

**RULES GOVERNING COVERAGE AND
COMPENSATION, BENEFITS AND
WORKING CONDITIONS OF EMPLOYEES OF THE
COUNTY OF YUBA**

RESOLUTION NO. 2005-113

(As Amended by Resolution #2006-59 5-16-06)

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ARTICLE ONE

PURPOSE

The Board of Supervisors of the County of Yuba hereby declares that the adoption of rules and procedures governing the compensation, benefits and working conditions of employees of the County is essential to promote economy and efficiency in the conduct of the public business to achieve equitable working conditions and to enhance the prestige of public employment through broader recognition of a career service therein.

ARTICLE TWO

DEFINITIONS - GENERAL PROVISIONS

Section 2.01. Scope. Unless the context otherwise requires, the definitions and general provisions herein set forth govern the construction of these rules.

Section 2.02. Definitions.

- (1) **Appointing Authority** means a person or group having lawful authority to appoint or remove persons from positions in County service.
- (2) **Board** means the Board of Supervisors of the County of Yuba.
- (3) **Class** means a position or group of positions having duties and responsibilities sufficiently similar that (i) the same title may be used, (ii) the same qualifications may be required and (iii) the same schedule of compensation may be made to apply with equity.
- (4) **Classified Service** means all positions in the County service except elective officials, extra-help employees and other positions specifically designated by the Board to be exempt from the classification plan.
- (5) **Compensation** means the salary, wage, allowances, benefits and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position, but does not include any allowances authorized and incurred as incidents of employment.
- (6) **Contract Employee** means a professional employee who is exempt from the classified service and all other provisions of this Resolution except as otherwise specified by individual agreement approved by the Board.
- (7) **Day** means a period of time between any midnight and the midnight following except in the Road and Garage Divisions of Public Works, Sheriff's Department, and the Juvenile Hall where a day is any twenty-four hour period beginning with the regularly scheduled work shift.
- (8) **Department Head** means any elected or appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance and services to be performed by a County department.
- (9) **Employee** means a person legally holding a position in the County service.
- (10) **Extended Illness** means an injury or illness which requires the absence from work of an employee for more than fifteen calendar days.
- (11) **Extra-Help Employee** means any employee who is employed for a period of short duration, not to exceed 1000 hours in any fiscal year.
- (12) **Hourly Rate** means the amount of individual compensation, for a full hour's service, as set forth in the Classification System-Basic Salary Schedule.
- (13) **Immediate Family** means a person related by blood, marriage or adoption who is a husband, wife, son, daughter, sister, brother, mother, father, grandfather, grandmother, granddaughter or grandson.
- (14) **Intermittent Employee** means a regular employee who is assigned fluctuating hours of work depending on the needs of the department.
- (15) **Lay-Off** means termination of service without fault on the part of the employee because of lack of work, lack of funds or other causes unrelated to the employee's job performance.
- (16) **Limited Term Position** means a position which is allocated to a specific mission in a given period of time pursuant to a special program adopted by the Board of Supervisors.

- (17) **Month** means a calendar month.
- (18) **Monthly Salary** means the amount of individual cash compensation for a full month of service in a range and step established in accordance with the provisions of the rules.
- (19) **Part-Time Employee** means a regular employee who is regularly assigned to work a specific number of hours less than a normal full-time schedule.
- (20) **Position** means a specific office, employment or job calling for the performance of certain duties and the carrying of certain responsibilities by one individual either on a full-time or part-time basis.
- (21) **Range** means a sequence of salary steps used to identify the minimum, maximum and intermediate salary rates which may be paid to employees within a class.
- (22) **Regular Employee** means an employee in the classified service who occupies a permanent position, whether part-time, intermittent or full-time.
- (23) **Seasonal Employee** means a regular employee who works a full-time schedule in a permanently allocated position for a period of more than four months in a calendar year but less than a full year.
- (24) **Separation** means any termination of employment. Termination may include death, discharge, lay-off, resignation, retirement or work completion.
- (25) **Step** means one of the salary rates identified in the Classification System-Basic Salary Schedule which is a specific compensation rate of an employee within the established salary range for his or her class.
- (26) **Transfer** means either:
- a) the movement of an employee from one position to another within the same class, but to another department, or
 - b) the change of an employee from one position to a position in another class with the same pay range.
- (27) **Week** means a period of seven consecutive days.
- (28) **Yuba-Sutter Area** means Yuba and Sutter Counties.

Section 2.03. Exercise of Power. Unless expressly otherwise provided, whenever a power is granted or a duty imposed upon an appointing authority, the power may be exercised or the duty performed by a deputy of the appointing authority or by a person authorized by him pursuant to law.

Section 2.04. Records and Reports. Each appointing authority shall keep or cause to be kept accurate records of the application of the rules herein or hereafter adopted and shall report promptly to the Personnel Director such information as the Personnel Director may require, and all such reports shall be prepared in the manner and form prescribed by the Personnel Director.

Section 2.05. Cooperation. All officers and employees of the County shall aid in all proper ways in carrying into effect the rules herein or hereafter adopted.

Section 2.06. Federal Law. These rules shall at all times be construed in a manner consistent with the provisions of any pertinent federal law and regulations.

Section 2.07. Review of Personnel Files. Pursuant to Government Code, each employee is entitled to review his/her personal history file maintained in the department or in the Risk Management/Personnel Office by following the procedure set forth by the Personnel Director/Risk Manager or the department head. All employees are further entitled to view any material to be placed in said file.

ARTICLE THREE

ADMINISTRATION

Section 3.01. Authority for Administration. The Personnel Director shall be responsible for the administration of the rules except as otherwise specifically provided. He shall direct the enforcement of these policies established by the Board as amended, shall specify such administrative procedures, forms, records, reports and audits as he deems necessary for the proper administration of these rules. The Personnel Director may assign to other County officers such details in connection with the administration of these rules as he deems proper and expedient.

Section 3.02. Delegation of Authority. The Personnel Director may re-delegate to his subordinates any power duty or function which has been delegated to him by the Board unless by Board rule or express provision of law he is required to act personally.

ARTICLE FOUR

OFFICE HOURS

Section 4.01. Office Hours.

- (a) Except as provided herein, all County offices and departments shall remain open for public service continuously from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted; provided, however, that when there is only one person on duty, the office may be closed during the hour from 12:00 noon to 1:00 p.m.
- (b) The Yuba County Library shall be open to the public from 11:00 a.m. to 7:00 p.m. on Monday through Thursday and from 10:00 a.m. to 6:00 p.m. on Saturday.
- (c) The departments of Sheriff-Coroner, District Attorney-Public Administrator, Probation and the Courts shall be open to the public Monday through Friday, 8:00 a.m. to 5:00 p.m.; they along with Animal Control and Public Works shall provide for emergency and necessary services on a 24 hour basis, every day of the year.

ARTICLE FIVE

HOURS OF WORK

Section 5.01. Determination of Appointing Authority. The appointing authority shall determine the hours of work for each employee in accordance with the needs of the department.

Section 5.02. Hours of Work

1. 40 Hour Work Period. Except as may be otherwise provided, the official work week shall be forty (40) hours of work in any seven (7) consecutive calendar days. The work week schedule shall normally consist of five (5) work days of eight (8) hours each, or four (4) work days of ten (10) hours each, or alternate schedule as determined by the Board of Supervisors. However, the department head may establish work week schedules which differ from the normal schedule above, upon recommendation of the Personnel Director and approval of the County Administrator. It shall be the duty of each department head to arrange the work of his/her department so that each employee therein shall work not more than forty (40) hours in any work week; except, that a department head may require any employee of his/her department to temporarily perform service in excess of forty (40) hours when public necessity or convenience so require.
2. Twelve (12) Hour Shift Schedule. Employees in Units 6 and 7 may be assigned a work schedule consisting of three (3) 12-hour shifts on, three days off, three (3) 12-hour shifts on, one 8-hour shift on and four days off. Board approval is required. The County has the right to cancel the 12-hour shift schedule at any time, without reasons, provided employees are given at least two (2) pay periods notice of the change. Units 6 and 7 may collectively request to return to the 40 hour work week, one year following implementation of the 12-hour plan and such request will be granted at the next scheduled shift rotation provided the request is made at least 60 days prior to the scheduled shift rotation.
3. Shift Rotation. County and Units 6 and 7 agree the Sheriff shall have the discretion to rotate employee work schedules to provide 24 hour coverage provided he/she takes into consideration the affected employee's work schedule preference based on seniority in rank. The selection of shifts by employees shall take place prior to the posting of the February and August shift schedules. No employee shall work more than two (2) six-month shift cycles on the same shift.

Section 5.03. Duties Imposed on Officers and Employees to be Performed; Staggering Hours of Employment; Compensatory Time-Off. Nothing contained in this Resolution shall prevent, relieve or otherwise excuse any County employee from the performance of any duty imposed upon him/her by law, the Yuba County Ordinance Code or any other ordinance of this County, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of his/her office or employment. County officers and heads of departments may adjust the hours of employment of employees in such a manner as to enable them to keep their offices open at all times required.

Section 5.04. Part-Time Employees. The hours of work, including authorized absences with pay for all part-time employees, shall be established by the appointing authority, with the prior approval of the Board but shall be less than the hours of work established for full-time employees.

Section 5.05. Intermittent Employees. The hours of work, including authorized absences, shall be established by the appointing authority, with the approval of the Board based on the needs of the department and allocation of funds.

Section 5.06. Rest Periods. Subject to the discretion and control of the appointing authority, all employees shall be allowed rest periods not to exceed fifteen minutes during each three consecutive hours of work except where public safety and operational requirements do not permit and in the Juvenile Hall, but the total number of rest periods in any one working day shall not exceed two. Rest periods shall be scheduled in accordance with the requirements of the department and shall be taken at such location as designated by the department head.

Section 5.07. Lunch. Except for emergency situations all County employees shall be allowed a lunch period of not less than 30 minutes nor more than one (1) hour which shall be scheduled generally in the middle of the work shift. The exact time and duration of such lunch period shall be within the discretion of the department head. Lunch periods shall not be counted as part of total hours worked except for those employees for whom lunch periods include the actual performance of assigned duties.

Section 5.08. Maximum Hours. No employee shall be required to work more than 16 consecutive hours. An employee who has worked for 16 consecutive hours shall not be recalled to work prior to the expiration of 8 hours following the termination of the consecutive 16 hour work period.

Section 5.09. Job Sharing.

- (a) Any permanent full-time position may be shared by two employees with the approval of the employees involved, the department head, the Board of Supervisors, and the Personnel Director.
- (b) The work schedule for such employees shall be reduced to writing and may only be changed in the same manner as other work schedules in the Department are altered from time to time; provided that the two employees may agree to temporary adjustments with the approval of the department head and the Board of Supervisors.
- (c) Employees in job sharing arrangements shall be entitled to all of the rights and benefits of regular part-time employees but may work no more than 30 hours per week.
- (d) A participant in a job sharing arrangement may apply for appointment to a full-time position either in the same classification or, if qualified, in another classification when a vacancy occurs. Such applications shall be considered in the same manner as all other applications for transfer.
- (e) Employees participating in the job sharing program may participate in the health plan by paying the full applicable premium which will be deducted from their payroll check.
- (f) If one of the participants of a job sharing arrangement terminates employment or is reassigned to another position, the appointing authority shall first offer the remaining participant the right to return to full-time status, before proceeding with the normal process to fill the vacancy as a regular part-time position.

ARTICLE SIX

PAYMENT OF SALARY

Section 6.01. Payment. Except as otherwise provided by law, the compensation of all officers and employees of the County are fixed and determined pursuant to the provisions of these rules, the Merit System Ordinance and the Basic Salary Schedule, as from time to time amended. The compensation shall be full compensation for the services required of them by law and by virtue of their respective offices or employment.

- (a) Effective October 31, 1975 each department head or his duly authorized representative shall submit the payroll pre-list for such department to the Auditor not later than 4 p.m. on the last day of each month. In the event the last day of month falls on a non-workday, the payroll pre-list shall be submitted by 4 p.m. on the previous business day. Any changes in the payroll prelist occurring after it has been submitted to the Auditor shall be submitted not later than 4 p.m. on the first business day of the succeeding month.
- (b) Compensation shall be paid in equal monthly installments and shall be paid on the 8th day or last working day before the 8th day of each month for the preceding calendar month.

