

NOTE REGARDING CHANGES TO PAGES

Occasionally, pages in the Rules must be replaced when typographical errors are discovered or other grammatical/format changes need to be made. These changes are minor in nature and do not alter any rule that would be subject to bargaining and/or approval by the Board of Supervisors. From time to time, the Board may act to add, delete, or modify a rule which causes pages to be replaced. To keep track of page and rule changes and to ensure that individuals using the Rules are referencing the most current version, a Version Date will be noted at the bottom of any page where the contents have been changed (other than where the sole change is a page number due to reformatting). Also, a log of page changes will be listed after the index and the Version Date will be listed at the bottom of pages that have been changed. The Rules posted on Personnel's website will be kept up to date with version changes.

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CHAPTER 4. SALARY PAYMENT PROCEDURE

SECTION 4.1. PAYMENT ON BIWEEKLY BASIS. Unless otherwise provided by law or ordinance, all salaries and wages shall be paid on a biweekly basis not later than the second Tuesday following the end of the pay period for the preceding two weeks' earnings. The payroll shall be approved by the appointing authority after it has been examined to determine that the employees listed have been appointed, employed, promoted, demoted or their salaries increased or decreased in accordance with the provisions of these Personnel Rules or the Salary Plan, and then approved by the Auditor-Controller before any such payments are made.

SECTION 4.2. DIRECT DEPOSIT. All employees hired after August 10, 2002, will be required to receive their pay as direct deposit, unless waived by the Personnel Director or his/her designee, for extraordinary circumstances, under procedures established by the Auditor-Controller. Those procedures may include an initial test of the electronic transfer to the employee's financial institution, causing the employee to receive an initial paycheck. All terminating employees will receive their last compensation through direct deposit unless the department determines it is necessary to issue final compensation as a paycheck in order to have final contact with the employee and assure appropriate exit procedures and notifications have been completed.

SECTION 4.3. ALLOCATION AND ASSIGNMENT OF POSITIONS.

- A. The number and classes of positions specified in the County budget shall not be exceeded or otherwise modified by any County department except as authorized elsewhere by the Board.
- B. Upon notification to the Personnel Director, or his/her designee, a regular full- time vacancy may be filled on a regular part-time basis if, in the judgment of the appointing authority, a full-time employee is not needed, in which case the salary for such regular part-time positions shall be determined in accordance with Section 19.1 of this manual. (See also, Policy Resolution No. 2010-2, in appendix.)
- C. Upon authorization by the Personnel Director, or his/her designee, a regular full- time or regular part-time vacancy may be filled temporarily on a provisional basis, if in the judgment of the appointing authority, it is necessary to staff the position, and there are insufficient eligibles on an appropriate list from which to appoint. No provisional appointment shall continue for more than 13 pay periods (six months) or beyond two pay periods after the establishment of an eligible list, whichever comes first, except that the Personnel Director, or his/her designee, may extend the provisional appointment in a collateral appointment if there is a vacancy due to an employee's approved medical or military leave. The period of provisional appointment shall not serve toward a salary range step increase unless extended beyond six months as provided in this section. The period of provisional appointment shall not constitute a part of the probationary period nor time served toward a salary range step increase.
- D. A regular full-time or regular part-time position not specifically designated in the County position allocation list with an alternative lower classification may be filled for a period not exceeding 12 months by an appointment to an appropriate lower classification if requested by the appointing authority and authorized by the Personnel Director, or his/her designee. Such under filling of positions will be reviewed on an annual basis during the budget

process to determine if continuation is appropriate. (See also, Policy Resolution No. 2010-02, in appendix.)

SECTION 4.4. WORK OUT OF CLASSIFICATION.

- A. When an employee is temporarily assigned work which is normally assigned to a vacant higher level position, the employee shall receive pay for performing such work at a rate equivalent to that provided for under County promotional rules after meeting the following requirements (at which time the pay increase will be effective the first day the employee started working out of class):
 - 1. Be assigned in writing by Department Head, or his/her designee, with the approval of the Personnel Director, or his/her designee, who will assess among other factors whether the employee meets the minimum qualifications;
 - 2. Be assigned for other than training purposes;
 - 3. Perform the full regular duties of the higher position;
 - 4. Perform the duties of the higher position for a period of at least 80 work hours, except with an approved interruption. (Holidays shall be treated like weekends or comparable regularly scheduled days off.)
 - a. An approved interruption shall be the use of approved leave balances not to exceed an accumulation of 16 hours during the 80 hour qualification period.
 - b. Returning to the employee's regularly assigned position for more than 16 accumulated work hours will cause the 80 hour requirement to begin again if full duties of the higher position are resumed.
- B. An employee who has qualified for the higher rate shall receive such a rate on an hourly basis only for hours worked while so assigned.
- C. If the work temporarily assigned is normally assigned to a position at or below the employee's salary rate, he/she shall continue to receive his/her regularly established rate.
- D. A vacant higher level position, as referred to herein, shall include absences by the incumbent of the higher position of more than 10 workdays including vacation, sick or other forms of leave.
- E. Working out of class to a vacant higher level position, for a period of more than six months may be approved by the Personnel Director, or his/her designee, on a case by case basis.
- F. A vacant higher level position may also include a portion of a position in which the incumbent is temporarily unable to perform all of the essential functions of the job due to a documented health condition. In this case, an employee may be assigned to temporarily work out of class to perform the full duties associated with the essential function(s) the incumbent cannot perform providing that this work accounts for at least 25% of the job. The higher rate of pay will apply only to those hours in which the employee working out

of class performs duties specific to the essential functions the incumbent cannot perform. The employee assigned to work out of class must work in this capacity for more than two regularly scheduled work weeks, after which out of class pay will apply to the hours worked performing assigned higher level duties effective the first day such work was performed. Additionally, a Department Head, or his/her designee, must obtain approval from the Personnel Director, or his/her designee, prior to assigning an employee to work out of class in a position subject to the conditions described in this paragraph.

Note: This provision is limited to cases where an employee's doctor releases the employee to work in a limited capacity (including full-time work doing limited duties, and part-time work doing full or limited duties) and the County determines it can accommodate the employee with a temporary, modified duty assignment and another employee can reasonably be called upon to perform those essential functions of the job that the employee with limitations cannot perform.

- G. When assigned to work out of class, higher or lower, the incumbent is entitled to hourly stipends normally afforded in these positions (excluding longevity and annual stipends).

CHAPTER 6. RECRUITMENTS AND APPOINTMENTS

SECTION 6.1. RECRUITMENT PROCEDURES. The following procedures based on the six federal merit system principles (see appendix) must be followed in the recruitment of classified employees for Shasta County. The only exceptions or modifications to these procedures are those outlined in Policy Resolution No. 2010-02 (see appendix).

- A. The appointing authority begins recruitment by forwarding a Request to Fill Position Form or, if necessary, a REQUEST FOR CONTROLLED HIRING EXEMPTION/EXCEPTION Form, to Personnel. Personnel then determines, after consulting with the appointing authority, the type of recruitment to conduct. The three types of recruitment are: County Promotional - open only to regular Shasta County employees; Departmental Promotional - open only to regular employees within the department where the vacancy exists; and Open - which is a general recruitment open to anyone. Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification. Exceptions may apply with approval from the Director of Support Services, or his/her designee.
- B. If no eligible list exists, the job description for the position and any previous bulletin(s) will be reviewed with the appointing authority for accuracy and updated if appropriate. Personnel will update the job description under authority granted by the Board of Supervisors. However, if there are proposed changes to the title or pay of the classification, or significant proposed changes in duties, such proposals require approval of the Board of Supervisors prior to proceeding. After the job description and bulletin are approved by Personnel in consultation with the department, Personnel will decide which newspapers, job websites, professional journals or other job recruiting resources to utilize. Departments may only place additional ads after consulting with Personnel. Departments may only do large- scale mailings of the job bulletin after reviewing its content with Personnel. Personnel may initiate the process to create a new eligible list if the recruitment for the current eligible list commenced a year or more before the current request to fill. A new list may also be created for compelling reasons (based on agreement between the Department Head, or his/her designee, and the Director of Support Services, or his/her designee) if the list was created less than one (1) year before the current request to fill. Notices of recruitments are posted on bulletin boards in various county offices and sent to other local agencies and distributed consistent with equal employment opportunity laws. Notices are updated and distributed by Personnel. Current open recruitments shall also be announced on the Shasta County Website .
- C. If an existing eligible list is less than one year old, the top ten (10) names shall be certified to the appointing authority. Additionally, where possible, employees on recall lists will be referred first or in conjunction with the certified list. If the eligible list is older than one year or consists of five (5) or fewer viable names, the appointing authority, in consultation with Personnel, may either select someone from the existing list or reject the list and request the development of a new list. If the department provides valid justification for the rejection of one or more applicants from the certified list, causing five (5) or fewer viable names to remain for the department to consider, the appointing authority, in consultation with Personnel, may reject the list and request the development of a new eligible list. The eligible list must be abolished if it is older than two years. If a Departmental Promotional

eligible list exists and a County Promotional or Open list is subsequently developed, the department must use the departmental list until it expires.

If a unique, special-duty assignment exists within a broadly defined classification, Personnel may approve a request from an appointing authority for a specialized recruitment even if a current (general) eligible list exists, or to develop a new eligible list specific to the special assignment from the existing eligible list.

- D. A filing period will be established by Personnel, during which time applications will be accepted. If a small number of applications are received during the recruiting period, the recruitment may be extended. Only County application forms received for current recruitments will be accepted. Applications must be received by Personnel no later than 5 p.m. Pacific Standard Time (PST) on the final filing date, unless otherwise specified on the job bulletin. Supplemental questions, typing certificates, or additional required information, must be submitted by 5 p.m. (PST) on the final filing date, unless otherwise specified on the job bulletin.
- E. Department Heads are encouraged to promote employees from within their own departments, if those employees' qualifications meet the job specifications and if they successfully pass the appropriate written and/or oral examinations. Employees are encouraged to apply during Open or County Promotional Recruitments for classifications in the department where potential openings may occur because County Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification.
- F. All County employees shall be entitled to take such written and/or oral examinations as are scheduled to fill position vacancies in the various County departments, without loss of regular pay, subject to the determination of Personnel that those employees meet the requirements of the position as set forth in the class specifications.

SECTION 6.2. SCREENING OF APPLICATIONS. Applications shall be screened by Personnel and others designated by Personnel to minimum qualifications as outlined in the job specifications. If an excessive number of applications meets minimum qualifications, or if the opening is for a specialized assignment, additional work-related criteria such as skills, experience, education, and training may be applied to limit the number of written and/or oral exams.

SECTION 6.3. WRITTEN AND ORAL EXAMINATIONS.

