes with the seal. The proper way to put on a respirator depends on the type and model of the respirator. For those who use an N95 or other filtering facepiece respirator mask that is made of filter material:

- Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.
- Pinch the metal piece (if there is one) of the respirator over the top of the nose so it fits securely.

For a respirator that relies on a tight seal to the face, check how well it seals to the face by following the manufacturer's instructions for user seal checks. Adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives. Respirator filters should be replaced if they get damaged, deformed, dirty, or difficult to breathe through. Filtering facepiece respirators are disposable respirators that cannot be cleaned or disinfected. A best practice is to replace filtering facepiece respirators at the beginning of each shift. If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, take off the respirator, and get medical help.

#### **Right to Obtain Medical Treatment Without Fear of Reprisal**

Employers shall allow employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment, and may not punish affected employees for seeking such treatment. Employers shall also have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

**References:** Cal OSHA Title 8, Division 1, Chapter 4, §5141.1; Labor Code §142.3, 144.6; Tehama County Air Pollution Control District website: <https://www.tehcoapcd.net/current-air-quality/>; U.S. Forest Service website: <https://tools.airfire.org/>; [www.airnow.gov](http://www.airnow.gov); [www.arb.ca.gov/capcoa/dismap.htm](http://www.arb.ca.gov/capcoa/dismap.htm). Environmental Protection Agency website: [www.enviroflash.info](http://www.enviroflash.info).

**Effective Date:** Enacted August 1, 2019 (OSHA Regulations)

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*