Section 6.02. Salary Schedule for Categories of Employment. The salaries prescribed in the Classification System - Basic Salary Schedule are fixed on the basis of full-time positions. The salary schedule for the respective categories of positions as set forth in the Classification System - Basic Salary Schedule shall be interpreted, applied and computed as follows:

- (a) Full-time Regular Employees. Service commencing on the first working day of a pay period and continuing for all working days of that pay period shall be deemed service for that pay period. Service terminating on the last day of a pay period but including all working days of that pay period shall be deemed service for the entire pay period. Full-time employees who commence work after the first day of a pay period, or from whom deductions are to be taken for leave of absence without pay, unearned vacation, unearned sick leave, or for other causes shall be paid that portion of the salary for that pay period equal to the ratio of the days worked to the total working days in that pay period.
- (b) Part-time and Intermittent Employees. Salaries of a part-time and intermittent employee shall be based on the ratio that the actual number of hours of service bears to the number of hours of service required in full-time employment. That ratio shall be applied to the monthly salary for the class and step which such part-time or intermittent employee is occupying. Deductions from salary for leave of absence, unearned vacation, unearned sick leave, or for other causes shall be computed on the basis of the ratio of the number of hours of service, including holidays rendered by the part-time or intermittent employee in the pay period to the number of hours of service required of such employee in that pay period and the ratio applied to the salary payable to such employee for that pay period.
- (c) Extra Help Employees. Compensation for employment of extra help employees shall be made at the hourly rate shown in the Classification System - Basic Salary Schedule for a corresponding regular position, unless the Board has specifically authorized payment at a different rate.

Section 6.03. Extra Help Compensation. Except as otherwise provided by law, extra help employees who do not have regular status shall not be paid for holidays not worked, nor shall they accrue paid vacation leave, sick leave, or any other type of benefits accorded regular employees. The rates of pay for such employees constitute complete compensation for services rendered.

Section 6.04. Separation Pay. When an employee separates from County service and the use of the regularly scheduled certification would create an inequitable delay, the department head may immediately file a special payroll certification of said separation with the Auditor. The Auditor may draft his warrant for the amount due such employee at the time of separation. Notice of such separation shall be filed immediately with the Personnel Director.

Section 6.05. Fees, Commissions and Compensation. Except as otherwise provided by law: any fees, commissions and compensation (other than that allowed by any County officer, deputy, assistant or employee) earned by virtue of his/her office/position or by performance of any regularly assigned duty or function shall be deposited in the County treasury and upon receipt shall become the property of the County of Yuba.

Section 6.06. Official Payroll Records. The Auditor's Office shall maintain the official County payroll records. The Appointing Authority is responsible for insuring the accuracy of departmental input to said records according to these rules and the Merit System Ordinance.

ARTICLE SEVEN

OVERTIME, CALLBACK AND STANDBY TIME

Section 7.01. Overtime.

A. Overtime Work Defined.

1. 40-Hour Work Period. Overtime work shall be defined as all work specifically authorized by the department head that is performed in excess of forty (40) hours per week.
 - a. Time worked beyond the official forty (40) hour work week shall not be considered overtime unless it has been specifically ordered or authorized by the department head. In sudden emergency situations when prior authorization for overtime is not possible, the approval of the department head or their designee or the Board shall be sufficient.
2. 12-Hour Shift. Employees in Units 6 and 7 who are scheduled to work a 12-hour shift plan; overtime work shall be defined as all authorized work in excess of 80 hours in a 14 day work period, as provided by Section 207(k) of the Fair Labor Standards Act.
 - a. Time worked beyond the official eighty (80) hour, 14 day period shall not be considered overtime unless it has been specifically ordered or authorized by the department head. In sudden emergency situations when prior authorization for overtime is not possible, the approval of the department head or their designee shall be sufficient.
3. The following shall be counted as time worked for purposes of computing Overtime:
 - a. Actual hours worked
 - b. Sick Leave
 - c. Holidays (including Floating Holidays)
 - d. Compensatory Time Off (CTO)
 - e. Special provisions as described in this Article
4. Time spent on paid vacation shall not be counted as time worked for purposes of computing overtime except:
 - a. When an employee is required to work overtime for an emergency situation after taking a scheduled vacation in that work week, that vacation time shall be counted as time worked for overtime purposes in that week. This does not include callback from scheduled standby.
 - b. When an employee is called off vacation for a county wide declared emergency resulting from a natural disaster.
 - c. When an employee is called in to work on a regular day off.

B. Application of Overtime.

1. If, in the judgment of a department head, work beyond the official forty (40) hour work week (or 80 hour work period for those in Units 6 and 7 assigned to 12-hour shifts) is required; he/she may order such overtime work. This overtime work will be compensated for as provided in this section.
2. Time worked as overtime shall not be counted as service time for purposes of employee benefits, eligibility or accrual or probation for merit increase periods. Compensatory time off taken by an employee may be used as part of the established work week (or 14-day period for those in Units 6 and 7 assigned to 12-hour shifts) to earn employee benefits and to serve out probation and merit increase periods.

3. No permanent, probationary or limited term employee may be employed in one or more positions, full or part-time, more than a total of forty (40) hours per week (or 80 hours per 14 day work period for those in Units 6 and 7 assigned to 12-hour shifts), excepting authorized overtime, unless authorized by the Board of Supervisors. Nothing in this section is to preclude an employee from temporarily serving in another capacity in the event of an emergency, provided he has the approval of his/her department head.
4. Elected officials and department heads shall not be subject to this section.
5. At no time shall compensatory time off (CTO) carried by an employee be more than 80 hours unless otherwise indicated in this article. When the CTO balance reaches the maximum and the department cannot let the employee off, the Employee shall be paid for all hours over the maximum.
6. Except as otherwise provided in this section, an employee who works compensable overtime shall be paid or given compensatory time off at the discretion of the department head for such compensable overtime at the rate equal to 1 1/2 times the hourly equivalent of such employee's monthly salary as of the time that the overtime was worked.

C. Overtime Payment.

1. For employees in bargaining units 1, 2, 3, 4, 5, 6, 7, 8 and 11 the following overtime codes shall be assigned:

06	FLSA Non-exempt
07	FLSA Exempt

 - a. Employees in overtime code 06 shall be compensated for overtime at one and one half (1 ½) times their regular rate of pay, or comp time off at 1 ½ times the hours actually worked, in excess of 40 hours per week.
 - b. Employees in overtime code 07 shall not be paid overtime except during a County and State declared emergency, when they will be paid 1 ½ times their regular rate of pay, or comp time off at 1 ½ times the hours actually worked, in excess of 40 hours per week.
2. Any employee separating from the County service shall be paid for any existing CTO balance at the time of such separation at the hourly rate at which the employee is currently employed.
3. Employees transferring between departments shall be paid for all compensatory time off prior to going to the new department unless the appointing authority of the new department agrees to assume responsibility for payment of any accrued compensatory time off.
4. Road Maintenance Workers who in any week do not work their regular shift because of callback assignment due to snow removal shall be compensated at time and one-half for all hours worked in excess of the normal shift per day which are not otherwise paid at time and one-half.

Section 7.02. Call Back.

A. Employees on Call Back.

1. Employees eligible for overtime compensation who work on a regular day off, or who are called back to work after leaving their place of employment following the completion of their work shift, shall be credited with compensable overtime of two hours or the actual time worked, whichever is greater. Such overtime shall be computed for work performed from the time reporting at the place of work to the time of completion of the work at such place.
2. Any extra help employee required to report for work who is not provided any work by the County shall be paid for two (2) hours show-up time at the straight time rate for the work for which said employee has been called to perform; provided that, in the event such employee has been called to report for work on a Sunday or holiday and work is not provided, such employee shall receive pay for two hours at the rate of 1 1/2 times the rate applicable to the work to be performed by such employee.

3. Except as provided in Section 7.06 of this Article, sworn personnel in Unit 6 or 7 who are subpoenaed to appear in court while on vacation, work on a day off or are called back to work following the completion of their regular shift, shall have those hours counted as callback and compensated at one and one-half times regular pay.

Section 7.03. Holiday Pay. An employee who works on a holiday (as defined in this Resolution) shall receive 8 hours pay for the holiday plus 1 1/2 times the employee's regular rate of pay for all hours worked on that holiday.

Section 7.04. Standby.

- A. Employees in Units 1 through 5 and 7 on unrestricted standby as defined by FLSA shall receive \$10.00 per night for each night of the normal work week and \$20.00 for normal scheduled days off and holidays. Employees in Unit 6 shall receive standby at \$15.00 per night Monday through Friday and \$25.00 for Saturday or Sunday.
- B. Employees who are in overtime code 06 and who are on restricted standby as defined by FLSA guidelines shall receive minimum wage for all hours spent on restricted standby.
- C. Social Workers and Social Worker Supervisors in Adult Protective Services and Child Protective Services who are on standby shall receive two (2) hours salary for each weekday they are on standby and three (3) hours salary for each holiday or weekend day they are on standby. This pay shall be in place of the normal standby pay for all other employees.

Section 7.05. Use of Compensatory Time Off. The appointing authority shall determine the period when accrued compensatory time off may be taken by each employee consistent with the needs of the department. Department heads must give prior approval in writing before compensatory time off may be granted. Compensatory time off must be taken in at least one hour increments.

If an employee, who is assigned to a 12-hour shift plan, is required to work during his/her regularly scheduled time off, the department head or his/her designee may schedule time off during the next regularly scheduled shift to ensure the employee has adequate time to rest to avoid the possibility of fatigue. The period of time the department head or his/her designee may schedule the employee off shall not exceed the amount of time the employee was required to work during his/her scheduled time off.

Section 7.06. Cash Compensation. At the termination of employment, an employee who has not used all of the compensatory time off accrued under the provisions of Section 7.01(c) shall receive cash compensation for all hours of compensable time off for which compensatory time off has not been taken. Such cash compensation shall be paid at a rate equal to the hourly equivalent of such employee's salary at termination.

ARTICLE EIGHT

BENEFIT PROGRAMS

Section 8.01. General. The Board is responsible for the implementation and modification of the compensation and benefit program.

Section 8.02. Benefit Program Coverage. Except as otherwise specified herein, coverage under benefit programs for respective categories of employment shall be interpreted and applied as follows:

- (a) Full-Time Regular Employees. This category of employment is entitled to full benefit program coverage provided by County employment except as herein provided.
- (b) Part-Time or Intermittent Employees. This category of regular employment is entitled to coverage under the benefit program as specifically provided herein and under applicable laws or regulations. To be entitled to health plan coverage, employees in this category must work an average of twenty (20) regularly scheduled hours per week.
- (c) Extra-Help Employees. Persons employed in this category are not covered under the benefit programs unless specifically included or covered by applicable laws or regulations.

ARTICLE NINE

VACATION LEAVE WITH PAY

Section 9.01. General Policy. Vacation leave with pay shall be earned and accrued by regular employees based on the equivalent actual time worked, including authorized absence with pay.

Section 9.02. Time Vacation Leave Begins to Accrue. Each employee in a regular full-time position shall be eligible to receive 48 hours vacation leave after the completion of six (6) months service from the date of original appointment to a budgeted position and receipt of a satisfactory performance evaluation. Upon the completion of one year service from the original date of appointment and upon passing probation the employee shall be credited with an additional 48 hours vacation leave.

No vacation leave shall accrue or be available to the employee prior to the completion of the required 6 months and/or one year.

- A. Date of appointment. For purposes of this section date of appointment shall be the first day of the month following the month in which such employee begins work; provided, however, that if the new employee begins work on the first working day of the month, such date shall be the date of appointment.
- B. Accrual. Vacation leave credit shall accrue on the first day of the month following the month when vacation leave credit is earned. No vacation leave shall be earned when an employee is on leave without pay for half of a working month or more. No credit shall be earned for less than a full final month's service when an employee terminates for any reason.

Section 9.03. Special Vacation Accrual for Sheriff's Department. An employee in units 6 and 7 who uses no hours of sick leave in a calendar year shall receive one additional vacation day.

Section 9.04. Rates of Accrual. After one year each regular full-time employee shall accrue and receive vacation leave based on the following:

- (a) Schedule. For all employees except as otherwise provided:

<u>Length of Service</u>	<u>Number of Hours Per Month</u>
1) 1 thru 5 years	8.00 hours
2) 6 thru 10 years	10.66 hours
3) 11 thru 15 years	12.00 hours
4) 16 thru 20 years	13.36 hours
5) 20 years completed and up	16.00 hours

Section 9.05. Part-Time or Intermittent Employee. A part-time or intermittent employee shall accrue vacation leave in the proportion that his/her regularly scheduled hours of service bear to regular full-time service. Such leave time shall be earned for each full calendar month of part-time or intermittent service. Vacation credit shall accrue on the first day of the month following the month when vacation credit is earned and on the same basis as Section 9.04.