- A. Eligible lists shall be compiled by Personnel based on ratings earned by applicants during oral and/or written examinations. Personnel will determine the appropriate exam process for the recruitment. Personnel may require written exams in addition to oral exams (interviews) for individuals applying for certain positions.
 - 1. The appointing authority may opt to allow applicants the ability to transfer passing written exam scores to a current recruitment. The appointing authority is responsible for determining any restrictions related to transferring passing written exam scores, such as length of time that has transpired since passing the written exam and notifying Personnel of the determination.

- B. If ten (10) or fewer applicants are determined to be qualified as a result of the application screening process, all shall be referred to the appointing authority for interviews, thereby by passing the initial oral exam. When written and/or oral exams are scheduled, candidates will be notified by mail, email, or telephone of the date, time and place of the exam. Departments may, upon consultation with Personnel, make the initial contact with applicants via phone to set up a time for the oral exam. If initial contact is made via phone, a confirmation letter will be sent.
- C. Each oral exam panel member will be given an interview packet in order to review the materials before the interviews. An oral exam panel will ordinarily consist of three individuals selected by Personnel and the appointing authority for their knowledge and expertise regarding the position. When possible, candidates will be notified of the names of the panel members prior to being interviewed. If a candidate has a concern regarding a particular panel member, those concerns are to be made known to the Chairperson of the oral board. Additionally, a candidate may request Personnel to remove one panel member. Personnel will determine the appropriateness of the request.
- D. Candidates will be notified of the results of their exam, typically within two weeks following the exam. Upon request by the candidate, composite exam scores maybe provided; the scores of the individual panel members or from individual categories will not be made available to the candidate. Specific written exam scores will not be provided to candidates for Pass/Fail tests.
- E. The oral exam panel may fail a candidate as a result of the interview based upon objective criteria that indicate that the individual is not qualified for the position. For example, the interview may reveal that the individual lacks essential knowledge, job-specific skills, necessary communication skills, a basic understanding of the job functions, or other key qualifications typically required of the position. The board panel must document such information and review it with Personnel. This may be done on panel scoring sheets instead of separate documents. Each category must have a score, and the panel members must be able to support each score. If Personnel concurs that the individual lacks sufficient qualifications to be placed on the eligible list, the individual must be notified in writing that it was the consensus of the oral board panel that he/she did not present qualifications sufficient to be placed on the eligible list.
- F. Veterans' Preference.
 - 1. An applicant who has received a passing score on all components of an examination (up to and including oral examinations) and who is a veteran shall receive credit for an additional five points to be added to the final examination score.
 - 2. For the purposes of this section, a veteran has the same meaning as in Government Code § 18973, as now enacted and as may hereafter be amended. As currently written, Government Code § 18973 defines a "veteran" as any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940 to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions

other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

3.
 - (a) An applicant who wishes to be considered for veterans' preference credit must submit a copy of his or her discharge document (DD-214 or equivalent) and information as to the type of discharge (honorable, dishonorable, etc.) with the application on or before the final filing date for the recruitment and;
 - (b) Failure to submit the required credentials on or before the final filing date of the recruitment shall be deemed a waiver of the veterans' preference.
4. Veterans' preference shall apply only to examination scores used to create eligible lists from Open Recruitments and shall not affect recall lists, eligible lists created from County or Departmental Promotional Recruitments or by any other means, or any other employment decision. Should an applicant claiming a veterans' preference be hired to a regular County employment position, his or her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County employment position.
5. Veterans' preference shall apply only to the examination scores for classified employment positions with Shasta County.

SECTION 6.4. ELIGIBLE LISTS.

- A. An eligible list will be established upon the compilation of final exam scores. The top ten (10) candidates (or more if the candidates are tied with others) on the list shall be certified to the appointing authority for final consideration and interview(s) as approved vacancies occur. Should the list include eligible employees from the hiring department, Personnel will also certify the top five (5) regular full time or regular part-time if not already included in the top ten (10) candidates (or more if scores are tied). For each additional vacancy, the department will be provided one additional candidate (or more if scores are tied). The appointing authority should interview all of those certified eligible prior to making a hiring selection.
- B. Current Shasta County employees wishing to transfer from their current departments to different departments within the same classification shall be considered for such transfer by submitting an application to Personnel at any time. Assuming they are otherwise eligible, their names will be referred in addition to the top ten (10) names on an eligible list. The appointing authority may consider a transfer request by a county employee without first establishing an eligible list or using the existing eligible list. These principles also apply to employees wishing to demote into classifications in which they previously held permanent status.
- C. Before being provided names of additional candidates, the department must reasonably justify the rejection of the original candidates certified. Valid justifications for rejecting certified applicants may include, but are not limited to: the applicant did not return

department's phone call after two efforts; phone disconnected, no forwarding number; scheduled interview but did not attend interview; failed a background investigation that was conducted in accordance with County procedures (i.e., something was revealed in the reference check or background investigation that caused grave concern to the Department Head regarding the applicant's work ethic, attention to duty, skills, cooperation with management or coworkers, poor performance evaluations, etc.); criminal conviction of a job related nature; or other similar substantial reasons. Personnel will determine if the justification is sufficient to bypass the applicant's name in future certifications of the eligible list.

- D. Employees on a recall list shall be certified in accordance with the County's lay off policy.

SECTION 6.5. CONTINUOUS RECRUITMENT.

- A. Notwithstanding the foregoing, the Director of Support Services, or his/her designee, may authorize an open, continuous recruitment for specific classifications when such classifications have a history of multiple recruitments occurring within a year's period or the positions frequently remain vacant or underfilled.
- B. The process for continuous recruitments shall be as follows:
1. An appointing authority may request a continuous recruitment, (reference Section 6.1), or the Director of Support Services, or his/her designee, may initiate such recruitment.
 2. The Director of Support Services, or his/her designee, will only authorize continuous recruitments if one of the criteria referenced in paragraph A is met.
 3. The position will be posted as open for continuous recruitment (reference Section 6.1.B).
 4. Applications will be screened on a monthly basis or more frequently as necessary (reference Section 6.2).
 5. Applicants who do not meet the established qualifications will be notified by mail or email.
 6. Qualified applicants will be scheduled for the examination(s) typically used to establish eligible lists for the class (reference Section 6.3).
 7. Applicants completing the examination process will be informed by mail or email that they passed or failed the examination(s) and, if passed, of their ranking on the eligible list (reference Section 6.3).
 8. Rankings will be based on examination(s) scores and how these scores compare to others already ranked on an established list. When individuals are notified of their ranking on the list, they will also be informed that their ranking may change in the future as new names are added or deleted from the list.

9. Candidates on the list may not participate in future examinations for the same job classification within six months of their initial placement on the list unless the list is being abolished and replaced with a new one.
10. Candidates' names will be removed from the list after one year from the date of their last placement on the list.
11. The Director of Support Services, or his/her designee, may discontinue a continuous recruitment for a classification at any time.

SECTION 6.6. MULTIPLE EMPLOYMENT. No employee, whether full time, part-time, or extra help, shall hold more than one employment with the County without prior concurrence of the appointing authorities for whom the employee will work and the approval of the Director of Support Services, or his/her designee. This provision shall not apply to employees represented by the Deputy Sheriffs Association, who, if employed in a full-time position, shall not be permitted to work for compensation for the County in any capacity other than his/her regular position.

SECTION 6.7. REINSTATEMENT. Notwithstanding anything to the contrary in this Chapter and without complying with the foregoing requirements for appointment, an appointing authority may appoint to a vacant position a former employee who separated from the County's employment in good standing within three years of separation, if the employee held permanent status in the classification to which appointment is being made. Salary step placement upon reinstatement may be to the same salary step to which the former employee was assigned at the time of separation. Upon reinstatement, the employee's vacation accrual rate, maximum vacation accumulation (per Section 12.2), and seniority in the event of a layoff will be based on prior service excluding absences from County employment. In all other respects, benefits and terms of employment will be as in the case of new employment.

SECTION 6.8. OFFERS OF EMPLOYMENT AND REFERENCE CHECKING.

- A. Except as stated in Section 6.8.C.1. below, after extending a verbal or written preliminary conditional offer of County employment, the appointing authority shall conduct a background investigation (based on County policies regarding background investigations) on a prospective employee. The County must extend a conditional offer of employment prior to initiating a background investigation on the prospective employee unless a conviction history check for the job classification is required by a state, federal or local law, or the position is with a criminal justice agency within the District Attorney's Office, Sheriff's Office, or the Probation Department. Such a background investigation includes, but is not limited to, performing reference checks, obtaining the prospective employee's fingerprints for the purpose of conducting a criminal history check, and collecting other job-related information. The appointing authority has the discretion to only conduct background investigations on certain applicants that the appointing authority has decided to move forward in the hiring process. A background investigation is not required of every applicant referred to the appointing authority, unless otherwise required by state, federal, or local law.
 1. The appointing authority shall not consider, distribute or disseminate any of the following while conducting a conviction background check in connection with any application for employment:
 - a. An arrest not followed by a conviction, except when the applicant is out on bail or their own recognizance pending trial, and except for specific offenses

for jobs at specified health facilities as defined by the Health and Safety Code.

- b. Referral to or participation in a pretrial or post-trial diversion program.
 - c. Convictions that have been sealed, dismissed, expunged or statutorily eradicated pursuant to law.
- 2. If the appointing authority intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history, the appointing authority must make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position, including an assessment that considers all of the following:
 - a. The nature and gravity of the offense or conduct.
 - b. The time that has passed since the offense or conduct, as well as completion of a sentence.
 - c. The nature of the job held or sought.
- 3. If the appointing authority makes a preliminary decision that the applicant's conviction history disqualifies the applicant from employment, the applicant must be notified in writing of all of the following:
 - a. Notice of the disqualifying conviction(s) that are the basis for the preliminary decision to rescind the job offer.
 - b. A copy of the conviction report, if any.
 - c. An explanation of the applicant's right to respond to the notice of the preliminary decision before the decision becomes final and the deadline by which to respond. The response may include submission of evidence challenging the accuracy of the conviction history report, evidence of rehabilitation or mitigating circumstances, or both.
- 4. The applicant must be provided at least five business days to respond to the notice before the appointing authority can make a final decision.
 - a. If the applicant notifies the County in writing that the applicant is disputing the accuracy of the conviction history report and taking steps to obtain supporting evidence, the applicant must be given an additional five business days to respond to the notice before the appointing authority can make a final decision.
- 5. Any information provided by the applicant must be considered prior to making a final decision regarding employment.
- 6. If a final decision is made to deny the application for employment due to the applicant's conviction history (solely or in part), the applicant must be informed in writing of all of the following:

- a. The final denial or disqualification.
 - b. Information and any existing procedure the County has for how the applicant may challenge the decision or request reconsideration.
 - c. The right to file a complaint with the California Department of Fair Employment and Housing (DFEH).
- 7. Certain positions are not subject to the procedures outlined in Sections 6.8.A.1. through 6.8.A.6. including:
 - a. Positions with a criminal justice agency, such as the District Attorney's Office, Sheriff's Office, or Probation Department.
 - b. Positions for which the County is required by any local, state or federal law to conduct a conviction history background check for employment purposes or to restrict employment based on criminal history.
 - c. Positions which fall under the provisions of Section 6.8.A.7.a. and 6.8.A.7.b. remain subject to other state and federal laws concerning use of criminal information. Applicants for those positions must be provided a copy of the criminal history information and the opportunity to complete, or challenge the accuracy if, the criminal history information prior to revocation of a conditional offer, denying employment, or otherwise taking an adverse action.
- B. All prospective employees shall sign an Authorization and Release of Information form or other releases authorizing the County to investigate and verify the information contained on their application. Failure to sign such release(s) shall disqualify the applicant. References shall be provided by the applicant. References shall be checked only after a written release has been provided to the County.
- C. Following completion of the background investigation, which includes fingerprinting for the purpose of conducting a criminal history check, the appointing authority may extend an offer of employment conditioned on the results of a medical examination.
 - 1. The appointing authority must first complete the background investigation and evaluate all non-medical information that it reasonably could have obtained prior to extending a job offer conditioned on the results of a medical examination. The collection of non-medical information after extending a job offer conditioned on the results of a medical examination is only allowed if the appointing authority can demonstrate that the information could not reasonably have been collected prior to the offer.
 - 2. It is the department's responsibility to verify that the applicant has passed the background investigation before extending an offer conditioned on the results of a medical examination. This may be done by contacting Personnel. (See also Chapter 30, Pre-employment Drug and Alcohol Testing Policy.)
- D. The appointing authority shall notify all applicants on the certified eligible list as to their selection or rejection for employment.

- E. Employees who have access to Federal Tax Information (FTI) are subject to a background investigation prior to access to FTI data and periodically thereafter, as required by Internal Revenue Service Publication 1075 and State Policy implementing Internal Revenue Service Publication 1075. See Administrative Policy 8-520 for the County's Background Investigation Policy under Internal Revenue Service Publication 1075.

SECTION 6.9. COLLATERAL ALLOCATION FOR THE TRAINING OF A NEW EMPLOYEE. The Director of Support Services, or his/her designee, may create a temporary collateral allocation to provide a time period for an employee their current position to train a new employee. The Department Head, or his/her designee, must make the request for a collateral allocation in writing. The Director of Support Services, or his/her designee, may grant a collateral allocation for up to four weeks for a non-management position, and up to eight weeks for a management position. With the approval of the Director of Support Services, the collateral allocation may be extended up to a maximum of six months. The department request must provide to Personnel the signed resignation or notice of retirement from the employee, or confirmation if hire from the employee's new Department Head, or his/her designee, and provide written assurance that there is funding available for the additional expense.

SECTION 6.10. APPOINTMENTS TO CLASSIFIED SERVICE. All new and promotional appointments to a position in the classified service shall be made by the appropriate appointing authority. All appointing authorities shall appoint to positions in the classified service only from among those who are certified to them by Personnel as being eligible for the particular classification of employment. Insofar as it conforms to other County regulations or policies, each Department Head, or his/her designee, shall be permitted to choose from the top ten (10) applicants in accordance with section 6.4.A.

SECTION 6.11. DEPARTMENT HEADS.

- A. The persons lawfully holding the positions listed in this section, and such other persons as maybe designated from time to time by state law, shall be regarded as Department Heads and shall be part of the executive management of Shasta County government. The manner of their appointment is set forth in the following subsections.
- B. The following department head is appointed by and serves at the pleasure of the Board of Supervisors and may be employed by contract: County Executive Officer.
- C. The following department head is appointed to a four-year term of office by the Board of Supervisors and may be removed for cause pursuant to Government Code section 27641: County Counsel.
- D. The following Department Head is appointed to a four-year term of office by the Board of Supervisors from a list of eligible candidates prepared by the Director of Agriculture, and may be removed for cause pursuant to Food and Agricultural Code sections 2181 et seq. and Business & Professions Code section 12214: Agricultural Commissioner/Sealer of Weights & Measures.
- E. The following Department Heads are appointed by the Board of Supervisors upon the recommendation of the County Executive Officer and serve at the pleasure of the Board of Supervisors:

1. Public Works Director
 2. Director of Resource Management
 3. Director of Child Support Services
 4. Public Defender
 5. Health and Human Services Agency Director
 6. Chief Probation Officer
- F. The following Department Heads are appointed by the County Executive Officer and serve at his/her pleasure:
1. Director of Support Services
 2. Chief Information Officer
- G. The following Department Heads are appointed by authorities other than the Board of Supervisors, as indicated, and serve at the pleasure of their appointing authorities:
1. Fire Warden (appointed by the California Department of Forestry -receives no county pay)
 2. Farm Advisor (appointed by the University of California - receives no county pay)
- H. The following Department Heads make up the elective service:
1. Assessor/Recorder
 2. Auditor-Controller
 3. County Clerk
 4. District Attorney
 5. Sheriff-Coroner
 6. Treasurer-Tax Collector/Public Administrator
- I. The Department Heads listed in subsections B through G shall be subject to termination upon 30 days prior written notice, except where another method of removal is required by contract, ordinance or state law. Upon such Department Heads giving notice of resignation, the County Executive Officer may, for good cause and upon a determination

that the best interests of the County would be served, authorize a maximum of 30 days leave with pay pending the effective date of that resignation.

SECTION 6.12. MERIT PRINCIPLES APPLY. It is the policy of the Board that appointments to positions listed in section 6.11, will be made in accordance with the federal merit principles (see appendix) and that the services of Personnel will be utilized in recruiting and in determining the qualifications of candidates for these positions.

SECTION 6.13. USE OF FORMS. All appointments to positions in the classified and unclassified service shall be made in writing using the methods prescribed by Personnel. A copy of the appointment signed by the appointing authority or his/her authorized designee shall be delivered to Personnel for approval before the proposed appointee begins work or the proposed promotion takes effect. The appointment must be processed by Personnel before payment can be made to the appointee by the County Auditor.

SECTION 6.14. APPOINTMENT OF RELATIVES

- A. Appointing authorities are prohibited from appointing relatives to positions in County service. An appointing authority shall insure that within his/her department, a supervisory person shall not have a relative under his/her supervision, regardless of the departmental budget unit to which the position occupied by such relative is allocated. Such supervision may be direct, i.e., immediate supervision, or indirect by any number of organizational levels within the department.
- B. For the purposes of this section, relative shall include brother, sister, child, parent, uncle, aunt, niece, nephew, spouse, Registered Domestic Partner, or spouse's or Registered Domestic Partner's' brother, sister, parent, uncle, aunt, niece or nephew. Step-relatives of the same relationships are also included.

SECTION 6.15. INITIAL PROBATION. Upon initial appointment in classified service, all employees (except those otherwise specified in memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be dismissed without cause or right of appeal. While on initial probation, an employee may not promote to another classification (except in an unusual circumstance after approval by the Director of Support Services, or his/her designee).

SECTION 6.16. PROMOTIONAL PROBATION. Upon promotion to a classification in classified service with a higher salary schedule, an employee (except those otherwise restricted by specific memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee will be returned to his/her previous classification without cause or right of appeal, provided the employee had successfully attained permanent status in the previous class, and the previous class was under the same appointing authority.

An employee whose promotion is to a job classification under a different appointing authority will be provided written notice that they may not have the ability to return to the prior position held if released during their probationary period.

SECTION 6.17. PROBATION ON TRANSFER OR DEMOTION. For good cause shown, a Department Head, or his/her designee, may require a 12 month probationary period (full-time equivalent) as a condition of appointment in cases of lateral transfer or demotion, voluntary or otherwise, from another department. During such probationary period, the employee

may be dismissed without cause or right of appeal. The employee has no right to return to his/her previous position.

SECTION 6.18. EXTENSION OF PROBATIONARY PERIOD. Any accumulated time absent during the probationary period for a period of more than five working days shall serve to extend the employee's probationary period for the total period of absence. Probation shall not be extended for any other reason.

SECTION 6.19. REJECTION FROM PROBATION. Rejection during a probation period is not a disciplinary action.

SECTION 6.20. LEAVE OF ABSENCE WHILE ON PROBATION. An employee in the initial probationary period may be granted a leave of absence without pay, but the period of leave shall not exceed four months unless otherwise required by law. An employee in any probationary status shall have his/her probationary period extended an amount of time equal to the period of leave.

SECTION 6.21. PROBATION ON RECLASSIFICATION. An appointing authority may require a probationary period of six months on reclassification when the incumbent employee has been performing the assigned duties for less than six months. Should a reclassified position be filled by recruitment, promotional probationary rules shall apply.

CHAPTER 12. VACATIONS

SECTION 12.1. ACCRUAL SCHEDULE. Regular full-time and regular part-time employees, excluding elected officials, shall accrue the following hours vacation time for each paid regularly scheduled working hour not to exceed 80 regularly scheduled working hours in any one pay period. An employee with a minimum of three months of County service shall become eligible for vacation up to the maximum time accrued as of the date such vacation is taken unless otherwise specified by applicable Memorandum of Understanding or other provisions of these Personnel Rules.

<u>Years of Continuous Service</u>	<u>Vacation Hours Accrued Per Hour</u>	<u>Equivalent Days Per Year</u>
0 through 3	.0385	10
4 through 9	.0577	15
10 through 15	.0654	17
16 and thereafter	.0769	20

The following provisions concern employees hired to management positions (as defined in Section 15.2 of the Personnel Rules).

- A. Subject to Section 12.1(C) of the Personnel Rules, for any employee initially hired after March 9, 2014 to a management position (as defined in Section 15.2 of the Personnel Rules), the “years of continuous service” calculation may include years of continuous service with a county or public entity that the employee earned prior to regular full-time or regular part-time employment with the County of Shasta.
- B. Subject to Section 12.1(C) of the Personnel Rules, for any employee initially hired after May 26, 2019, to a management position (as defined in Section 15.2 of the Personnel Rules), the “years of continuous service” calculation may also be utilized to determine, at time of hire, an amount of vacation time immediately available for use at the time of hire that is equal to the “equivalent days per year” based upon the employee’s years of continuous service with a county or public entity that the employee earned prior to regular full-time or regular part-time employment with the County of Shasta.
- C. For both the calculation of years of continuous service under Section 12.1(A) of the Personnel Rules and the availability of an immediate amount of vacation time under Section 12.1(B) of the Personnel Rules, the following factors must be met to the satisfaction and approval of the County Executive Officer and the Director of Support Services:
 1. The time period from the date the employee left his or her prior employment with a county or public entity to the date the employee is employed as a regular full-time or regular part-time employee with Shasta County does not exceed 180 days.

2. The employee's duties with Shasta County as a regular full-time or regular part-time employee are similar in nature to the employee's duties in the last position held with his or her prior employment with a county or other public entity.
3. It will serve Shasta County's interest in being able to recruit and hire highly qualified candidates by including the aforementioned time in the "years of continuous service" calculation and/or calculation of an amount of vacation time immediately available for use upon the date of hire.