Section 9.06 Maximum Accrual. Vacation leave shall be accumulated to a maximum limit as indicated below:

<u>Unit</u>	<u>Hire Date</u>	<u>Maximum Accrual</u>
1, 2	before 8/19/86	2 years
1, 2	after 8/19/86	240 hours
3, 4, 5	before 7/1/85	2 years
3, 4, 5	after 7/1/85	240 hours
6, 7	before 7/1/86	2 years
6, 7	after 7/1/86	240 hours
8, 11	before 7/1/86	5 years
8, 11	after 7/1/86	240 hours

Sheriff's Lieutenants hired before July 1, 1986 shall carry not more than a three year accrual to the succeeding fiscal year. The appointing authority and employee shall, while considering the needs of the department, schedule sufficient vacation to avoid the employee exceeding the maximum accrual by the end of the fiscal year. Should the employee fail to request time off, the appointing authority may schedule the vacation to the extent necessary to insure the employee does not exceed the maximum accrual. Any employee who, at the close of any fiscal year, has accumulated vacation leave in excess of the maximum accrual shall be paid for that amount in excess at the employee's current rate of pay.

Section 9.06. Use of Vacation Leave.

- (a) The appointing authority shall determine the period when accrued vacation time may be taken by each employee consistent with the requirements of the department.
- (b) Last Day of Work. Employees who are terminating their employment for reasons other than County retirement (with no other employment) shall not use vacation or comp time as their termination date (e.g. requesting vacation or comp time to begin March 7 while actual termination date is March 13, etc.).
- (c) A person receiving pay in lieu of unused vacation may not be re-employed by Yuba County in any other capacity until a number of working days equal to the number of days they were paid for vacation have elapsed following the effective date of separation.

Section 9.07. Minimum Charge. In any use of vacation, the minimum charge to the employee's vacation account shall be one-half (1/2) hour, while additional actual absence over one-half (1/2) hour shall be charged to the nearest half hour up to the maximum of employee's entitlement.

Section 9.08. Cash Compensation Upon Termination. An employee whose employment is terminated for any reason shall be paid a sum equal to his accrued vacation leave. Such sum shall be computed on the basis of the hourly equivalent of such employee's monthly salary as of the date employment is terminated.

Section 9.09. Reports. Each employee's vacation period shall be reported by the department head to the Personnel Director on forms provided by him.

Section 9.10. Elective Officials. Elective officials are exempt from the provisions of this Article.

Section 9.11. Conversion to Deferred Compensation. Employees may convert vacation to Deferred Compensation once a year under the following conditions.

- (a) The employee may convert any amount of vacation they have accrued which is in excess of 80 hours, up to the maximum allowed under the 457 Deferred Compensation program for that year. (e.g. If the employee has 120 hours accrued, they may convert 40 hours if it does not go over the maximum allowed by the Deferred Compensation program.)
- (b) The conversion will be made at the rate of pay the employee is receiving at the time of conversion.
- (c) Conversion may be made only during the month of December of each year.

ARTICLE TEN

SICK LEAVE WITH PAY

Section 10.01. General Policy. Sick leave with pay shall be earned by regular full, part-time, and limited term employees and may be used as herein provided.

Section 10.02. Definition. Sick leave means the necessary absence from duty of an employee because of:

- (a) the employee's illness or injury;
- (b) the employee's exposure to a contagious disease;
- (c) the employee's dental, eye and other physical or medical examination or treatment by a licensed practitioner;
- (d) illness or disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery from any of the foregoing;
- (e) for the death of a person in the employee's immediate family, each such absence shall not exceed five (5) days and, at the discretion of the employee, may be charged to annual vacation leave with pay to the extent such annual vacation leave with pay has been accumulated by such employee;
- (f) the illness of a member of the employee's immediate family who is incapacitated by said illness and requires the care and assistance of the employee. Eighty (80) hours per calendar year of sick leave may be used for this purpose. The appointing authority shall approve sick leave for this purpose after having ascertained that the absence was for the reason authorized herein. The appointing authority may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. The Personnel Director may also require a substantiation of illness.

Section 10.03. Time Sick Leave Begins to Accrue. An employee shall not accrue sick leave with pay until the first day of the month following the month in which such employee begins work; provided, however, that if a new employee begins work on the first working day of the month, such employee shall accrue sick leave beginning as of that date.

Section 10.04. Rate of Accrual. Sick leave privileges shall be accumulated to a maximum of 1200 hours accrual except as follows:

- (1) Designated Management; Office/Clerical; Crafts/Maintenance/Service; Supervisory; Confidential; Sheriff's Department and Law Enforcement Management/Supervisory Unit employees who were appointed before September 1, 1977--shall have accrual without limit;
- (2) Designated Professional and Technical Unit employees appointed before October 1, 1978 shall have accrual without limit;
- (3) Members of Units 6 and 7 who are in the safety retirement system may accrue sick leave without limit for the purposes of retirement credit only. This unlimited accrual shall not affect the sick leave payout.

Sick leave shall be earned as follows:

- (a) Each regular full-time employee shall accrue sick leave with pay at the rate of 8 hours per month except as follows: (i) designated Management; Office/Clerical; Crafts/Maintenance/Service; Supervisory; Confidential; Sheriff's Department and Law Enforcement Management/Supervisory Unit employees who were appointed before September 1, 1977 and (ii) Professional and Technical Unit employees appointed before October 1, 1978 shall accrue sick leave with pay at the rate of 10 hours per month.

- (b) A regular part-time or intermittent employee shall accrue sick leave with pay in the proportion that his or her regularly scheduled hours of part-time or intermittent service bear to regular full-time service.
- (c) For the employee who begins employment on or after August 1, 1981, sick leave cannot be taken before the completion of six (6) months of County service except in the case of an employee who has lost time from work due to a job-related illness or injury that has been accepted by the County as compensable under California Workers' Compensation Law. No sick leave credit shall be earned when an employee is on leave without pay for half of a working month or more. No sick leave will be earned for less than a full final month's service when an employee terminates for any reason.

Section 10.05. Usage.

- (a) In any instance involving use of a fraction of a day's sick leave, the minimum charge shall be one-half (1/2) hour, while additional actual absence over one-half (1/2) hour shall be charged to the nearest half hour.
- (b) For employees covered under the State Disability Insurance (SDI) program or the County Short Term Disability program sick leave shall be used to supplement SDI payments. In no instance, however, shall the combination of SDI, sick leave, or other County benefit payments exceed one hundred (100) percent of the employee's monthly salary calculated on an hourly, weekly, bi-weekly, or monthly basis.
- (c) Sick leave usage and ability of an employee to return to work shall be determined by County rules, regulations, and procedures regardless of determinations made by the State of California under the SDI program.
- (d) Paid sick or disability leave time must be spent at home; hospitalized or at a doctor's office; purchasing medication or necessities of life; voting; in matters directly related to the death or serious illness of an immediate family member or in transit to or from one of the above. Any deviation from these uses of paid sick or disability leave time when the employee is regularly scheduled to work must be authorized by the department head or designated representative.
- (e) Non-work time which comes between days or shifts of sick or disability leave time must be spent as directed by the employee's attending physician with the purpose of recovering from the illness or injury as quickly as possible for return to work.
- (f) Employees who are injured or too ill to do their regular work assignment, but are not sufficiently ill or injured to be confined to home or a hospital, are required to check with their department head, department manager, or supervisor regarding the availability of light or limited duty.
- (g) An employee is to return to work as soon as he or she recovers from an illness or injury including the return to a shift or work day in progress.
- (h) Sports and other non-county work activities are inappropriate and unacceptable for an employee who is on paid sick or disability leave during scheduled work time from their county position.
- (i) Employees who are too ill or injured to work are required to contact their department manager or supervisor before the beginning of their work shift or within the first hour of work, based on the specific departmental policy.

Section 10.06. Exclusions. No employee shall be entitled to sick leave while absent from duty on account of any of the following cases:

- (a) Sickness or injury sustained while on leave of absence without pay.
- (b) Sickness or injury purposely self-inflicted or caused by willful misconduct.

- (c) Subsequent to a determination by the Public Employees' Retirement System that a sickness or injury qualifies an employee for disability retirement.

Section 10.07. Proof Required. The appointing authority shall approve sick leave only after having ascertained that the absence was for an authorized reason. The appointing authority may require the employee to submit substantiating evidence including but not limited to a physician's certificate. The request for substantiating evidence must be made either on or before the time the employee informs the department of his/her absence or prior to the employee's return to work. If the appointing authority does not consider the evidence adequate, he/she shall disapprove the request for sick leave.

Section 10.08. Records. Sick leave balances shall be maintained by the Auditor through payroll records.

Section 10.09. Loss of Sick Leave. Any employee whose continuity of employment is broken for any reason shall lose his entitlement to any sick leave which he has accrued. When an employee is re-employed whose break in service resulted from lay-off, leave of absence or military leave, such employee shall be credited with any sick leave which he had accumulated prior to such break in service. In addition, the prior service of such employee shall also be counted for purposes of vacation entitlement. In the case of re-employment of an employee whose break in service resulted from disability retirement, such employee shall be credited with seventy-five (75) percent of the sick leave which he had accrued on the date of his retirement.

Section 10.10. Elective Officials. Elective Officials are excluded from the provisions of this Article.

Section 10.11. Designated Managers. Designated managers employed on or after October 1, 1979, shall have advanced sick leave credit up to 120 hours until the individual manager has accrued fifteen (15) sick leave days per this Article or until the end of two (2) years from the initial date of employment. Said advanced sick leave credit shall be terminated after two (2) years of service and shall not be used in calculating pay for unused sick leave.

Section 10.12. Payout of Sick Leave Upon Separation from Employment. Upon termination of employment by death or retirement in accordance with provisions of the Public Employees Retirement Law, as amended; or by resignation or layoff after ten calendar years of permanent employment with Yuba County, an employee shall be paid a sum equal to twenty-five percent (25%) of his/her earned sick leave computed on the basis of the hourly equivalent to such employee's monthly salary as of the time of death, retirement, layoff or resignation except for the following who shall not be eligible for sick leave payout:

- (1) Employees in Units 3, 4 and 5 hired after July 1, 1985;
- (2) Employees in Units 6 and 7 hired after July 1, 1986;
- (3) Employees in Units 1 and 2 hired after July 1, 1987; and
- (4) Safety employees in Units 6 and 7 who are entitled to sick leave payout shall receive payout only up to the limits stated in Section 10.04.

Section 10.13. Special Provision for Sheriff's Department. An employee in units 6 and 7 who uses no hours of sick leave in a calendar year shall receive one additional vacation day.

Section 10.14 Sick Leave for Service Credit. The County contracted in 1982 with CalPERS to implement section 20965 for employees designated in the safety retirement plans. Effective July 1, 2005, employees in the MSA bargaining unit 7 and the classifications of Sheriff's Captain and Undersheriff who retire from the County shall have the option of converting unused sick leave as follows:

- (a) Converting all of their unused sick leave to service credit, or
- (b) Receiving up to 25% of their unused sick leave as pay at their regular rate of pay and converting the remaining balance of unused sick leave to service credit.

ARTICLE ELEVEN

HOLIDAYS

Section 11.01. Coverage. All regular and probationary employees of the County shall be entitled to holidays with pay.

Section 11.02. Holidays. Effective January 1, 1986 the following are declared holidays for all County departments and offices:

- 1st day of January (New Year's Day)
- 3rd Monday in January (Dr. Martin Luther King, Jr. Day)
- 3rd Monday in February (Presidents' Day)
- Last Monday in May (Memorial Day)
- 4th day of July (Independence Day)
- 1st Monday in September (Labor Day)
- 11th day of November (Veteran's Day)
- 4th Thursday in November (Thanksgiving Day) and the following day
- 24th day of December (Christmas Eve) for all employees except court employees
- 25th day of December (Christmas Day)

Any day designated as a holiday by proclamation of the Governor or the President of the United States, when affirmatively made a holiday by resolution by the Board.

Section 11.03. Floating Holidays. Annually on January 1st of each succeeding year two (2) floating holidays shall be granted as follows:

- (a) Employees who began work between January 1 and the last day of February of any given year shall receive two (2) floating holidays.
- (b) Employees who began work between March 1 and September 30 of any given year shall receive one (1) floating holiday for that year.
- (c) Employees hired on or after October 1st will not receive any floating holidays for that year.
- (d) Subject to advance approval by the department, these holidays may be taken at any time during the calendar year but must be taken within the calendar year in which they are given. Floating holidays are to be taken eight (8) hours at a time and are not to be utilized on a partial basis except for employees on a 4/10 schedule who may use them in two (2) hour increments to supplement their 8 hour holidays. Part-time employees shall receive floating holidays in proportion to the relationship their basic work week bears to forty (40) hours. Except as provided hereafter, if a request to use a holiday has been made and denied twice prior to September 30, the employee shall be compensated at time and one-half for eight (8) hours for the holiday.
 - (1) Failure to take the floating holiday within the specified time shall result in the loss of any unused holidays at the end of the calendar year. Upon termination, no payout will be made for unused floating holidays unless the employee has attempted to take them and has been denied. Employees who are laid off shall receive pay for all unused floating holidays.