SECTION 12.2. TIMES AND CONDITIONS OF TAKING VACATION.

- A. It is County policy that employees use their annual vacation accruals each year at such time or times as may be approved by the Department Head, or his/her designee. However, for reasons deemed sufficient by the Department Head, or his/her designee, an employee may take less than their annual vacation accruals one year and a correspondingly longer vacation the following year. No employee shall be allowed paid vacation time off in excess of that accrued.
- B. The maximum vacation accumulation which may be accrued by a regular full-time or regular part-time non-management employee without losing additional credit shall be 52 times the bi-weekly rate of accumulation of a regular full-time or regular part-time employee. The maximum time limits for vacation accrual shall be extended by the appointing authority as follows:
 1. For up to 13 pay periods if the department cancelled a previously scheduled employee vacation or rejected a timely employee vacation request if the Department Head, or his/her designee, determines that circumstances so warrant.
 2. For a period of any paid leave of absence due to illness or injury, plus, at the discretion of the Department Head, or his/her designee, up to 13 pay periods, if an employee attains maximum accumulation during such leave.
 3. Additional time accrued by an employee under paragraphs 1. or 2. above shall not be lost at the end of the extension; provided, the employee takes time off to reduce his/her maximum accumulation to that provided under B. above within the 13 pay periods immediately following the extension. Such an extension shall not be approved more than once in each calendar year.
- C. The maximum vacation accumulation which may be accrued by a management employee without losing additional credit shall be 78 times the employee's biweekly accrual rate. The maximum vacation accumulation for managers may be extended under the provisions of subsection B. above. Maximum time limits for vacation accrual of appointed Department Heads may be extended for up to 13 biweekly pay periods, upon approval of the CEO, or his/her designee.
- D. Beginning in 2017 for the 2018 calendar year and going forward with each subsequent calendar year, and except as otherwise modified by these Personnel Rules and applicable Memorandum of Understanding, a non-management employee may elect to receive payment for up to 20 hours – in five (5) whole hour increments- of accrued vacation leave or compensatory time so long as the following criteria are satisfied:

Any employee utilizing this provision will be required to submit an irrevocable election through Employee Online by December 31st of the calendar year prior to the calendar year in which the accrued vacation leave or compensatory time is to be cashed out.

Where an employee has properly elected an intent to cash out accrued vacation or compensatory time in the applicable calendar year as noted above, the employee can choose any pay period(s) during the year to receive the elected cash out. All requests for cash out must be made through Employee Online by the due date listed for each pay period. All requests must be submitted in five (5) whole hour increments. All requests for a cash out will be limited to the number of hours elected the preceding calendar year less any cash outs already approved, and the actual current year accrued hours available at the time of the cash out.

If an employee who has elected cash out fails to request the elected cash out in the applicable year, the County will automatically cash out the designated amount up to the hours available to be paid on the final payday of that calendar year in the following order:

1. Compensatory time off
2. Vacation

All annual cash out payments shall be at the base hourly rate only with no other add-on compensation included.

By November 15 of each calendar year, the County shall issue a notice to those employees who have elected cash out and have remaining cash out balances available.

If an employee fails to submit an irrevocable election by December 31st of the calendar year prior to the calendar year in which the accrued vacation or compensatory time would be cashed out, the employee will be deemed to have waived their right and will not be eligible to cash out any such leave in the following calendar year.

- E. Beginning in 2017 for the 2018 calendar year and going forward with each subsequent calendar year, and except as otherwise modified by these Personnel Rules and applicable Memorandum of Understanding, a management employee may elect to receive payment for up to 80 hours of unused administrative leave so long as the following criteria are met.

Any employee utilizing this provision will be required to submit an irrevocable election through Employee Online by December 31st of the calendar year prior to the calendar year in which the administrative leave is to be cashed out.

Where an employee has properly elected an intent to cash out administrative leave in the applicable calendar year as noted above, the employee can choose any pay period(s) during the year to receive the elected cash out. All requests for cash out must be made through Employee Online by the due date listed for each pay period. All requests must be submitted in five (5) whole hour increments. All requests for a cash out will be limited to the number of hours elected the preceding calendar year less any cash outs already approved, and the actual current year hours available at the time of the cash out.

If an employee who has elected cash out fails to request the elected cash out in the applicable year, the County will automatically cash out the designated amount up to the hours available to be paid on the final payday of that calendar year. All annual cash out payments shall be at the base hourly rate only with no other add-on compensation included.

By November 15 of each calendar year, the County shall issue a notice to those employees who have elected cash out and have remaining cash out balances available.

If an employee fails to submit an irrevocable election by December 31st of the calendar year prior to the calendar year in which the administrative leave would be cashed out, the employee will be deemed to have waived their right and will not be eligible to cash out any such leave in the following calendar year.

- F. Vacation requests of over five days for appointed Department Heads shall be forwarded in writing to the CEO, or his/her designee, for approval. In order to assure the best continued service of each department, an appointed Department Head shall, where practical, arrange his/her vacation in such a manner that the employee normally in charge in the Department Head's absence is on duty during the period of such vacation.

SECTION 12.3. PAYMENT IN LIEU.

- A. Any person terminating County employment, or who is laid off under the provisions of Chapter 17 of this manual, or who is granted military leave of absence, other than temporary military leave for a period not exceeding six months, shall be entitled to payment in lieu of earned vacation not taken at the equivalent hourly rate of salary.
- B. Unrepresented Management employees and Appointed Department Heads retiring under the provisions of the Public Employees' Retirement System may remain on the payroll on vacation status until such accumulated vacation time for which they are eligible has been exhausted. An appointing authority may fill such a position immediately following the last day actually worked, provided funds are available.
- C. Employees shall not accrue additional paid leave benefits while running out accumulated vacation time.

SECTION 12.4 NO COUNTY COMPENSATED WORK DURING PAID VACATION. No person shall be compensated for work for the County in any capacity during the time of his/her paid vacation, except as may be authorized in Section 6.6.

CHAPTER 13. SICK LEAVE AND BEREAVEMENT LEAVE

SECTION 13.1. EARNED ACCRUAL RATE. Regular full-time and regular part-time employees, excluding elected officials shall accrue .0462 hours of sick leave for each regularly scheduled hour not to exceed 80 regularly scheduled working hours in any one pay period.

- A. Usage. Paid sick leave can only be granted upon the recommendation of the Department Head in cases of bona fide illness, treatment by an approved licensed medical practitioner, or in the event of illness/medical appointments in the employee's immediate family as referenced in B. below. Employees may utilize paid sick leave as it is accrued unless otherwise specified by applicable Memorandum of Understanding or other provisions of these Personnel Rules.
- B. Family Illness/Medical Appointments. Sick leave granted because of illness in the immediate family or because of scheduled doctor/dentist appointments for members of the immediate family shall normally be limited to 56 working hours per calendar year for all incidents. Additional accrued sick leave can be authorized to be used for reasons held to be sufficient by the employee's Department Head, or his/her designee. Immediate family means father, mother, spouse, registered domestic partner, son, daughter, sister or brother, grandparents, grandchildren, step grandparents, step parents, step children, step sisters, step brothers, step grandchildren, foster children, foster parents, designated person, or others as stipulated by law. A "designated person" can be any person related by blood to the employee such as the employee's aunt, uncle or cousin. A designated person can also be any person who is like family to the employee, such as the employee's unmarried partner or best friend (when in a relationship equivalent to family). The employee must identify the designated person at the time they request sick leave from work. The county has the right to limit the employees to using sick leave to care for one designated person per 12-month period.
- C. Verification of Illness. Written verification by an approved licensed medical practitioner or other satisfactory proof of illness or family illness may be required at the discretion of the Department Head, or his/her designee.

SECTION 13.2. INDUSTRIAL LEAVE.

- A. To receive industrial leave, an employee must apply for workers' compensation benefits and supply supportive medical evidence that there was an industrial injury or disease contracted in the course and scope of employment which prevents the employee from performing his/her duties.
- B. Industrial leave compensation shall be applied to wage loss for the date of injury and subsequent workdays lost during the 30 days immediately following the date of injury. In no event shall compensation exceed 32 hours.
- C. On the fourth consecutive calendar day following the date of injury or illness, provided the employee remains off work, temporary disability benefits will then be paid in accordance with Labor Code 4653.
- D. Beginning with the date temporary disability benefits are applicable (Labor Code 4653) and every day of covered absence thereafter, in the following order, an employee's sick leave, compensatory time off, administrative leave, and vacation may be charged to

assure that, when added to temporary disability benefits paid under workers' compensation, the employee will receive as near to but not exceeding his/her full salary or wage. The employee, at his/her option, may elect any order of application of sick leave, compensatory time, administrative leave, vacation, or none of the preceding benefits if he/she notifies Risk Management in writing within 14 days of the date of injury. (See County of Shasta Administrative Manual 3-130.)

SECTION 13.3. EXCEPTIONS. No County employee shall be entitled to sick leave while absent from duty on account of any of the following causes:

- A. Sickness or disability sustained while on leave of absence other than his/her regular vacation.
- B. An employee who becomes ill while on vacation leave and wishes to be placed on sick leave shall make such request to the Department Head, or his/her designee, as soon as possible. The Department Head, or his/her designee, shall then make a determination whether to approve such request based on the criteria normally utilized in approving sick leave.

SECTION 13.4. BEREAVEMENT LEAVE.

- A. All employees are entitled up to five (5) workdays of bereavement leave for an immediate family member as defined in this Section. Any such bereavement leave will be provided in accordance with the terms and conditions of Government Code Section 12945.7. Regular full-time and regular part-time employees shall be entitled to bereavement leave without loss of pay or charge against sick leave up to a maximum of 24 working hours for each nonconcurrent death in the immediate family. Any remaining bereavement leave time up to the maximum total of five (5) work days per immediate family death will be unpaid unless an employee at their own option chooses to use any available accrued paid leave (e.g., sick leave, vacation, compensatory time off).
- B. Immediate family means spouse, registered domestic partner, father, mother, son, daughter, sister, brother, grandparent, grandchild, step grandparents, step parents, step children, step sisters, step brothers, step grandchildren, and other such persons as may be identified in California Government Code section 12945.7 concerning bereavement leave. Immediate family includes the immediate family of the spouse or registered domestic partner as well as foster parent, foster child, foster grandparent, foster grandchild, foster brother and foster sister.
- C. Bereavement leave need not be taken in consecutive days but must be used up within three months of the date of death of the immediate family member.
- D. Verification of Bereavement Leave. Satisfactory proof of death may be required at the discretion of the Department Head, or his/her designee, for any use of bereavement leave.

SECTION 13.5. LEAVE FOR REPRODUCTIVE LOSS.

Regular full-time and regular part-time employees who have been employed for at least 30 days shall be entitled to up to a maximum of five (5) days of reproductive loss leave of absence in the event of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction for an employee who would have been a parent of the affected child from such events in accordance with California law. The reproductive loss leave is by default unpaid unless the employee at their option chooses to use available accrual leave balances (e.g., sick leave, vacation, compensatory time off).