Section 11.04 Miscellaneous Provisions.

- (a) Whenever a legal holiday falls on a Sunday, the following business day shall be considered a legal holiday.
- (b) Whenever a legal holiday falls on a Saturday, the preceding business day shall be considered a legal holiday.
- (c) An employee, whose regular days off are other than Saturday and Sunday, shall for purposes of this Section, consider his first day off as Saturday and the second day off as Sunday.
- (d) Employees in bargaining units 6 and 7 who work on either the County observed holiday or the legal holiday shall be entitled to overtime compensation for the hours actually worked. An employee who works on both the County observed holiday and the legal holiday shall select which day will be compensated as overtime.
- (e) A regular employee, whose basic work week is other than Monday through Friday, and whose regular day off falls on a legal holiday, shall at the discretion of the appointing authority be entitled to: (i) equivalent compensated time off scheduled the working day preceding or following the legal holiday; or (ii) equivalent compensated time off scheduled within sixty (60) days following the legal holiday; or (iii) pay for eight (8) hours work. Compensated time off due to any employee shall be equivalent to a maximum of eight (8) hours.
- (f) A regular part-time or intermittent employee shall be entitled to a holiday with pay only if (i) but for such holiday the employee would be scheduled to work and (ii) such employee is in a paid status on the date immediately preceding or succeeding the holiday (as defined in this Article). The employee shall receive the number of hours their schedule bears to full time (40 hour) employment.
- (g) In order to be eligible for holiday pay, an employee must be at work or on paid leave on the regularly scheduled work day immediately preceding the holiday and the regularly scheduled work day immediately following the holiday. This does not affect people who work shifts and their regularly scheduled day off is before or after a holiday.
- (h) Employees of the Courts, Probation Department and District Attorney's Office, required to observe court holidays, as established by the Judicial Council of California, shall observe those holidays as required by the Judicial Council. On those occasions when the Council dictates the Courts to observe a holiday on a day which is different than that of the rest of the County, the Courts and required employees shall observe the official Court holiday on the date designated by the Judicial Council. When a holiday identified by the Judicial Council is not observed by the County, court employees shall take the holiday by using floating holidays, vacation, CTO or other approved leave. Christmas Eve, which is not a court holiday, but a County holiday, will be taken as a floating holiday between December 23rd and the end of the year. In no case shall Court employees receive more holidays than the rest of the County employees.

ARTICLE TWELVE

LEAVE OF ABSENCE WITHOUT PAY

Section 12.01. Departmental Leave. A department head may authorize a departmental leave without pay for a regular employee for a period of time not to exceed fifteen (15) calendar days. An employee shall be authorized a departmental leave only after all accumulated vacation leave, floating holidays and compensatory time off have been utilized by such employee. If such a departmental leave is requested because of illness or injury of an employee, such employee shall also utilize all accrued sick leave before taking such leave of absence. Except that an employee on workers' compensation or SDI may make an irrevocable choice before they exhaust their sick leave not to use their vacation to supplement their disability benefits. However, should they do so, they may not use their vacation until they have returned to work full time for one month, nor may they be eligible for donation of catastrophic leave.

Section 12.02. Official Leave. An official leave of absence may be authorized for any regular employee for a period of time not to exceed one (1) year. An official leave of absence may be authorized only after all accumulated vacation leave, floating holidays and compensatory time off have been utilized by the employee. If such official leave of absence is requested because of illness or injury of an employee, the employee shall also utilize all accrued sick leave before taking such leave of absence. Except that an employee on workers' compensation or SDI may make an irrevocable choice not to use their vacation to supplement their disability benefits. However, should they do so, they may not use their vacation until they have returned to work full time for one month, nor may they be eligible for donation of catastrophic leave.

- (a) A request for an official leave of absence shall be made upon forms prescribed by the Personnel Director/Risk Manager and shall state specifically the reasons for the request; the date when it is desired to begin the leave of absence; and the probable date of return. The request shall normally be initiated by the employee, but may be initiated by his/her department head. In the event that an employee is physically incapacitated and, as a consequence, unable to request a leave of absence, his/her spouse or immediate next of kin may request such leave. The department head shall indicate on the request form his/her recommendation as to whether the request should be granted, modified, or denied and shall promptly transmit the request to the Personnel Director/Risk Manager. If the Personnel Director/Risk Manager concurs in the request, he shall deliver a copy to the Auditor. If the Personnel Director/Risk Manager does not concur in the request, the request for an official leave of absence will be forwarded for review to the Board. The Board shall determine whether the request shall be approved or denied. If the Personnel Director/Risk Manager concurs with the department head that the request be denied, it is denied. However, the employee may appeal the denial to the Board of Supervisors within ten (10) calendar days of the notice of the decision.
- (b) An official leave of absence may be extended for an additional year provided that the request for the extension is processed in the same manner as the original request and is made at least ten (10) days prior to the end of the originally authorized leave.
- (c) The Personnel Director shall be promptly notified of the return of an employee from an official leave of absence.
- (d) When a regular position is vacant due to an official leave of absence, the position may be filled for the length of that leave, and any extension thereof. Any person filling such position shall be an extra help or limited term employee.
- (e) Failure of an employee to return upon termination of an authorized leave of absence shall be considered as an automatic resignation. Such resignation may be rescinded by the department head if the employee presents satisfactory reasons for the absence within three days of the date the resignation became effective.

Section 12.03. Any employee who is granted a leave of absence without pay under this Article shall not accrue any annual vacation or sick leave benefits during the period of such leave, but shall be entitled to maintain any hospitalization or life insurance program in effect; provided that the cost of all such insurance shall be borne solely by the employee except as provided in Section 17.08(c).

Section 12.04. Educational Leave.

- (a) Any employee with the approval of the Board may be granted educational leave of absence without pay for education or training.
- (b) Any employee who is granted educational leave without pay shall not accrue any annual vacation or sick leave benefits during the period of such leave, but shall be entitled to the benefits of any hospitalization or life insurance program in effect; provided that the cost of such insurance shall be borne solely by the employee.

Section 12.05. AWOL/Tardy

- A. Employees are expected to report to work in sufficient time to begin work at their designated start time and to return to work promptly from their break and lunch periods.
- B. Should an employee be tardy without authorization, their time sheet shall reflect that they were Absent Without Leave (AWOL) for the amount of time they were tardy.
- C. It is understood that flexibility is in the interest of both the County and the employee; however, should the employee's position require prompt arrival or return to work; or the employee's tardiness becomes excessive or abuse; progressive discipline may be imposed.
- D. Employees determined to be Absent Without Leave (AWOL) will be charged Leave Without Pay (LWOP) and will not be required to use vacation hours.
- E. Leave Without Pay will be charged in quarter hour increments for any part of each quarter hour an employee is AWOL.
- F. The employee's leave accruals shall not be charged due to tardiness unless requested by the employee and approved by the appointing authority or their designee.

Section 12.06. Family and Medical Leave Policy.

- A. In accordance with State and Federal law, Yuba County will grant job protected paid or unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:
 - 1. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
 - 2. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or
 - 3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
- B. For purposes of this Section the following definitions apply:
 - 1. "12-Month Period" -- means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
 - 2. "Spouse" -- does not include unmarried domestic partners. If both spouses work for Yuba County, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.
 - 3. "Child" -- means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.

4. "Serious Health Condition" -- means an illness, injury, impairment, or a physical or mental condition that involves:
- a. Inpatient care; or
 - b. Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
 - c. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 - d. Prenatal care by a health care provider.

5. "Continuing Treatment" -- means:

- a. Two or more visits to a health care provider; or
- b. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
- c. A single visit to a health care provider that results in a regimen of continuing treatment; or
- d. In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

- C. Coverage and Eligibility. To be eligible for family/medical leave an employee must:

1. Have worked for Yuba County for at least 12 months; and
2. Have worked at least 1250 hours over the previous 12-month period.

- D. Intermittent or Reduced Leave

1. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary".
 - a. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
 - b. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodate recurring periods of leave when the leave is planned based on scheduled medical treatment.
2. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the department's consent.
3. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rated basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.

- E. Notice Requirement

1. An employee is required to give 30 days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the appointing Authority, who shall forward to Yuba County Risk Management/Personnel for final approval. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.

2. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until 30 days after the employee provides notice.

F. Medical Certifications

1. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form and return the certification to the Yuba County Risk Management/Personnel Office. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.
2. Yuba County may require a second or third opinion (at its own expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.

G. Effect on Benefits

1. An employee granted a leave under this policy will continue to be covered under the Yuba County group health insurance plans, life insurance plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
2. Employee contributions for dependent coverage will be required by direct payment to Yuba County. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, Yuba County may terminate the employee's dependent insurance coverage.
3. If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), Yuba County will seek reimbursement from the employee for the portion of the premiums paid by Yuba County on behalf of that employee also known as the employer contribution) during the period of leave.
4. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose anything accrued prior to leave.

H. Job Protection

1. If the employee returns to work within 12 weeks following a family/medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.
2. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
3. If the employee fails to return within 12 weeks following a family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

ARTICLE THIRTEEN

ADMINISTRATIVE LEAVE

Section 13.01. General Policy. Any regular or probationary employee of the County may be granted administrative leave with pay by the appointing authority for unexpected county declared emergencies or pending investigation of possible improper performance.

ARTICLE FOURTEEN

LEAVE FOR WITNESS DUTY

Section 14.01. General Policy. Each regular employee shall be allowed leave with pay in any case where such employee is required by law to appear as a witness in any judicial or administrative proceeding connected with or arising out of the performance of such employee's official duties as a County employee provided, however, that the payment shall be made for such leave only upon remittance to the County of all witness fees to which the employee is entitled by law.

Section 14.02. Payment of Traveling Expenses. In any case where a regular employee is required by law to appear as a witness in any proceeding connected with or arising out of the performance of such employee's official duties as a County employee, such employee shall be reimbursed for all reasonable and necessary expenses incurred by such employee in making such appearance, including transportation, lodging and meals provided, however, that in order to be entitled to such reimbursement, such employee must remit to the County any amount which such employee is entitled by law to receive as a witness including, but not limited to, any per diem or mileage allowance.

ARTICLE FIFTEEN

LEAVE FOR JURY DUTY

Section 15.01. Time Off. Each regular employee shall be allowed such time off with pay as required in connection with jury duty provided, however, that payment shall be made for such time off only upon remittance of full jury fees (not to include mileage), or upon submission of acceptable evidence that jury fees are waived.

- (a) An employee shall notify his appointing authority immediately upon receiving notice of jury duty.
- (b) An employee who uses vacation leave or compensatory time off while on jury duty shall not be required to remit or waive jury fees in order to receive his regular salary.
- (c) The employee shall be required to return to work on any day they are excused from jury duty with over an hour remaining of their work day, or charge the remainder of the day to vacation.

ARTICLE SIXTEEN

MILITARY ABSENCE

Section 16.01. The Personnel Director is hereby designated to administer the mandatory military absence provisions of the Military and Veterans Code and to establish such rules and procedures as are necessary or expedient. The following provisions, which are essential to effective salary administration, are also delegated to the Personnel Director for administration.

Section 16.02. A specific calendar period of military leave shall be established for each employee who is granted leave pursuant to the Military and Veterans Code. Such period of military leave shall include the ordered or expected period of active duty and reasonable travel time connected therewith. An employee who does not return within the period of approved military leave shall be granted three months additional military leave and thereafter be terminated provided, however, that an employee who is so terminated and who later requests to return to duty shall be granted any benefits and privileges which are required by the Military and Veterans Code.

- (a) An employee who is a member of the reserve corps of the armed forces, of the National Guard or the Naval Militia and who has one full year of continuous service immediately preceding the leave, and who takes temporary military leave of 180 days or less (including travel time) shall be maintained in his position and, upon his return to duty after the prescribed period of temporary leave, shall receive all vacation, sick leave and benefits arising from seniority in the County and in his class which he would have accrued had he not been absent on military leave.
- (b) If discharged or released under honorable conditions, an employee who takes military leave other than as described in Section 16.02 (a) shall have the right to return to his former position within three months after termination of his active military service provided, however, such right to return shall not be granted an employee who fails to return to duty within twelve months after the first date he could terminate or could cause to have terminated his active military service. Such employee shall receive no benefits for the period of his absence except as provided in subsection (c) hereof, but following his return to duty such employee shall resume accrual of all benefits as though he had not been absent on military leave.
- (c) An employee who has satisfactorily completed six months of continuous service immediately prior to taking ordered military leave in accordance with subsection (a) and (b) above, shall receive payment equivalent to one-half month's salary he would otherwise have received for the first one-half month of the military leave, and an employee who has one full year of continuous service immediately prior to taking ordered military leave in accordance with subsection (a) or (b) above, shall receive a payment equivalent to a full month's salary he would otherwise have received for the first full month of military leave upon submitting satisfactory evidence of military service. Only one such payment shall be made during any one period of ordered military service, and the total amount of such payment shall not be in excess of the limits therein prescribed.

Section 16.03 Activation During National Crisis: In recognition of the special service and sacrifice of our County employees who are also members of our armed forces, employees who are called to active duty shall have their salaries supplemented such that they shall receive the difference between their regular County salary and their military pay. Supplemental pay shall begin on the 31st day of military leave and continue until the employee is released from military service, but no longer than two years. To determine the amount of additional compensation to be paid to the employee, the employee's military pay will be subtracted from the employee's pay that was in effect prior to call-up. The difference would be the amount the employee would receive to supplement their military pay.

County health benefits in effect at the time of call-up shall remain in effect until the end of their recall to active duty. Those employees with dependents under the County Health Plan who wish to continue dependent coverage may do so by continuing to pay the appropriate dependent cost during the time they are eligible for supplemental pay.

ARTICLE SEVENTEEN

PROVISIONS GOVERNING JOB RELATED INJURIES AND LEAVES FOR DISABILITY AND EXTENDED ILLNESS

Section 17.01 General Policy. The following provisions governing leaves for disability due to injury and extended illness, whether job related or not, are intended to assist employees who are incapable of working due to physical incapacity and to ensure that the interests of the County are protected.

Section 17.02 Administration. Except as otherwise provided, this section and any provisions in this chapter shall be administered by the Personnel Director. In the interest of efficient administration and compliance with state workers' compensation laws, the Personnel Director shall promulgate, distribute and update forms, regulations and procedures for the reporting and treatment of job related injuries and illnesses.

Section 17.03 Report of Job Related Injury or Illness. Every employee shall report to his/her supervisor or appointing authority any possible job related injury or illness within twenty-four (24) hours or no later than the first general County business day following the occurrence.

Section 17.04 Notification by Appointing Authority. When an employee reports a job related injury or illness, the appointing authority shall notify the Personnel Director by promptly completing the appropriate industrial injury report forms and delivering them within twenty-four (24) hours of knowledge of its occurrence, in accordance with the reporting procedures promulgated by the Personnel Director. Thereafter, the appointing authority shall provide such other information as may be requested by the Personnel Director in connection with said injury.

Section 17.05 Medical Waiver. Any employee with an injury or illness, whether job related or not, which requires leave from employment and continues uninterrupted for more than fifteen (15) calendar days may be required to sign a waiver form instructing all treating and consulting physicians to supply the Personnel Director required medical statements as to the employee's medical condition related to his/her job duties and prognosis for return to limited and/or full duties. Failure to comply shall cause forfeiture of County leave benefits for the particular injury or illness.

Section 17.06 Medical Examination/Reports. Any employee with an injury or illness, whether job related or not, which requires leave from employment and continues uninterrupted for more than fifteen (15) calendar days may be required to submit to a medical examination as the appointing authority or the Personnel Director deem necessary. Medical reports, including prognosis from the treating physician(s), shall be forwarded to the County upon request, until the employee returns to work or is separated from County service. At the County's discretion, a quarterly medical review including prognosis shall be made by a physician designated by the County for the period of disability.

Any employee injured on the job or who believes that he/she has sustained a job related injury or illness, regardless of whether he/she has lost time from the job, shall receive initial medical treatment from a County-designated medical provider, unless, prior to the injury, the employee has submitted to the Personnel Office a signed statement that he/she desires treatment from his/her private physician, in accordance with California Labor Code Section 4600. Said treatment, to the extent necessary shall continue at a County-designated medical provider for the first thirty (30) days following the date the injury was reported, unless the employee has made a personal physician designation pursuant to Labor Code 4600. When the employee is absent from the job for the initial medical treatment, he/she shall not be considered absent from duty and shall not be charged with vacation or sick leave during such time. If an employee is absent from work or otherwise unable to perform his/her job duties for more than five (5) work days due to a possible job related injury, the County may elect to have the employee examined or his/her medical case reviewed by a physician chosen by the County.

Section 17.07 Administrative Review. The status and prognosis of all employees taking leave under the provisions of this Article will be reviewed by the appointing authority, Personnel Director and County Counsel. At that time, the following alternatives may be considered:

- (a) Separation from employment - retirement or termination; or,
- (b) Continuation on leave.

The appointing authority after consultation with the County Counsel and Personnel Director may separate an employee from County service who is found to be permanently disabled or disabled from work in his/her position for such an extended period as to cause a hardship to the department.

The provisions of this section regarding separation from service shall be interpreted to the extent that they comply with the California Labor Code (including Section 4850) and the California Public Employees' Retirement Law.

Section 17.08 Leave Benefits A regular employee who is unable to perform his/her full or limited duty work assignment because of a disability shall receive, subject to other provisions of this resolution, the following disability benefits, in addition to those provided pursuant to the California workers' compensation laws:

- (a) During any period of temporary disability for which payment is not provided under the SDI or workers' compensation laws, leave with pay shall be provided to the extent that such leave has accrued and that such leave is approved by the appointing authority under the sick leave provisions of this resolution. Such disability leave with pay shall first be charged against accrued sick leave and then against the employee's other accrued leave.
- (b) During any period of disability for which payments are provided under SDI or workers' compensation laws, to the extent the employee has accrued any leave with pay, such employee shall receive compensation equal to the difference between his/her basic salary and the weekly compensation benefits received by him/her from SDI or the County's workers' compensation program. Such compensation shall be made on the basis of a pro-rata charge to leave with pay based on the difference between the employee's basic salary and benefits received from the County's workers' compensation program. Such pro-rata charges shall first be to accrued sick leave and then to any other accrued leave with pay and all such charges shall be made to the nearest one-fourth (1/4) day.
- (c) The employee will continue to receive seniority credits during a non-paid leave of absence caused by a job-related injury or illness, and the County will continue to pay the County's portion of the insurance premiums if, at the time the employee went out on workers' compensation, he/she had a sick leave balance of 192 hours or more. The employee will be exempt from the accrual requirement if he/she can demonstrate he/she would have had the 192 hours had it not been for a serious injury or illness requiring the use of sick leave in excess of four (4) weeks (160 hours) at one time.

Section 17.09 Authorization to Return to Work When an employee is released by his/her physician to return to regular or limited duty, the employee shall immediately provide the physician's written release to the appointing authority. The appointing authority shall promptly transmit a copy of the release to the Personnel Office.

Section 17.10 Limited Duty When on leave for a job related injury or illness, the employee shall contact the appointing authority regarding the availability of limited duty work, including reduced hours. The appointing authority, whenever feasible, may develop a limited duty assignment for the employee, observing any medical limitations indicated by the treating physician.

Section 17.11 Leave Under Labor Code Section 4850 When, in the judgment of the appointing authority and/or the Personnel Director, an employee on leave pursuant to Labor Code Section 4850 is no longer disabled as a result of a job related injury or illness, application shall be made forthwith to the Workers' Compensation Appeals Board to terminate said 4850 leave.

Section 17.12 Leave Termination All provisions of this section shall terminate on the date of the employee's recovery from disability or extended illness, retirement, termination from County employment or death.

Section 17.13 Rehabilitation When an employee has a job related injury or illness which permanently disables him/her from doing the work assigned to the position, the County may modify the job or place the employee in an alternative job, in accordance with medical limitations. If this is not possible, the County endorses a rehabilitation program as provided for, and subject to the limitations of, the state workers' compensation law.

Section 17.14 Duty to Report Fraud. Any employee, supervisor or appointing authority with knowledge that an employee absent from work due to an injury or illness, regardless of whether job related, has fraudulently represented his/her disability or made fraudulent statements to obtain benefits, shall immediately report such information to the Personnel Director.

ARTICLE EIGHTEEN

ASSIGNMENTS REQUIRING UNIFORM CLOTHING

Section 18.01. Uniforms Required. When required for the convenience and benefit of the County, employees may be required to wear uniform clothing as specified by the appointing authority and approved by the Board.

Section 18.02. Maintenance Provisions. With the approval of the Board, the appointing authority may authorize the provision or partial provision for such clothing and the cleaning and maintenance of such clothing, or he may authorize payment of a clothing allowance in lieu of such provisions.

Section 18.03. Sheriff's Department Uniform Allowance. A uniform allowance shall be granted to personnel required to wear uniforms in the Office of the Sheriff. New employees required to wear a uniform shall receive their first set of uniforms upon entering service. The Department will determine what the uniform needs are and provide the first set at no cost to the employee. In the event that the Board approves a change in the uniform, the full cost of any new uniform shall be borne by the County.

Certain employees shall receive their uniform allowance on an annual basis. In order to receive said uniform allowance, a person must be employed on September 1. New employees' uniform allowance shall be prorated monthly from the anniversary date of employment to September 1st each year. Any month in which more than twelve (12) days on paid employment status have been completed shall be considered as a full month, and any month in which twelve (12) days or less on paid employment status have been completed shall be disregarded for the purposes of prorating the uniform allowance. The uniform allowance will be payable on September 1 of each year allocated as follows:

September 1, 2005	Sworn in Unit 6	\$800 annually
	Captain, Undersheriff, Sheriff	\$800 annually
	Non Sworn in Unit 6	\$600 annually
September 1, 2006	Sworn in Unit 6	\$880 annually
	Captain, Undersheriff, Sheriff	\$880 annually
	Non Sworn in Unit 6	\$660 annually

All new and current employees required to wear uniforms in the Offices of the Sheriff in the Law Enforcement Management / Supervisory Unit #7 shall be paid a uniform allowance on a monthly basis, payable in arrears on the regular pay day of each month allocated as follows:

July 1, 2005	Sworn in Unit 7	\$66.67 monthly
July 1, 2006	Sworn in Unit 7	\$73.33 monthly

In the department of Animal Control and for the Administrative Assistant in the Sheriff's Department, effective 1/1/04, a uniform allowance in the amount of Five Hundred Forty Dollars (\$540.00) per year, shall be prorated on a monthly basis for each month worked and paid in arrears on the regular payday of each month.

Section 18.04. Safety Equipment. For designated employees in the Deputy Sheriffs Unit 6, the County agrees to supply safety equipment to all new employees and to replace equipment as needed for current employees.

- (a) Safety Equipment Items Defined. For purposes of this Section, the term "safety equipment" for the position of Deputy Sheriff III in the Sheriff's Department shall refer only to the following listed items:

- (1) Revolver
- (2) Holster
- (3) Gun belt
- (4) Cartridge case
- (5) Flashlight
- (6) Handcuffs
- (7) Handcuff case
- (8) Straight baton
- (9) Keeper straps (3)

- (10) Baton ring
- (11) Rain pants
- (12) Rain jacket
- (13) Rain boots
- (14) Badges
- (15) Vest (provided upon request)
- (16) Radio
- (17) Asp baton with case
- (18) Department approved chemical agent with case

For the purposes of this Section, the term "safety equipment" for the positions of Deputy Sheriff I and II in the Sheriff's Department shall refer only to the following listed items:

- (1) Revolver
- (2) Holster
- (3) Gun belt
- (4) Keepers
- (5) Cartridge case
- (6) Handcuffs
- (7) Handcuff case
- (8) Badges

When reference is hereafter made to the County supplying safety equipment to eligible employees of the Sheriff's Department, it is intended that each eligible employee shall be provided with one of each of the items identified above unless otherwise specified.

The County of Yuba will provide safety equipment to each designated law enforcement employee of the Sheriff's Department as follows:

- (a) County Issuance of Safety Equipment. Each eligible employee may elect to use safety equipment issued by the County. Eligible employees employed prior to August 1, 1986, who choose to use County issued safety equipment shall notify their appointing authority or his/her authorized representative in writing no later than two weeks from the date this section is approved by the Board and the Deputy Sheriff's Association.
- (b) Use of Safety Equipment. When an employee is issued safety equipment, the employee shall use such equipment.