However, for purposes of reproductive loss leave taken for a miscarriage or stillbirth, regular full-time and regular part-time employees will be provided leave without loss of pay up to a maximum of 24 working hours, with any remaining leave time up to the maximum of five (5) days to be by default unpaid unless the employee at their option chooses to use available accrual leave balances (e.g., sick leave, vacation, compensatory time off).

Reproductive loss leave need not be taken in consecutive days, but must be used up within three months of the date of reproductive loss. However, to the extent the employee is already out on a protected disability or FMLA/CFRA leave of absence that is related to the reproductive loss leave, such leave does not run concurrently and the employee will have the ability to use up to five (5) days of reproductive loss leave within three (3) months of the completion of such protected leaves.

To the extent that an employee experiences more than one reproductive loss event within a 12-month period, the employee will be provided no more than twenty (20) days of qualifying reproductive loss leave within a 12-month period.

SECTION 13.6. SICK LEAVE RETENTION INCENTIVE PAYMENT. Upon separation or termination, other than discharge for cause, any regular full-time or regular part-time employee shall become entitled to payment for accumulated sick leave in accordance with the table below.

<u>% of Accumulation Years of Continuous Service</u>	<u>% of Accumulation Eligible for Cash Payment</u>	<u>Maximum Payment</u>
5 through 9	10.00%	\$3,500
10 through 14	25.00%	\$4,500
15 through 19	37.50%	\$6,000
20 or more	50.00%	\$6,000

SECTION 13.7. SICK LEAVE - CalPERS SERVICE CREDIT CONVERSION. An employee may convert some or all of his/her accumulated but unused sick leave to CalPERS service credit upon retirement. Any sick leave utilized for cash payment as provided in the above section shall not be available for conversion.

SECTION 13.8. STATE DISABILITY/PAID FAMILY LEAVE BENEFITS. Disability insurance benefits shall be extended to employees in accordance with the terms and conditions of the State Disability Insurance Program. Each employee shall contribute to the plan through payroll deductions. Accrued sick leave shall be used to supplement the disability benefit and must be exhausted prior to the use of other accrued leave balances. An employee may elect, in advance, to use accrued vacation, compensatory time off or holiday time to supplement the disability benefit. The total compensation from accrued leaves and disability benefits shall not exceed the employee's base salary at the time of disability. Disability benefits will be considered the primary benefit and leave accruals will be used and treated as secondary to supplement the employee's earnings. Paid Family Leave insurance will be administered as described above, except employees will be required to use other leave balances after Family Sick Leave (if appropriate) has been exhausted.

SECTION 13.9. IMMEDIATE AVAILABILITY OF SICK LEAVE FOR NEW MANAGEMENT HIRES. For any employee initially hired after May 26, 2019, to a management position (as defined in Section 15.2 of the Personnel Rules) and who was previously employed with a county or public entity, he or she may receive up to five (5) days of sick leave to be available for use immediately

upon the date of hire. In order to receive these immediately available sick days, the following factors must be met to the satisfaction and approval of the County Executive Officer and the Director of Support Services:

- A. The time period from the date the employee left his or her prior employment with a county or public entity to the date the employee is employed as a regular full-time or regular part-time employee with Shasta County does not exceed 180 days.
- B. The employee's duties with Shasta County as a regular full-time or regular part-time employee are similar in nature to the employee's duties in the last position held with his or her prior employment with a county or other public entity.
- C. It will serve Shasta County's interest in being able to recruit and hire highly qualified candidates by making the aforementioned sick leave immediately available for use upon the date of hire.

CHAPTER 14. LEAVES OF ABSENCE

SECTION 14.1. LEAVES OF ABSENCE.

- A. A permanent employee may request a leave of absence of up to one year by submitting a written request for consideration to the appointing authority. Leaves of up to one year require approval of the appointing authority and the Personnel Director, or his/her designee. The Personnel Director, or his/her designee, may grant or deny the requested leave of absence for some or all of the requested period. Requests for leaves of absence shall not be unreasonably denied.
- B. With regard to an employee holding a position deemed by the Personnel Director, or his/her designee, to be a position that must be filled for legitimate business reasons, the absent employee's position may be filled if the Personnel Director, or his/her designee, creates a collateral position and the absent employee is moved into that collateral position. During the period of leave granted to the absent employee, the employee moved to the collateral position shall retain the right to return to an existing position in the employee's department in the class he occupied at the time the leave was granted in a manner otherwise consistent with the procedures set forth in Chapter 17.
- C. Such an appointment is either a provisional appointment or a probationary appointment as described in Chapter 6, depending on whether a complete eligible list exists.
- D. The appointing authority may require the returning employee to submit to a medical examination, if the leave of absence was due to health reasons, in order to demonstrate the employee's fitness to return to duty.

SECTION 14.2. INDUSTRIAL LEAVES OF ABSENCE. The County shall continue making its portion of Health Plan payments, including dependent premiums, for employees who are on medical leave without pay due to on-the-job disability for a maximum of 26 pay periods. If applicable, this benefit shall run concurrently with the provisions of the Federal Family and Medical Leave Act, the California Pregnancy Disability Leave Act, and the California Family Rights Act. Workers' Compensation benefits shall not be considered as pay when applied to this section.

SECTION 14.3. RELEASE FROM DUTY.

- A. When the best interest of the County requires the immediate removal of the employee from his position, any employee may be released from regularly assigned duties with pay and benefits by the appointing authority for a period not to exceed 80 working hours upon the approval of the Personnel Director, or his/her designee. Upon showing of good cause by the appointing authority, such release from duty may be extended up to a maximum of twelve (12) months upon

- B. approval by the Personnel Director or his/her designee. While employee is released from regularly assigned duties with pay and benefits, employee must make themselves available for contact or call in by the County and may be required to report immediately to their worksite or to other County facilities for meetings or other work purposes during their regularly scheduled working hours. Employees must notify either their Department or Personnel that they are unavailable for contact or call in by the County while on release from duty by following department procedures for requesting vacation leave and reporting when they are sick. Employees will be notified of the above obligations when placed on release from duty. When an employee who voluntarily participated in a smallpox vaccination or other bioterrorism response or preparedness program is unable to work for up to 24 hours or three workdays as a result of the vaccination, the Public Health Director may recommend, subject to the approval of the Personnel Director, or his/her designee, that the employee be released from duty with pay for that period of time. Additional release from duty, up to a maximum of twelve (12) months, may be approved by the Personnel Director, or his/her designee, for other compelling reasons related to bioterrorism preparedness or response.

SECTION 14.4. LEAVE AFFORDED UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) AND THE CALIFORNIA FAMILY RIGHTS ACT (CFRA).

- A. Notices. Shasta County provides eligible employees with the leaves of absence identified in the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), including Servicemember Leave. The rights and responsibilities for employers and employees in connection with these leaves are described in the following documents located online at the Shasta County Support Services, Personnel Internet and the Intranet websites: Employee Rights and Responsibilities Under the Federal Family and Medical Leave Act; Employee Rights and Responsibilities Under the California Family Rights Act and/or Pregnancy Disability Leave Law.
- B. The Leave Policy. Under the federal Family and Medical Leave Act (FMLA), employees may take up to 12 weeks (or 26 weeks for injured servicemember leave) of unpaid Family and Medical Leave within a calendar year and, subject to any defense allowed under the law, be restored to the same or an equivalent position upon the employee's return from leave provided: (1) the employee has worked for the County for at least 12 months, and for at least 1,250 hours in the 12 months immediately preceding the commencement of the leave; and (2) the employee is employed at a worksite that has 50 or more employees within a 75-mile radius. Under the California Family Rights Act (CFRA) employees may take up to 12 weeks of unpaid Family and Medical Leave within a calendar year and, subject to any defense allowed under the law, be restored to the same or an equivalent position upon the employee's return from leave provided the employee has worked for the County for at least 12 months, and for at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.
- C. Reasons for Leave.

1. FMLA: An employee may take FMLA for any of the following reasons:

- a. The birth of a child and to care for or bond with such child;
- b. The placement of a child with the employee for adoption or foster care and to care for or bond with the newly-placed child;
- c. To care for a spouse, child, or parent ("covered relation") with a serious health condition;
- d. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his/her position;
- e. Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, child, or parent in the United States Armed Forces; or
- f. Leave to care for an employee's spouse, parent, child or next of kin who is an ill or injured covered servicemember.

Leave because of reasons "a" or "b" must be completed within the 12-month period beginning on the date of birth, adoption, or placement. In addition, spouses employed by the County who request leave because of reasons "a" or "b" only, may take a combined total of 12 weeks leave during any 12-month period.

2. CFRA: An employee may take CFRA for any of the following reasons:

- a. The birth of a child and to care for or bond with such child;
- b. The placement of a child with the employee for adoption or foster care and to care for or bond with the newly-placed child;
- c. To care for a spouse, registered domestic partner, child (including an adult child over 18 years of age), or parent, parent-in-law, grandparent, grandchild, sibling ("covered relation"), or to care for a "designated person" with a serious health condition;
 - i. A designated person can be any person related by blood to the employee such as the employee's aunt, uncle or cousin. A designated person can also be any person who is like family to the employee, such as the employee's unmarried partner or best friend (when in a relationship equivalent to family). The employee must identify the designated person at the time they request leave from

work. The county has the right to limit the employees to using CFRA to care for one designated person per 12-month period.

- d. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his/her position; or
- e. Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, registered domestic partner, child, or parent in the United States Armed Forces.

Leave because of reasons "a" or "b" must be completed within the 12-month period beginning on the date of birth, adoption, or placement. In addition, spouses employed by the County who request leave because of reasons "a" or "b" only, may each take 12 weeks of CFRA leave.

- 3. Except where prohibited by law, FMLA leave and CFRA leave will run concurrently.
 - a. Where CFRA does not run concurrently with FMLA, a qualified employee may be eligible to receive up to 12 weeks of CFRA leave and a separate 12 weeks of FMLA leave – for a total of 24 weeks of protected leave – in a 12 month period. For example, if a qualified employee takes 12 weeks of CFRA leave to care for a grandchild with a serious medical condition (something that is not covered under FMLA), then that employee would still have 12 weeks of FMLA available in the relevant 12-month period.
- D. Notice of Leave. If an employee's need for Family and Medical Leave is foreseeable, he/she must give the County at least 30 days' prior notice of the need for leave, preferably in writing. If this is not possible or the need for leave is unforeseeable, the employee must at least give notice as soon as practicable (generally either the same day or the next business day after learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if the employee is planning a medical treatment, he/she must consult with the County first regarding the dates of such treatment.
- E. Medical Certification and Recertification. If an employee is requesting leave because of his/her own or a covered relation's serious health condition, the employee must provide appropriate medical certification from the relevant health care provider within 15 calendar days after the request for leave, if practicable. Medical certification forms are located online at the Shasta County Support Services, Personnel Internet and the Intranet websites. If the employee provides at least 30 days' notice before the commencement of the leave, he/she should provide the medical certification before leave begins. Failure to timely provide a

complete and clear medical certification may be grounds for delay or denial of leave, or for non- designation of the leave as either FMLA or CFRA leave.

The County, at its expense, may require an examination by a second health care provider designated by the County, if it reasonably doubts the medical certification the employee initially provides for his or her own serious health condition. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may, but is not required to, retain a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

The County may require a new medical certification annually if a serious health condition continues beyond one calendar year. The County may also require recertification under certain circumstances, such as when a current certification expires, upon request for an extension of the leave, after the expiration of the anticipated minimum duration of the serious health condition, if circumstances have changed, at six (6) month intervals for certain conditions, or as the law may otherwise allow or require. Failure to timely provide (within 15 days if practicable) a complete and clear medical certification may be grounds for delay or denial of leave, or for non- designation of the leave as either FMLA or CFRA leave.

- F. Reporting While on Leave. If an employee takes leave because of his/her own serious health condition or to care for a covered family relation, the employee must contact the County as directed regarding the status of the condition and his/her intention to return to work. In addition, the employee must give reasonable notice (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.
- G. Pay Status. Family and Medical Leave is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:
 - 1. Where the leave is for Reasons (a) or (b) in Sections 14.4.C.1 and C. 2, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.
 - 2. Where the leave is for Reason (d) in Sections 14.4.C.1 and C. 2, the employee must use accrued personal sick leave, vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.
 - 3. Where the leave is for Reason (c) in Sections 14.4.C.1 and C. 2, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave. The employee also has the option, but is not required, to use accrued family

sick leave.

4. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers' compensation payments, while taking FMLA/CFRA leave, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when he/she receives wage replacement benefits and if he/she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum 12-week leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, he/she may still be eligible for unpaid Family and Medical Leave. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

- H. Medical and Other Benefits. The County will continue to make its normal premium contribution towards an employee's group health plan while he/she is on FMLA or CFRA leave for up to 12 weeks in a 12 month period.

1. The employee must pay his/her normal share of the premium, for himself/herself and his/her dependents, in order to maintain health benefits. If the employee is in a pay status, his/her portion of the premium will be deducted from his/her paycheck. If the employee is not in a pay status, his/her premium payment must reach the Payroll Division of the Auditor's Office by the first of the month.
2. After twelve weeks, if the employee is not in a pay status but has been granted additional leave, he/she may continue to participate in the group health plan, without interruption, by paying the full premium amount by the first of the month. The employee is responsible to contact the Auditor's Office to determine if payment must be paid directly to the Auditor's Office and/or directly to the insurance provider. An employee has a minimum 30-day grace period in which to make premium payments.
3. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.
4. If an employee does not return to work following his/her leave for a

reason other than the continuation, recurrence, or onset of a serious health condition which would entitle him/her to FMLA or CFRA leave, or other circumstances beyond the employee's control, he/she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during his/her FMLA/CFRA leave.

- a. With respect to CFRA leave, an employee is deemed to have failed to return from leave if he/she works less than 30 days after returning from CFRA leave. An employee who retires during CFRA leave or during the first 30 days after returning is deemed to have returned from leave.

- I. Intermittent and Reduced Schedule Leave. Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours an employee works per workweek or workday) if there is a medical need for the leave, and if that need can be best accommodated through an intermittent or reduced leave schedule. Employees also may be eligible for certain intermittent leave or reduced schedule leave for birth or placement of a child under CFRA in minimum amounts of two week increments, except that an employee can request an increment of less than two weeks on up to two occasions, unless otherwise agreed to between the County and the employee.

For salaried employees the County may reduce an employee's salary based on the amount of time actually worked. An employee may use accrued leave balances to make up the difference.

In addition, if the employee needs leave intermittently or on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the County's operations.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, or if the County agrees to permit intermittent or reduced schedule leave for the birth or placement of a child, the County may temporarily transfer him/her to an available alternative position for which the employee is qualified that better accommodates his/her recurring leave and has equivalent pay and benefits.

- J. Returning from Leave.

1. Return to Work Certification. If an employee takes leave because of his/her own serious health condition (except if the employee is taking intermittent or reduced schedule leave), he/she cannot return to work until the employee provides the County with a return-to-work medical
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certification form from his/her health care provider that states he/she is fit to return to work (and listing any limitations or restrictions on his/her ability to perform the essential functions of his/her former position). No employee will be permitted to resume work until a return-to-work medical certification is provided.

2. Return to Work Certification In Connection With Intermittent Leave or Reduced Schedule Leave. The County is entitled to a certification of fitness to return to duty for absences taken on an intermittent or reduced leave schedule once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. The term "reasonable safety concerns" means a reasonable belief of significant risk of harm to the individual employee or others.
3. Reinstatement. Under most circumstances, an employee who returns from a Family and Medical Leave will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she had been continuously employed rather than on leave.

K. Servicemember Leave.

1. FMLA: The Federal Family and Medical Leave Act provides eligible employees time off from work for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements the County's current FMLA policy and provides general notice of an employee's rights to Servicemember FMLA. Except as mentioned below, an employee's rights and obligations with respect to Servicemember FMLA are governed by the existing FMLA policy (as previously described) to the extent it is applicable.
 - a. Leave Entitlement. Servicemember FMLA provides eligible employees with unpaid leave for either of the following reasons:
 - i. Qualifying Exigency. A "qualifying exigency" arising out of the fact that a spouse, parent or child of the employee is on covered active duty or has been notified of an impending call or order to covered active duty.

- (1) The term "covered active duty" means either of the following:

- The spouse, parent or child is a member of the regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country;
- The spouse, parent, or child is a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty.

(2) An eligible employee may take FMLA leave for any of the following "qualifying exigencies:"

- Short notice deployment (fewer than seven (7) days' notice),
- Military events and related activities,
- Childcare and school activities,
- Financial and legal arrangements,
- Counseling,
- Rest and recuperation,
- Post-deployment activities, and
- Other additional activities to address events that arise out of the covered military member's covered active duty or call to covered active duty.

ii. To Care for a Covered Servicemember- To care for an employee's spouse, parent, child or next of kin who is an ill or injured covered servicemember.

(1) The term "ill or injured covered servicemember" means either of the following:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is

otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness that was incurred in the line of duty while on active duty in the Armed Forces (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and that may render the family member medically unfit to perform the duties of the member's office, grade, rank or rating.

- A veteran who:

- a. Is undergoing medical treatment, recuperation, or therapy, for a qualifying (as determined by the U.S. Secretary of Labor) injury or illness that was incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and
- b. Was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy

2. CFRA: The California Family Rights Act (CFRA) provides eligible employees time off from work for a covered family member's service in the Armed Forces ("Servicemember CFRA").

- a. Leave Entitlement: CFRA

- i. Leave Entitlement. Servicemember CFRA provides eligible employees with unpaid leave because of a Qualifying Exigency related to the covered active duty or call to covered active duty of an employee's spouse,

domestic partner, child or parent in the Armed Forces of the United States.

ii. An eligible employee may take CFRA leave for any of the following "qualifying exigencies:"

1. Short notice deployment (fewer than seven (7) days' notice),
2. Military events and related activities,
3. Childcare and school activities for a child under 18 of the covered servicemember (also applies to children over 18 for whom the servicemember stands in loco parentis)
4. Financial and legal arrangements,
5. Counseling,
6. Accompanying the covered servicemember while that individual is on rest and recuperation leave during the deployment in a foreign country (not to exceed 15 calendar days beginning on the date of commencement of the rest and recuperation leave),
7. Post-deployment activities,
8. Addressing issues that arise from the death of the covered servicemember while on covered active duty status, including meeting and recovering the body of the spouse, domestic partner, child or parent, making funeral arrangements, and attending funeral services, and
9. Any other activities to address other events that arise out of the covered active duty or call to covered active duty of the spouse, domestic partner, child, or parent in the Armed Forces of the United States, provided that the employer and employee agree that this leave shall qualify as an exigency, and agree to both the timing and duration of this leave.

3. Duration of Servicemember Leave: FMLA

- a. Qualifying Exigency When leave is due to a “qualifying exigency,” an eligible employee may take up to 12 workweeks of leave during a calendar year. However, unless another covered reason applies, leave because of “short-notice” deployment may not exceed seven (7) calendar days, beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation.
- b. To Care for a Covered Servicemember. When leave is to care for an injured or ill servicemember, an eligible employee may take up to 26 workweeks of leave during a single 12-month period for that purpose. The 12-month period is measured forward from the first day of leave.

Any portion of the 26 workweeks of leave remaining at the end of the single 12- month period is forfeited.

An eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the “single 12-month periods” corresponding to the different leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each “single 12-month period.”

An eligible employee may take leave to care for an injured or ill servicemember and may also take other Family and Medical-qualifying leave during a single 12- month period. However, the leave for other Family and Medical qualifying reasons cannot exceed 12 work weeks and the total amount of all leaves may not exceed 26 workweeks in a single 12-month period.

If an employee and his/her spouse both work for the County, their combined leave can be limited to 26 weeks in a single 12-month period if the leave is taken for (1) birth of the employee’s son or daughter or to care for the child after birth; (2) for placement of a son or daughter with the employee for adoption or foster care, or to

care for the child after placement; (3) to care for the employee's parent with a serious health condition; or (4) to care for a covered servicemember with a serious injury or illness.

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law, including, but not limited to, CFRA leave and the leave described in Section 14.7 (Leave for Spouses and Registered Domestic Partners of Persons Serving in the Military).

If leave to care for a covered servicemember is taken concurrently with leave for another FMLA-qualifying reason, the leave will first be designated as servicemember leave. Leave that qualifies under the FMLA as both (1) leave to care for a covered servicemember and (2) leave to care for a family member with a serious health condition during the single 12-month period will not be designated and counted as both FMLA leave to care for a covered servicemember and FMLA leave to care for a family member with a serious health condition. It will be designated as FMLA leave to care for a covered servicemember.

4. Duration of Servicemember Leave: CFRA

- a. An eligible employee may take up to 12 weeks of Servicemember CFRA in a 12-month period.

5. Notice of Need for Servicemember FMLA/CFRA. An employee must provide as much advance notice as practicable of his/her need for Servicemember FMLA/CFRA. If the leave is for the planned medical treatment of a covered servicemember, the employee must provide 30 days' advance notice, unless such notice is not practicable. If 30 days' notice is not practicable, the employee must provide notice as soon as is practicable.

6. Certification. If an employee is requesting leave for a "qualifying exigency," the County may require him/her to provide a copy of the covered servicemember's active duty orders or other documentation verifying the covered servicemember is on active duty or has been called to active duty to support a contingency operation, and the dates of active service. The County may also require the employee to provide a certification verifying eligibility for leave.