The return, replacement, purchase and repair of safety equipment items is as follows:

- (a) Purchase or return of safety equipment.
 - (1) An employee who terminates his/her employment for any reason who has been issued safety equipment by the County shall promptly return all such equipment to the County. No employee shall receive his/her final paycheck until he/she has returned such equipment.
 - (2) An employee who has been issued safety equipment by the County, who is subsequently promoted, demoted or transferred to any position requiring less safety equipment shall promptly return to the County all safety equipment items not required of the new position. No employee shall receive his/her paycheck until he/she has returned such equipment.
- (b) Replacement of safety equipment items.
 - (1) Safety equipment shall be considered for replacement at any time that such equipment does not meet the standards specified by the appointing authority and/or when the normal life expectancy of individual items has been reached. The life expectancy of new items for purposes of this section is set forth in the following table:

8 years

Flashlight	Cartridge Case
Raincoat or rain jacket	Keeper straps
Holster	Long baton
Gun belt	Mace carrier
Baton ring	Rain pants
Handcuff case	Rain boots

(2) The County shall inspect safety equipment. At the time of the inspection, the appointing authority or his/her designated representative(s) shall determine the condition of the item and, based upon its condition, shall specify either that such equipment be replaced or repaired.

(c) Damage to or loss of safety equipment items. Any employee who sustains a loss of or damage to the safety equipment items specified other than ordinary wear and tear shall immediately report such damage or loss to the appointing authority or his/her designated representative.

(1) If a determination is made by the appointing authority or his/her designated representative that the damage or loss resulted from carelessness or negligence on the part of the employee, the employee will be required to replace the item at his/her own expense.

(2) If a determination is made by the appointing authority or his/her designated representative that the damage or loss did not result from carelessness or negligence on the part of the employee, such equipment shall be replaced at County expense.

F. Term. This section shall be effective June 30, 1989.

ARTICLE NINETEEN

ASSIGNMENTS REQUIRING TRAVEL

Section 19.01. Travel Expenses. Whenever any officer or employee is ordered or authorized to travel in the performance of his/her duties, he shall be compensated for the necessary travel expenses at actual cost, including transportation, lodging and meals.

Section 19.02. Travel Allowances. The Board shall fix maximum allowable travel expenses which shall apply, uniformly, to all officers and employees.

Section 19.03. Assignments Requiring Travel.

- A. The following policy sets forth the minimum authorization requirements for driving a county-owned or privately-owned vehicle by employee or volunteer who is authorized to drive on county business; and also sets forth standards of driving performance. These requirements and performance standards are necessary to reduce the county's risk liability to a minimum level.
- B. Department head and employee responsibility. The department head, or his designated representative, may authorize driving privileges to an employee or volunteer who must drive a county-owned, a county leased and/or a privately owned motor vehicle to perform his/her assigned functions, provided the employee meets the following requirements:
1. Presents to the department head or his designated representative a valid California driver's license appropriate for the motor vehicle(s) the employee will be authorized to drive.
 2. Has no physical impairment(s) which precludes driving.
 3. Maintains a valid California driver's license.
 4. If requesting authorization to drive his private car then he/she must certify to having minimum liability insurance coverage as required by the financial responsibility law of the State Vehicle Code and has California license plates on the vehicle.
- C. Authorization forms. Driver authorizations forms for both county and private cars shall be developed and revised as necessary by the Risk Management Department. All department heads or their designated representatives shall use the form(s) designated by Risk Management.
- D. Motor vehicle record check. Motor vehicle record checks may be made by Risk Management with the cooperation of the California State Department of Motor Vehicles in the following instances:
1. New driver authorizations.
 2. Renewals of driver authorizations.
 3. Whenever deemed necessary by the Safety Board's Accident Review Committee and/or the appointing authority.
- All record checks shall be deemed confidential material.
- E. Cancellation. An authorized driver's driving privilege shall be deemed to be automatically canceled if a motor vehicle record check on the employee or volunteer driver reveals that such driver has no license, or has a suspended or revoked license. A department head or his designated representative shall cancel a previously authorized driving privilege whenever an employee or volunteer retires, terminates, is discharged, or whenever the privilege is no longer necessary for job functions.
- F. Poor driving performance. When an employee is required to drive in the performance of duty, his ability and willingness to drive safely is an important aspect of overall performance of duty. The failure of an employee to drive safely must be a matter of concern to the department head who will be expected to take all means available to identify a poor driver and to improve his performance or possibly to relieve the employee of that duty. Poor driving, as other poor performance, can be the basis for discipline pursuant to Article 18 of the Yuba County Merit Resolution as well as other disciplinary and corrective measures. According to the Merit Resolution, discipline may include

discharge, suspension, reduction in rank of compensation for disciplinary purposes, reprimand as well as other corrective measures. Department heads shall monitor the accident reports of employees in order to control and minimize the risk liability to the county. To assist department heads to identify poor drivers, they shall look for the following situations:

1. Repeated non-serious accidents. These are instances where an authorized driver has a record of three or more on-the-job, non-serious, preventable vehicle accidents in the past 12 months, or four in 24 months. Non-serious, preventable accidents are accidents that do not result in injuries to persons nor is there damage to the property of any one person or the county that is more than \$250.
2. Serious preventable vehicle accidents. This is defined as any time an authorized driver has a preventable vehicle accident on-the-job resulting in injury or death, or damage to property of any one person or the county exceeding \$250.
3. Willful misconduct or recklessness. This is any occasion when the facts reported to the department head appear to show acts more serious than a simple failure to exercise due care.
4. Citizen complaints. Citizen complaints or complaints from other county employees against a county driver for alleged improper driving for whatever reason shall normally be validated and investigated by the Risk Management/Personnel Department. Findings shall be reported to the appropriate department head for action or disposition which is in accordance with this policy.

ARTICLE TWENTY

LAW ENFORCEMENT EDUCATIONAL INCENTIVE PROGRAM

Section 20.01. General Policy. The Law Enforcement Educational Incentive Program has the purpose of encouraging educational achievement in the designated classes in the Yuba County Sheriff's Department to enhance law enforcement services and provide for Sheriff's deputies who are better equipped to meet the needs of the residents of Yuba County.

Section 20.02. Eligibility. All employees in the classification of Deputy Sheriff I, II, or III, Sheriff's Sergeant, Sheriff's Lieutenant, Sheriff's Captain, Undersheriff, Sheriff, Communications Dispatcher, Community Services Officer, Sheriff's Legal Specialist, Evidence Technician, Welfare Fraud Investigator, Senior Welfare Fraud Investigator, and District Attorney Investigator will be eligible for the Incentive Program.

Section 20.03. Qualification Criteria.

- (1) In order to qualify, an eligible applicant must have completed an Associate of Arts or Science or Bachelor of Arts or Science degree from an accredited college or university in one of the following major course areas; psychology, sociology, business administration, public administration, social science, criminology, police science, administration of justice or criminal justice. Should a major not be stated on a transcript, the attainment of 18 units in one of the above course areas shall be considered equivalent to a major in that area of study.
- (2) Qualifying degree and year of eligibility must be completed by October 30th of each year in order to qualify for that year's Incentive Program.
- (3) An eligible employee must be employed on December 1 to qualify for that year's incentive program.

Section 20.04. Procedures.

- (1) Forms and procedures to determine program eligibility and qualification shall be developed by the Personnel Director/Risk Manager based on the approved program. The Personnel Director/Risk Manager shall require that satisfactory proof of qualification be furnished by each eligible employee and that a copy of such proof be on file in the Risk Management/Personnel and Auditor's Offices.
- (2) Employees who believe they meet the eligibility and qualifications criteria must file a request for determination of eligibility with the Risk Management/Personnel Office no later than November 1st with the proof of qualification attached. Once qualification has been determined according to the provisions included herein, no further filing is required in subsequent years unless there has been a change in the individual's qualification status or a break in service has occurred. Employees may only qualify on the basis of one certificate or one degree.

Section 20.05 Compensation

- (1) Annual: On December 1st of each year or on the first pay day immediately following said date, the Auditor shall pay to each eligible and qualified employee, based on proof of qualification furnished through the Personnel Director/Risk Manager, the following amounts:
 - (a) Employees hired before July 1, 1989 or qualifying by December 1, 1989--\$150 for Post Intermediate Certificate; \$275 per year for Post Advanced Certificate.
 - (b) Degree in specified area--\$600 per year for an AA or AS degree; \$720 per year for a BA or BS degree for the following classifications: Welfare Fraud Investigator, Senior Welfare Fraud investigator, and District Attorney Investigator.
- (2) Monthly: The Auditor shall pay to each eligible and qualified employee, based on proof of qualification furnished through the Personnel Director/Risk Manager an incentive applied to

their monthly salary as defined in Merit Resolution 2005-21, Article Eleven, Sections 1-3, the following amounts:

- (a) Associates Degree in specified area - 2.5%

Effective July 1, 2005 for Unit 7, Sheriff, Undersheriff, and Sheriff's Captain
Effective August 1, 2005 for Unit 6

- (b) Bachelor's Degree in specified area - 5%

Effective July 1, 2005 for Unit 7, Sheriff, Undersheriff, and Sheriff's Captain
Effective August 1, 2005 for Unit 6

ARTICLE TWENTY-ONE

INJURY AND ILLNESS PREVENTION PROGRAM

Section 21.01. General Policy. The purpose of this Article is to establish a countywide Injury and Illness Prevention Program in accordance with the provisions of Labor Code Section 4600; California Code of Regulations, Title 8; and any other applicable State or Federal regulations regarding worker safety. Our objective is a safety and health program that will reduce the number and severity of illnesses and injuries to an absolute minimum, not merely in keeping with, but surpassing, the best experience of agencies similar to ours. Our goal is zero accidents and injuries.

Section 21.02. Authority for Administration. The Personnel Director/Risk Manager shall have the authority and responsibility for the implementation and administration of the Injury and Illness Prevention Program.

Section 21.03. Content. The Injury and Illness Prevention Program shall include the following elements:

- (1) A written copy be made available to all employees as well as written documentation of records and steps taken to implement the program.
- (2) A designation and specification of individuals responsible for the implementation of the program.
- (3) A system for identifying and evaluating work place hazards including scheduled periodic inspections.
- (4) Methods and procedures for correcting unsafe or unhealthy conditions and work practices that insure such conditions and work practices are "corrected in a timely manner based on the severity of the hazard".
- (5) A system for communicating health and safety information to employees and encouraging them to inform their employer of perceived hazards "without fear of reprisal".
- (6) A system for ensuring that employees comply with safe and healthy work practices. Such a system shall include provisions for disciplinary action if necessary.
- (7) Institution of an occupational health and safety training program "designed to instruct employees in general safe and healthy work practices and to provide specific instructions with respect to hazards specific to each employees job assignment".

Section 21.04. Responsibilities. We recognize that responsibilities for safety and health are shared:

- (1) Management accepts responsibility for leadership of the Injury and Illness Prevention Program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe and healthy work conditions.
- (2) Supervisors are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for safety and health for all personnel involved.
- (3) Employees are responsible for wholehearted, genuine operations of all aspects of the Injury and Illness Prevention Program--including compliance with all rules and regulations--and for continuously practicing safety while performing their duties.

ARTICLE TWENTY-TWO

MANAGEMENT EMPLOYEES

Section 22.01. Management Leave. All classifications in Management Unit 8 shall receive 56 hours of leave time per each fiscal year. Said time shall be taken by each manager at his/her discretion based on the rules and regulations governing paid leave time for employees of the County. Said leave time shall not be accruable from one fiscal year period to another nor shall said leave time be compensable in the event of termination during a fiscal year. Managers employed during a fiscal year shall receive said leave time on a prorated basis to the nearest hour based on the date of employment.

Certain classifications in Bargaining Unit 4 are FLSA exempt and shall not receive compensation for overtime but shall receive seven days leave time per fiscal year in accordance with the provisions governing the management group. Those classifications included are: Attorney I/II/III, and Deputy District Attorney I/II/III.

Section 22.02. Life Insurance. Each designated management employee shall be provided a group life insurance policy at County cost in an amount to be determined from time to time. Dependent coverage shall also be made available at the employee's cost.

ARTICLE TWENTY-THREE

CONFIDENTIAL EMPLOYEES

Section 23.01. Life Insurance. In addition to any other compensation and benefits provided to County employees those employees in the Confidential Unit shall also receive the same life insurance policy provided to management employees.

Section 23.02. Additional Compensation. In addition to any other compensation and benefits provided to County employees those employees in the Confidential Unit shall receive an additional compensation for Confidential Pay.

Effective 1/2004 Confidential Employees in the Courts receive an additional 5% of Base Pay per month additional compensation.

Effective 1/1/2006 Employees in Bargaining Unit 11 (excluding Courts) shall receive an additional 5% of Salary per month additional compensation.

ARTICLE TWENTY-FOUR

BILINGUAL PAY

The County has identified certain positions which require bilingual language skills. To qualify for such a bilingual position, individuals must be state certified or pass a County qualifying language test in the relevant language at the option of the County. Employees in these designated positions shall be paid a premium. Positions approved for bilingual pay will generally be those rendering services linking the County with clients who are largely monolingual in a language other than English. Designated bilingual employees will be expected to continue to perform all other job duties required of them by their classification. Premium compensation shall be allocated as follows:

1. Effective July 1, 2000 employees in Units 1-5 shall receive \$100 per month for bilingual pay.
2. Effective October 1, 2002 employees in Units 7 shall receive \$70 per month for bilingual pay.
3. Effective August 1, 2005 employees in Unit 6 shall receive \$100.00 per month for bilingual pay.