If an employee is requesting FMLA leave to care for a covered servicemember, the County may require him/her to provide a medical certification from an authorized health care provider verifying certain information regarding the covered servicemember and his or her injury or illness. For purposes of this certification, the term "health care

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provider” includes: (a) a United States Department of Defense health care provider; (b) a United States Department of Veterans Affairs health care provider; (c) a United States Department of Defense TRICARE network authorized private health care provider; or (d) a United States Department of Defense non-network TRICARE authorized health care provider.

7. Verification. If an employee requests leave because of a “qualifying exigency,” the County may contact the Department of Defense to verify the covered servicemember is on or has been called to duty. Additionally, if the employee is taking leave to meet with a third party, the County may contact the third party to verify the meeting and its purpose.
8. Pay Status. Servicemember FMLA/CFRA is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:
 - a. Where the leave is for a qualifying exigency, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave.
 - b. Where the leave is to care for a covered servicemember, the employee must use accrued vacation, administrative leave, holiday credit, and/or compensatory time off prior to unpaid leave. The employee also has the option, but is not required, to use accrued family sick leave.
 - c. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers’ compensation payments, while taking Servicemember FMLA/CFRA, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when he/she receives wage replacement benefits and if he/she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, he/she may still be eligible for unpaid

Servicemember FMLA/CFRA. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

9. Medical and Other Benefits. The County will continue to make its normal premium contribution towards an employee's group health plan while he/she is on Servicemember FMLA/CFRA.

a. The employee must pay his/her normal share of the premium, for himself/herself and his/her dependents, in order to maintain health benefits. If the employee is in a pay status, his/her portion of the premium will be deducted from his/her paycheck. If the employee is not in a pay status, his/her premium payment must reach the Payroll Division of the Auditor's Office by the first of the month.

b. After expiration of the FMLA/CFRA leave entitlement, if the employee is not in a pay status but has been granted additional leave, he/she may continue to participate in the group health plan, without interruption, by paying the full premium amount by the first of the month. The employee is responsible to contact the Auditor's Office to determine if payment must be paid directly to the Auditor's Office and/or directly to the insurance provider. An employee has a minimum 30-day grace period in which to make premium payments.

c. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.

d. If an employee does not return to work following his/her Servicemember FMLA/CFRA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle him/her to FMLA/CFRA leave, or other circumstances beyond the employee's control, he/she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during his/her Servicemember FMLA/CFRA leave.

SECTION 14.5 PREGNANCY DISABILITY LEAVE/REASONABLE ACCOMMODATION.

A. Notice. Shasta County complies with the Pregnancy Disability Leave (PDL) and reasonable accommodation provisions of the California Fair Employment and Housing Act (FEHA). The rights and responsibilities for employers and employees in connection with PDL are described in the following document located online at the Shasta County Support Services, Personnel Internet and the Intranet websites: Employee Rights and Responsibilities Under the California Family Rights Act, and/or Pregnancy Disability Leave Law.

B. Pregnancy Disability Transfer & Reasonable Accommodations. The County will

provide reasonable accommodations for a female employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider. This includes, but is not limited to, temporarily transferring a pregnant female employee to a less strenuous or hazardous position or to less strenuous or hazardous duties for the duration of her pregnancy, if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated.

C. Pregnancy Disability Leave. If a female employee is disabled by pregnancy, childbirth or related medical conditions, or needs to take time off for prenatal care, she is entitled to take an unpaid pregnancy disability leave of up to four months for the period of time she is actually disabled.

1. A "four month leave" means the number of days the employee would normally work within four months. For a full time employee who works five eight- hour days per week, "four months" means 88 eight-hour days of leave entitlement. For employees who work more or less than five days a week, or who work on alternative work schedules, the number of working days which constitutes "four months" is calculated on a pro rata or proportional basis.
2. Leave may be taken intermittently or on a reduced work schedule when medically advisable, as determined by the employee's health care provider.
3. A pregnancy disability leave contains a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

D. Notice. If an employee's need for a pregnancy disability leave or transfer is foreseeable, she must give the County at least 30 days' prior notice of the need for leave or transfer, preferably in writing. If this is not practicable or the need for leave is unforeseeable, the employee must at least give notice as soon as practicable (generally either the same day or the next business day after learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, the employee must consult with the county and make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption to County operations. Any such scheduling will be subject to the approval of the employee's health care provider.

E. Medical Certification & Recertification. In connection with a request for a pregnancy disability leave or transfer, the employee must provide appropriate medical certification from the relevant health care provider within 15 calendar days after the request for leave, if practicable. A medical certification form is located online at the Shasta County Support Services, Personnel Internet and the Intranet. If the employee provides at least 30 days' notice before the

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commencement of the leave, he/she should provide the medical certification before leave begins. Failure to timely provide a complete and clear medical certification may be grounds for delay or denial of the leave or transfer, or for non-designation of the leave as Pregnancy Disability Leave.

1. The certification indicating disability necessitating a leave should contain:
 - a. The date on which the woman became disabled due to pregnancy.
 - b. The probable duration of the period or periods of disability, and
 - c. An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
2. The certification indicating the medical advisability of a transfer should contain:
 - a. The date on which the need to transfer became medically advisable,
 - b. The probable duration of the period or periods of the need to transfer, and
 - c. An explanatory statement that, due to the woman's pregnancy, the transfer is medically advisable.

Upon the expiration of the time period which the health care provider originally estimated that the employee needed, the County may require the employee to obtain recertification if additional time is requested by the employee.

- F. Pay Status. Pregnancy Disability Leave is unpaid leave unless an employee has accrued leave balances (including compensatory time off, administrative leave, holiday credit, vacation, and sick leave). Where the employee has accrued leave balances, the following will apply:

1. The employee must use accrued sick leave. The employee also has the option, but is not required, to use vacation and other accrued leave balances.
2. However, if an employee is receiving wage replacement benefits including, but not limited to, State Disability Insurance (SDI), Paid Family Leave (PFL) insurance, or workers' compensation payments, while taking Pregnancy Disability Leave, the employee will not be required to coordinate accrued leave balances with these benefits unless he/she so chooses. An employee must notify Payroll immediately if/when she receives wage replacement benefits and if she wishes accrued leave to be coordinated with these benefits.

The substitution of paid leave for unpaid leave does not extend the maximum leave period. Further, in no case may the substitution of paid leave for unpaid leave, or coordinating leave balances with wage replacement benefits, result in the employee receiving more than 100% of his/her salary. If the employee is not eligible to substitute paid leave, she may still be eligible for unpaid Pregnancy Disability Leave. An employee will not earn any additional paid time off during the unpaid portion of his/her leave.

- G. Relationship with CFRA Leave. If an employee is eligible for a Pregnancy Disability Leave and for a CFRA leave, the County will not run Pregnancy Disability Leave concurrently with a CFRA leave. An eligible employee may be able to take both a Pregnancy Disability Leave and a subsequent CFRA leave for the reason of the birth of her child.

However, if the employee is eligible for a Pregnancy Disability Leave and for an FMLA leave, the County will run the Pregnancy Disability Leave concurrently with the FMLA leave.

H. Medical and Other Benefits. The County will maintain and pay for group health coverage for an employee on approved Pregnancy Disability Leave for up to four (4) months over the course of a 12-month period per pregnancy, beginning on the date that the leave begins and at the same level and under the same conditions as if the employee had not taken leave. To the maximum extent and period of time allowable by law, such Pregnancy Disability Leave shall be simultaneously designated as FMLA leave. The employee may receive up to an additional twelve weeks of this health insurance benefit during a subsequent CFRA leave for the reason of the birth of her child.

1. The employee must pay her normal share of the premium, for herself and her dependents, in order to maintain health benefits.
 - a. If the employee is in a pay status, her portion of the premium will be deducted from her paycheck.
 - b. If the employee is not in a pay status, the employee is responsible to contact the Auditor Controller's office to determine if payment must be made directly to the Auditor's Office by the first of the month and/or directly to the insurance provider per the provider's timeliness requirements.
2. After all eligible protected FMLA, Pregnancy Disability Leave, and CFRA leave has been exhausted, if the employee is not in a pay status, she may continue to participate in the group health plan, without interruption, by paying the full premium amount by the first of the month. The employee is responsible to contact the Auditor's Office to determine if payment must be paid directly to the Auditor's Office and/or directly to the insurance provider. An employee has a minimum 30-day grace period in which to make premium payments.
3. If payment is not made timely, the employee's group health insurance may be canceled, provided the employee is notified in writing at least 15 days before the date that his/her health coverage will lapse.
4. If an employee does not return to work following her leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle her to FMLA, CFRA, or Pregnancy Disability Leave, or other circumstances beyond the employee's control, she may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during her FMLA, CFRA, or Pregnancy Disability Leave.
 - a. With respect to CFRA leave, an employee is deemed to have failed to return from leave if he/she works less than 30 days after returning

from CFRA leave. An employee who retires during CFRA leave or during the first 30 days after returning is deemed to have returned from leave.

SECTION 14.6. MILITARY LEAVE OF ABSENCE POLICY. This policy is a restatement of the provisions of the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and the California Military and Veterans Code as they relate to leaves of absence for military duty. This policy is intended to describe in lay terms the conditions and benefits of military leaves of absence as prescribed by federal and state law. There is no intention to create any rights or benefits in addition to those in the law. There is also no intention to deprive the County of any defenses as allowed by state or federal law. Where there may be a conflict or question of interpretation or change, the actual language of the law applies.

- A. Definition of "Military Duty Leave of Absence": Except as otherwise noted in this section, the term "military duty leave of absence" is defined as a leave of absence from County employment to engage in the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by federal law.
- B. Right of Reemployment from Military Duty Leave of Absence. An employee returning from a military duty leave of absence who is otherwise entitled to reemployment under state and federal law, shall be promptly reemployed as follows:
 - 1. Service of less than 91 days in the uniformed services:
 - a. Employee shall be reemployed in the position that he would have attained if he had been continuously employed, so long as he is qualified for the position or can become qualified after reasonable efforts by the County to qualify the person.
 - b. If the employee is not qualified for the position mentioned in subsection 14.6.B.1.a above, the employee shall be reemployed in the position of employment in which the employee was employed on the date of the commencement of the service in the uniformed services.

2. Service for more than 90 days in the uniformed services:

- a. Employee shall be reemployed in the position that he would have attained if he had been continuously employed, or a position of like seniority, status and pay, so long as he is qualified for the position or can become qualified after reasonable efforts by the County to qualify the person.
- b. If the employee is not qualified for the position(s) mentioned in subsection 14.6.B.2.a above, the employee shall be reemployed in the position of employment in which the employee was employed, or, if such position has ceased to exist, a position of like seniority, status, and pay, the duties of which the employee is qualified to perform.