ARTICLE TWENTY-FIVE

PRE-EMPLOYMENT MEDICAL REVIEW PROGRAM

Section 25.01 Program Objectives. Pre-employment medical reviews are conducted to achieve the following objectives:

- Ensure that all job applicants are medically able to perform their job duties.
- Ensure that every job applicant's health and safety is not at risk or impaired with respect to the job for which he/she is being considered.
- Minimize the exposure to financial liability arising from medically identifiable deficiencies.
- Document the physical/medical condition of job applicants as they enter County service.

Section 25.02 Occupational Groups. To accomplish this purpose, standards will be developed for all classes in the County service. Classes are divided into five occupational categories, based upon physical requirements. Each regular class in the County service has been allocated to an Occupational Medical Category based on the physical demands of the job. Classes by Occupational Medical Groups are contained in Appendix I.

Occupational Medical Group I

Classes which demand a high degree of physical fitness and are covered by State rules, regulations, or standards regarding physical fitness.

Occupational Medical Group II

Classes requiring considerable manual labor, lifting, or physical exertion where there is a susceptibility to job-related injuries or illness or positions where severe stress is an important factor.

Occupational Medical Group III

Classes requiring considerable manual labor, lifting, or physical exertion where there is a susceptibility to job-related injuries or illness.

Occupational Medical Group IV

Office, supervisory or other classes requiring a minimum of physical exertion but may be subject to job stress or a work situation where physical limitations may exist.

Occupational Medical Group V

All classes covered by the Occu-Med pre-employment medical exam system.

Section 25.03 Medical Exam Components

Occupational Group I

Medical History Review

Basic Exam (including height, weight, BP, pulse, etc.)

Visual acuity/depth and color perception/gross hearing

PPD

EKG

Audiometry

Pulmonary Function

Lab (urinalysis, complete blood count, chemistry panel)

Drug screening

Occupational Group II

Medical History Review
Basic Exam
Visual acuity/depth and color perception/gross hearing
EKG
Audiometry
Pulmonary Function
Lab (urinalysis, complete blood count)
Drug screening

Occupational Group III

Medical History Review
Basic Exam
Audiometry
Visual acuity/depth and color
Lab (urinalysis, complete blood count)
Drug screening

Occupational Group IV

Medical History Review

Occupational Group V

Exam components as contained in Occu-Med Medical Standards Project-Final Results, plus drug screening

If the medical history, records or tests indicate a potentially abnormal condition which may relate to an applicant's employment, further tests, examination or medical records may be ordered by the medical provider or the Risk Management/Personnel staff.

Section 25.04 Procedures.

A. Risk Management/Personnel

1. When a prospective employee has received a job offer contingent upon successful completion of the pre-employment medical review, he/she will be given the appropriate Medical History and Exam forms and directed to the location of the medical provider (Sutter North Occupational Health or other designated provider).
2. The Risk Management/Personnel Office will supply the medical provider's administrative and medical staff with Physical Factor checklists, class specifications and medical standards for all positions in which a medical examination is required to the extent administratively feasible.
3. Upon receipt of the medical examination forms from the medical provider, the Risk Management/Personnel Office will advise the department, in writing, of the prospective employee's employment status. If the results of the examination indicate a concern as to physical qualifications for the position, the Personnel Director/Risk Manager will notify the affected department head immediately so that an administrative determination of the applicant's suitability can be made.
4. Upon receipt of the pre-employment medical history forms for prospective employees in Occupational Group IV, OccuMed will review and either:
 - a. Approve the prospective employee as not having a stated problem related to the position; or
 - b. Recommend further analysis by the medical provider and/or obtain the prospective employee's medical records/reports.

B. Appointing Department

1. The appointing department will instruct the prospective employee that the Pre-Employment Medical Review process must be completed prior to appointment and that the employment offer is contingent upon successful completion of the process.
2. For Occupational Groups I, II, III, & V the department will make an appointment for an exam, instruct the prospective employee to go to the Risk Management/Personnel Office to obtain the necessary forms and report to the medical provider for the medical examination.
3. The department will instruct the prospective employee in Occupational Group IV to go to the Risk Management/Personnel to complete the Pre-Employment Medical History form.
4. The department will assure sufficient time between the medical and examination and the tentative date of employment to allow receipt and analysis of the medical examination forms.
5. The department will ensure that all procedures are followed and that complete confidentiality is maintained.

C. Designated Medical Provider

1. The medical provider will administer the medical examinations in a timely and confidential manner.
2. A physician or physician's assistant will review the prospective employee's completed Pre-Employment Medical History form and the results of all tests administered by the medical provider.
3. The examination for Occupational Groups I, II, III & V will consist of the components outlined on Pages 2 and 3, unless otherwise agreed between the medical provider and the Risk Management/Personnel Office.
4. Examinations for classes in Occupational Group V will be conducted in accordance with Occu-Med procedures and regulations, using the appropriate Occu-Med forms.
5. The physician or physician's assistant will complete the appropriate forms and will contact the Personnel Director/Risk Manager or his designee if further testing or examination is recommended.
6. Upon completion of the examination and test results, the medical provider staff will immediately forward one copy of the medical examination report forms to the Risk Management/Personnel Office in person or by FAX, to Occu-Med by fax, and retain one copy for the medical provider's files.

Section 25.05. Confidentiality (Pre-Employment Medical Review). The forms and results of the Pre-Employment Medical Review are confidential and will be released only with the consent of the applicant, except that such reports will be available to the County Administrator, Personnel Director/Risk Manager, and Risk Management/Personnel Staff, County Counsel and appropriate Department Head. Extreme care will be taken to safeguard the confidential nature of the information obtained through this process.

Section 25.06. Addition to Occupational Medical Groups. Whenever new classes are established, the Personnel Director/Risk Manager will review the physical requirements of the positions (s) within the class and add them to the proper Occupational Medical Group.

Section 25.07. Forms. The Personnel Director/Risk Manager will determine the forms to be used and will modify or replace those forms as necessary.

Section 25.08. Exempt Classifications. Elected Officials and Extra Help employees who are in Occupational Group IV will not be required to have a pre-employment medical review

Section 25.09. Extra-Help Positions. Those prospective extra-help employees whose classifications fall into Occupational Groups I, II, III, and V will have the same physical examination as regular candidates for that class.

Section 25.10. Restricted Employment. Physical Handicaps and Limitations: Upon approval by the Personnel Director/Risk Manager, County Administrator, and appropriate Department Head, an applicant who fails to meet the minimum standards may be hired to work in a restricted capacity in a particular position so that the best interests of the County and applicant are served.

Section 25.11. Appeal Procedure.

- A. If an applicant/employee is disqualified from appointment to a position for failing to meet the Medical Standards for the job class, he or she may file a written request through the Director of Personnel for a review of his or her disqualification. The request must be submitted to the Director of Personnel within ten (10) working days after the applicant/employee is notified of the disqualification.
- B. The applicant/employee will then have the right to submit additional information regarding his or her medical condition, including a report by an independent medical examiner within 30 days of Personnel response to their appeal. The information provided must be relevant to the nature and extent of the medical condition(s) which relates to the applicant's disqualification. Opinions regarding the applicant's ability to perform the job, with the medical condition(s) in question should be avoided, since the independent medical examiner will not have access to the employer's in-depth knowledge of the job including the job profile and relevant medical standards. All medical examinations relating to this appeal are the financial responsibility of the applicant/employee.
- C. Further medical information provided by the applicant/employee will be submitted to the medical evaluator/provider for review. The medical evaluator/provider will then review the submitted information and determine, in light of this additional information, whether or not the applicant/employee meets the medical requirements of the job class. If the medical evaluator/provider, after reviewing the information, withdraws the disqualification, the applicant/employee will be hired. If the disqualification is upheld, the decision is final.

OCCUPATIONAL MEDICAL GROUPS

*drug screening required

OCCUPATIONAL GROUP I *

District Attorney Investigator
Sheriff's Captain
Sheriff's Lieutenant-Corrections
Sheriff's Lieutenant-Operations
Sheriff's Sergeant-Corrections
Sheriff's Sergeant-Operations
Undersheriff

OCCUPATIONAL GROUP II*

Airport Maintenance Coordinator
Purchasing Coordinator
Road Maintenance Supervisor
Sr. Deputy Clerk/Recorder
Sr. Welfare Fraud Investigator
Supply/Mail Clerk
Welfare Fraud Investigator

OCCUPATIONAL GROUP III*

Ag Commissioner/Dir of Wgts & Meas
Ag Wgts & Meas Spec I/II/III
Asst. Ag & Wgts & Meas Commissioner
Chief Probation Officer
Code Enforcement Officer
Community Development Specialist I,II,III,IV
Communications Dispatcher I/II
Community Services Officer
Cook
Corrections Food Services Supervisor
Custodial Services Manager
Deputy Clerk Recorder
Deputy Superintendent of Institutions
Dir of Environmental Health
Dir of Nurses
Engineering Aide
Engineering Technician I/II
Environmental Health Specialist I/II
Environmental Health Technician
Equipment Service Specialist
Evidence Technician
Health Officer
Health and Human Services Aide (Bilingual)
Kitchen Supervisor
Library Technician II, III, IV
Physical Therapist
Plan Checker I/II
Printer's Assistant
Printing Services Coordinator
Probation Program Manager
Real Property Appraiser I/II/III
Revenue Recovery Officer
Sr. Environmental Health Specialist
Senior Substance Abuse Counselor
Sheriff's Commun & Records Suprv

Substance Abuse Counselor I/II
Superintendent of Institutions
Supervising Code Enforcement Officer

OCCUPATIONAL GROUP IV

Accountant-Auditor I/II
Accounting Assistant I/II (Bilingual)
Accounting Specialist
Accounting Supervisor
Accounting Technician
Administration & Accounting Supervisor
Administrative Analyst - Human Services
Administrative Analyst I/II/III
Administrative Assistant (Bilingual)
Administrative Services Officer
Aide
Airport Manager
Appeals Specialist
Assessment Assistant I/II
Assessment Office Supervisor
Assessment Specialist
Assistant Assessor
Assistant Auditor-Controller
Assistant County Administrator
Assistant Dir of Administrative Services
Assistant Dir Community Development
Assistant Engineer
Assistant Pers Dir/Risk Mgr.
Assistant Planner
Assistant Public Works Director
Assistant Public Works Director-Water
Resources
Assistant Purchasing Agent
Associate Civil Engineer
Associate Engineer
Associate Planner
Attorney I/II/III
Auditor Appraiser I/II/III
Benefits/Safety Manager
Cadastral Drafting Technician
Case Manager I/II
CCS Case Manager
Chief Auditor
Chief Deputy County Counsel
Chief Deputy District Attorney
Chief Deputy Treasurer/Tax Collector
Child Support Technician
Clerk of the Board of Supervisors
Clinical Social Worker I/II
Commissary Assistant
Community Services Coordinator
Conservatorship Officer
Contract Administrator
Control Room Operator
County Administrator
County Counsel

County Surveyor
Court Clerk I/II/III (Bilingual)
Court Division Manager
Court Executive Officer
Court Reporter
Court Services Supervisor
Customer Relations Supervisor
Deputy Clerk of the Bd of Supervisors
Deputy County Counsel I/II/III
Deputy Court Executive Officer
Dep Dir of Administration/Affairs
Dep Dir Health & Human Services
Deputy Dir of Legal Affairs
Deputy District Attorney I/II/III
Director of Administrative Services
Director of Child Support Services
Director of Community Development
Dir of Health and Human Services
Economic Development Coordinator
Elections Supervisor
Eligibility Supervisor
Eligibility Technician I/II (Bilingual)
Emergency Services Coordinator IV
Emergency Services Coordinator Manager
Employment & Training Spec I/II
Employment Technician I/II (Bilingual)
Employment Technician Supervisor
Employee Relations Manager
Executive Asst. to CAO (Confidential)
Executive Director, Three Rivers Levee Improvement Authority
Executive/Judicial Secretary
Executive Secretary (Confidential)
Family Court Services Director
First 5 Yuba Comm. Exec. Dir.
Fiscal Analyst
Geographic Information Systems Analyst I/II
Health Aide (Bilingual)
Health & Human Services Fiscal Mgr.
Health & Human Services Asst Program Mgr.
Health & Human Services Program Mgr.
Health Education Specialist I/II
Health Program Coordinator
Housing & Community Svc Mgr.
Housing Specialist
Human Resources Officer
Information Systems Analyst I/II/III
Information Systems Mgr.
Information Systems Specialist
Intervention Counselor I/II (Bilingual)
Legal Office Assistant I/II
Legal Secretary (Confidential)
Librarian
Library Director
Library Technician I
Managing Engineer
Office Assistant I/II (Bilingual)
Office Specialist (Bilingual)
Paralegal
Permit Technician
Personnel Analyst I/II

Personnel Director/Risk Manager
Personnel Specialist (Confidential)
Principal Analyst
Principal Planner
Program Aide (inc. Bilingual)
Program Assistant (inc. Bilingual)
Program Specialist
Public Guardian-Conservator
Public Works Director
Revenue Recovery Technician
Secretary (Confidential)
Senior Accounting Technician
Senior Court Clerk
Senior Eligibility Technician
Senior Geographic Information Systems Analyst
Senior Permit Technician
Senior Planner
Senior Supervising Case Manager
Senior Victim/Witness Advoc (Bilingual)
Sheriff's Legal Specialist
Sheriff's Records Clerk
Social Worker I/II/III/IV (Bilingual)
Social Worker Supervisor (CPS)
Supervising Case Manager
Supervising Health Education Specialist
Supervising Legal Office Assistant
Supervising Office Assistant
Systems Support Analyst
Trainer
Training Coordinator
Transfer Analyst
Veterans Service Officer
Veterans Service Representative
Victim Witness Advocate I/II (Bilingual)

OCCUPATIONAL GROUP V - OCCU-MED*

Animal Care Technician
Animal Care Services Officer
Assistant Chief Building Official
Assistant Surveyor
Associate Surveyor
Building Inspector I/II/III
Building Maintenance Custodian
Building Maintenance Mgr.
Building Maintenance Technician I/II
Chief Building Official
Clinic Licensed Vocational Nurse
Correctional Facility LVN - eh
Correctional Facility Med Assistant
Correctional Facility RN – eh
Deputy Probation Officer I/II (Bilingual))
Deputy Sheriff I/II/III (Bilingual)
Epidemiologist
Family Nurse Practitioner
Garage Supervisor
Group Counselor Aide(Extra Help)
Group Counselor I/II (Extra Help)
Hazardous Materials Specialist I/II/III
Heavy Equipment Mechanic
Lead Building Maintenance Custodian
Public Health Nurse I/II
Registered Nurse
Road Foreman
Road Maintenance Worker I/II
Sr. Correctional Facility RN
Sr. Deputy Probation Officer
Sr. Heavy Equipment Mechanic
Sr. Public Health Nurse
Sr. Road Maintenance Worker
Supervising Animal Care Services Officer
Supervising Group Counselor

ARTICLE TWENTY-SIX

SPECIAL COMPENSATION

Section 26.01. Resident Hill Assignment. Employees of the Sheriff's Department who are assigned the duties of a resident deputy shall be paid premium compensation on the condition that they reside in the Yuba County hill area. They shall be paid this compensation for each month they are assigned the duties of a resident deputy. Deputy Sheriff III's who are assigned to the hill area are to be paid 3% of monthly salary as defined in Merit Resolution 2005-21, Article Eleven, Sections 1-3. Sheriff's Sergeants who are assigned to the hill area are to be paid \$100 per month. Resident deputies may be reassigned for a period of up to 90 consecutive days, during any 12 month period. They shall continue to receive resident deputy compensation during this time, but shall not be entitled to any travel pay for this assignment. This assignment may not be grieved or appealed.

Section 26.02 Sheriff Department Trainers Pay. Employees who are assigned by the Department Head to a Field Training Officer (FTO) or a Communications Training Officer (CTO) specialized unit of duty will receive premium compensation for all hours worked (includes regular and overtime hours worked). This premium compensation will apply only to those positions and in the percentages listed below:

FTO Corrections	5%
FTO Program Sergeant Corrections	5%
FTO Patrol	5%
FTO Program Sergeant Patrol	5%
CTO Program Sergeant Communications	5%
CTO Communications Dispatcher	5%

Section 26.03 Sheriff Department Specialty Assignment Incentive Pay. The County agrees to increase the monthly salary as defined in Merit Resolution 2005-21 Article Eleven, Sections 1-3, for each month an employee is assigned to the specialty assignments listed below:

Detective Unit - Sergeant	5%
Classification - Sergeant	5%
Detective Unit - Deputy Sheriff III	5%

Detective Unit and Classification assignments shall include the responsibility to be on-call/on-standby. Personnel with standby/on-call responsibility as part of their duties who receive a 5% premium pay shall not be eligible for the standby pay defined in Item 7.04.A.

Section 26.04 Canine Unit. Employees of the Sheriff's Department who are assigned to the Canine Unit will be compensated for an additional 30 minutes per day as full and complete compensation for all time spent in the care, feeding, grooming and other needs of the dog during the employee's off duty hours. This time shall be paid at the rate of \$15.00 per hour.

The routine reassignment by the appointing authority from a Canine assignment to a non-canine assignment shall not be considered as a demotion or loss of pay and shall not be subject to the grievance or appeal process unless presented as a punitive action.

Section 26.05 Cook Differential. Effective 1/1/06 the Cook Classification (Sheriff's Department - County Jail) shall receive an additional 5% of Salary per month for Differential Pay.

ARTICLE TWENTY-SEVEN

VOLUNTARY TIME OFF (VTO) PROGRAM

Section 27.01. Conditions. The appointing authority, with the approval of the County Administrator, may grant a permanent or probationary employee voluntary time (unpaid leave of absence) without pay with right to return to the same position, subject to the following conditions:

- (a) Unpaid leave (VTO) may be taken in increments of one full hour.
- (b) This unpaid leave (VTO) shall be available only to departments using it in lieu of layoffs, with the approval of the County Administrator.
- (c) VTO shall be available to employees by voluntary pledge for the period of July 1, 1992 until rescinded.
- (d) VTO shall not exceed three weeks in any one pay period.
- (e) Credits toward sick leave, vacation and holiday eligibility shall accrue as though the employee were on paid status.
- (f) VTO shall apply toward time in service for step advancement, completion of probation, and toward seniority for purposes of layoff, but shall not be counted as time worked for overtime purposes.
- (g) VTO shall be granted without requiring employees to first use accumulated vacation and compensatory time off.
- (h) VTO shall be available only to employees who are on paid status the entire work day before the beginning of the VTO as well as the entire work day after the completion of the VTO.
- (i) VTO shall not be available to employees on other leave without pay.
- (j) Departments using VTO shall report the value of General Fund savings to the County Administrative Officer on a monthly basis to be reported to YCEA.

Section 27.02 Flexibility. Under the VTO program, employees shall take VTO for the period July 1, 1992 and until rescinded. Scheduling of VTO may be:

- (a) to reduce the work day (e.g., 7 hour work day)
- (b) to reduce the work week (one or more days off per pay period)
- (c) to be taken in a block of one day or one or more hours as an employee now uses vacation or compensatory time.

Section 27.03 Notice/Timetable. All affected employees shall be notified of the VTO program described herein in a timely manner, followed by an enrollment period which shall vary depending on the needs of the Department. This program will extend from July 1, 1992 to June 30, 1999. The employee shall submit a pledge for the number of hours/days the employee will take VTO. Joint agreement between the employee and his/her appointing authority will determine the exact hours/days to be taken off.

Section 27.04 Time Not Needed. If the County determines that the VTO program is not needed, those employees who have taken VTO hours shall have the same number of hours credited to their vacation accrual balance.

ARTICLE TWENTY - EIGHT

SHORT TERM DISABILITY PROGRAM

Section 28.01 Type of Plan: Income protection plan for up to 90 days or eligibility for the LTD program whichever comes first, for non job-related disabilities preventing a person from working.

Section 28.02 Eligibility Requirements:

- A. Eligible for inclusion are all regular full and part-time (1/2 time or more) employees in the Management and Confidential units (8 & 11).
- B. Employees must have worked six months for the County to be eligible to receive this benefit.

Section 28.03. Definition of Terms:

- A. **Base Salary** means the salary range and step the employee had at the time of disability.
- B. **Disability Leave** means the period of time that an employee has a limited disability; has not been terminated; and receives benefits under the Short Term disability Program.
- C. **Limited Disability** means a medical or physical inability to work in an employee's permanent County position whether on a full or light-duty basis due to injury or illness (excluding stress).
- D. **Total Disability** means a medical or physical inability, an inability to work in any position as defined by the Federal Social Security System due to injury or illness (excluding stress)
- E. **Physician and surgeon** means a licensed medical or osteopathic physician and surgeon.

All other terms in this program have the same meaning as found in the Personnel Rules and Regulations of the County of Yuba or as are commonly defined in the most recent unabridged edition of Webster's Dictionary.

Section 28.04 Plan Provisions:

- A. Benefits Payable: After seven (7) calendar days of absence for total or limited disability. An employee is not required to exhaust vacation and sick leave or compensatory time off before qualifying under this program.
- B. Duration and Amount: Sixty-six and two-thirds percent (66 2/3%) of salary up to maximum of Four Hundred Ninety Dollars (\$490) per week up to a maximum of ninety days (90) while on disability leave for a limited or total disability. This benefit ceases upon eligibility for the LTD program or termination of employment with the County. The benefit period begins on the first day disability benefits begin. Benefits payable under this program shall be reduced when used to supplement, State Disability Insurance, or other supplemental pay which the employee might receive. If benefits are provided for a disability that is determined to be job-related, workers' compensation benefits will replace (and reimburse) those paid by this plan.
- C. Employment Status: While on the program, the employment status is disability leave as herein defined. The health plan shall be maintained as if the employee were at work.
- D. Miscellaneous Provisions:
 - 1. Calculations for this benefit are made on base salary at time of the disabling injury or accident.
 - 2. County will pay the employee health plan premium the County is responsible for paying during the time the employee is drawing benefits under this program or until termination from County employment.
 - 3. Disability program premium is waived during the period of paid benefits under this program.
 - 4. Benefits will cease at the earlier of 90 days on the program, eligibility for the LTD program, retirement from service, return to employment, or conclusion of disability.

5. Successive periods of disability due to the same or related causes not separated by six months of full-time work are considered as one period of disability with a 12 month maximum and without a new waiting period if it is determined to be related to the original injury/illness. A new 12-month eligibility period including a waiting period requires at least six months of full-time, continuous work.
 6. Benefits shall be paid on regular County paydays.
 7. Clerical errors shall not deprive an employee of coverage nor create an obligation to continue coverage
 8. The County may require the employee to be seen by a Physician of the County's choosing to verify disability.
- E. Reports: Medical reports and/or other information related to the limited or total disability status may be required by the County and must be provided by disabled employee in order to continue to receive program benefits.
- F. Exclusions: No benefits are payable for disabilities caused by any act of war or intentionally self-inflicted injury or during commission of a felony. No benefits are payable during confinement in penal or correctional institutions as a result of conviction. No benefits will be paid for injuries received while working for another employer. No benefits are payable for periods of disability during which the employee is not under the care of a physician or surgeon. No benefits will be paid for any disability that is job-related.

28.05 Application for Benefits: For an employee who believes he or she qualifies for benefits under this program an application form is available in the Risk Management/Personnel Office. This form must be fully completed with the supporting material required and returned to the Risk Management/Personnel Office.

28.06 Plan Premium:

- A. The premium shall be one percent of employee's base salary to a maximum of \$420 per year. The premium shall be paid by the employee.
- B. For new employees, premium begins the first pay period of employment.
- C. The premium shall be set at the beginning of each calendar year by the Board of Supervisors, based on plan usage.
- D. If the majority of a Unit votes to accept this benefit, all members of the unit will be included. The Unit may vote to remove themselves from this benefit during January of each year by a simple majority vote. After removal they would have no right to the benefit.

28.07 Establishment of Fund. There is hereby established in the County of Yuba a separate interest-bearing fund entitled "Short Term Disability Inter-Governmental Service Fund".

- A. Purpose. Funds deposited in the Short Term Disability Fund shall be used solely for coverage including but not limited to:
 1. Direct short term disability costs according to the plan document.
 2. Administrative costs including actuary studies and other costs associated with the administration of the program.
 3. Payment of LTD premiums.
- B. Fund Source. Funds shall be deposited by payroll deduction from employees in Units covered by the program.
 1. The rate is to be set by the Board of Supervisors each year based on the experience of the program.
 2. All interest received from the investment or reinvestment of monies within the fund.
- C. Payments and Withdrawals. No payments or withdrawals from the funds shall be made except by specific authorization of the County Risk Manager, in the manner prescribed by the Auditor-Controller's Office for the purpose set forth above.

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