3. Employees With Disabilities

In the case of an employee who has a disability incurred in, or aggravated during service in the uniformed services and who (after reasonable efforts by the County to accommodate the disability) is not qualified due to such disability to be employed in the position that he or she would have attained if he had remained continuously employed:

- a. The employee shall be reemployed in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the County; or
- b. If not employed under subsection 14.6.B.3.a above, in a position which is the nearest approximation to a position referred to in subsection 14.6.B.3.a above, in terms of seniority, status, and pay consistent with the circumstances of each person's case.

4. Employees No Longer Qualified for Reemployment Positions

In the case of an employee who is not qualified for the employment positions stated under subsection 14.6.B.1 or subsection 14.6.B.2 above, and cannot become qualified with reasonable efforts by the County for such employment positions:

- a. The employee shall be reemployed in any other position which is the nearest approximation to, first, the position of employment that he would have attained if he had remained continuously employed, and then, to the position that he held at the time he commenced

service in the uniformed services, which such employee is qualified to perform, with full seniority.

5. Temporary or Seasonal Positions

As a general rule, the County is not required to reemploy an employee if the employment he left to serve in the uniformed services was for a brief, nonrecurrent period and there is no reasonable expectation that the employment would have continued indefinitely or for a significant period.

C. Health Insurance Benefits

1. An employee on a military duty leave of absence for less than 31 days shall have his health insurance benefits continue with the County paying its regular share and the employee paying his regular share for such coverage.
2. An employee on a military duty leave of absence for 31 days or more may elect to continue coverage, including coverage for any dependents, for up to a 24 month period and may not be required to pay more than 102% of the full premium.

D. Pension Benefits

An employee reemployed from a military duty leave of absence shall be credited with time spent on a military duty leave of absence for purposes of retirement (in accordance with the California Public Employees' Retirement System laws and policies.)

E. Accrual of Leaves and Use of Accrued Leaves

1. Except as otherwise provided in this Chapter, an employee shall not accrue vacation, sick leave, or other paid leaves, during the period he is on a military duty leave of absence.
2. An employee is permitted to use appropriate accrued leave balances while on a military duty leave of absence. However, the County does not require an employee to use accrued leave balances while on a military duty leave of absence.

F. Salary or Compensation While On a Military Duty Leave of Absence

Except as otherwise provided in this Chapter, the County shall not pay the

employee his regular salary or compensation while on a military duty leave of absence.

G. Benefits and Obligations Upon Reemployment

1. An employee who is reemployed from a military duty leave of absence is entitled to the seniority and other rights and benefits determined by seniority that the employee had on the date he commenced service in the uniformed services, plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.
2. An employee who is reemployed from a military duty leave of absence is entitled to such other rights and benefits not determined by seniority as are generally provided by the County to employees having similar seniority, status, and pay who are on a comparable leave of absence under a County Personnel Rule or applicable provision of an MOU in effect at the commencement of such service in the uniformed services or established while such person performs such service. An employee shall not be entitled to any benefits under this subsection to which the employee would not otherwise be entitled if the employee had remained continuously employed.
 - a. To the extent required by state and federal law, an employee shall be credited with time spent on a military duty leave of absence for purposes of promotion and merit salary increases.
 - b. To the extent required by state and federal law, the employee shall be placed on the step in the salary range that would have been attained had the employee not entered into military service.
3. If an employee is serving a probationary period at the time he commences a military duty leave of absence, the employee's probationary period shall be extended by the length of the absence.
4. USERRA provides that an employee who is reemployed from a military duty leave of absence shall not be discharged from such employment except for cause:
 - a. Within one year after the date of such reemployment, if the person's period of uniformed service before the reemployment was more than 180 days; or
 - b. Within 180 days after the date of such reemployment, if the person's

period of uniformed service before the reemployment was more than 30 days but less than 181 days.

5. Subsection 14.6.G.4 above serves only to provide notice of the USERRA provisions and does not confer any substantive rights on employees beyond what is provided for in USERRA. It does not create a “property interest” in employment and it does not confer any “due process” rights or appeal rights on employees.

H. Paid Temporary Military Duty Leave of Absence - This is defined as a leave of absence from County employment to engage in ordered military duty (exclusive of inactive duty training, such as drills or regularly scheduled weekend meetings) for a period not to exceed 180 calendar days, including travel time, for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or Armed Forces of the United States, or the National Guard, or the Naval Militia.

1. The following shall apply to any Paid Temporary Military Duty Leave of Absence:

- a. Eligibility-To be eligible for a Paid Temporary Military Duty leave of absence, employees must meet the following requirements:

- i. Be a regular employee, occupying a regularly budgeted position and working a minimum of 20 hours per week (extra help employees are not eligible for such leave).
- ii. Have been employed by the County for not less than one year immediately prior to the date upon which leave begins (time previously spent by the employee in recognized military service shall be used in computing the one year of employment).

- b. Effect on Compensation/Benefits - During an approved Paid Temporary Military Duty Leave of Absence, employees shall:

- i. Be entitled to receive their regular salary and compensation as County employees for the first 30 calendar days of such leave in any one fiscal year.
- ii. Accrue the same vacation, sick leave and holiday privileges they would have enjoyed had they not been absent. The right to accrue vacation, sick leave, and holiday privileges will also apply to a period of ordered

inactive duty training that does not exceed 180 calendar days.

- I. Inactive Duty Training Such as Weekend Drills or Regularly Scheduled Meetings
- Employees who are required to attend inactive duty training, such as monthly weekend drills and/or regularly scheduled meetings, that coincide with their regular working days, shall have the option of using any previously earned vacation or compensatory time, or being placed on voluntary time off without pay for such periods of time.
- J. Paid Regular Active Military Duty Leave - This is defined as a leave of absence for full-time military service as a result of being ordered into active duty as a member of the Reserves, National Guard or Naval Militia or as a result of induction, enlistment or otherwise being ordered or called into active duty as a member of the Armed Forces of the United States. The following shall apply to any Paid Regular Active Military Duty Leave:
 - 1. Eligibility - To be eligible for a Paid Regular Active Military Duty Leave of Absence, an employee must:
 - a. Have been employed by the County for not less than one year immediately prior to the date upon which the leave begins (National Guard members called into service during a state of extreme emergency proclaimed by the Governor are not required to meet the one year service requirement).
 - 2. Effect on Compensation/Benefits - During an approved Paid Regular Active Military Duty Leave, employees shall:
 - a. Be entitled to receive their regular salary and compensation as County employees for the first 30 calendar days of such leave in any one fiscal year. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor may receive their regular salary and compensation for the first 30 calendar days of any declared emergency in the state regardless of the number of emergencies declared during a fiscal year.
 - b. Not be entitled to sick leave, vacation or other salary and compensation during the period of active military service. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor shall be entitled to accrue vacation and holiday privileges, but not sick leave, for the first 30 calendar days of such leave.

K. Maximum Salary or Compensation Allowance

1. Except as otherwise provided in this Chapter, no more than the pay for a period of 30 calendar days shall be allowed under the provisions of subsections 14.6.H (Paid Temporary Military Duty Leave of Absence) and 14.6.J (Paid Regular Active Military Duty Leave) for any one military leave of absence or during any one fiscal year. However, National Guard members called into service during a state of extreme emergency proclaimed by the Governor may receive their regular salary and compensation for the first 30 calendar days of any declared emergency in the state regardless of the number of emergencies declared during a fiscal year.

- L. Military Duty Orders - It shall be the responsibility of the employee concerned to provide his immediate supervisor with a copy of the orders specifying a tour of military duty for the employee. These orders shall be presented in sufficient time, if possible, prior to the start of the military duty tour, to permit review for the eligibility, obtaining required approvals, and the processing of paperwork for a leave of absence. (See Jury Duty/Military Leave form online at the Shasta County Support Services, Personnel Internet and the Intranet websites.)

SECTION 14.7. LEAVE FOR SPOUSES AND REGISTERED DOMESTIC PARTNERS OF PERSONS SERVING IN THE MILITARY. This policy is designed to implement California law providing that spouses and registered domestic partners of members of the Armed Forces, National Guard, or Reserves, be allowed to take up to 10 days of unpaid leave when their respective spouses and registered domestic partners are on leave from deployment during a period of military conflict. To the extent such leave would also be considered qualifying exigency leave under FMLA and/or CFRA as provided for under Section 14.4 above, this leave will run concurrently with FMLA and/or CFRA.

- A. Employees Qualified for Leave. To be qualified for leave, an employee must meet the following criteria:

1. The employee must be the spouse or a registered domestic partner of a person who is any of the following:
 - a. A member of the Armed Forces of the United States who has been deployed during a period of military conflict in an area designated as a combat theater or combat zone by the President of the United States.
 - b. A member of the National Guard who has been deployed during a period of military conflict.
 - c. A member of the Reserves who has been deployed during a period

of military conflict.

2. The employee must perform service for the County for an average of 20 or more hours per week.
3. The employee must provide his/her Department Head, or his/her designee, with notice, within two business days of receiving official notice that his spouse or registered domestic partners will be on leave from deployment, of his intention to take the leave provided for in this section.
4. The employee must submit written documentation to his/her Department Head, or his/her designee, certifying that his spouse or registered domestic partner will be on leave from deployment during the time off provided for in this section is requested.

B. Amount of Leave

1. A qualified employee shall be allowed to take up to ten days of unpaid leave during a period when his spouse or registered domestic partner is on leave from deployment during a period of military conflict.
2. This section shall not affect or prevent a qualified employee from taking a leave that he is otherwise entitled to take.
3. The employee may use appropriate accrued leave balances concurrently with the leave provided for in this section. The County may also require the employee to use appropriate accrued leave balances concurrently with the leave provided for in this section.

C. No Retaliation

1. A qualified employee shall not be subject to retaliation for requesting or taking the leave provided for in this section.

SECTION 14.8 IT ACCESSIBILITY. While an employee is out on a continuous leave of absence under this Chapter, the employee's Department Head, or his/her designee, should notify Information Technology and have all the employee's access to County technology (i.e.: AD Account, email/active sync, VPN, etc.), disabled as described in Chapter 26, Electronic Assets and Information Security. The department should also collect all assigned County hardware and return it to the employee's designated worksite and disable all Department managed user accounts for the duration of the leave. Upon the employee's return to work from the leave of absence, the employee's access to the above-referenced County technology will be restored.

SECTION 14.9. RETURN FROM LEAVE. An employee shall notify the Department Head, or his/her designee, as soon as possible in advance of an anticipated early return from leave. No
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employee shall be permitted to return from leave due to illness or injury without proper medical clearance. Written notification shall be made to the Personnel Director, or his/her designee, by the Department Head, or his/her designee, of return from leave or failure to return.

CHAPTER 18. SALARY PLAN

SECTION 18.1. SALARY RANGE STEPS.

- A. Except as otherwise provided in this chapter, new provisional or probationary employees shall be appointed at Step "A" of the assigned salary range; provided, however, that the Personnel Director, or his/her designee, may authorize that a new employee be appointed at the "B" or "C" Step of the assigned salary range based on exceptional qualifications and/or recruitment difficulties. Placement of employees at "D," "E," or "F" steps requires recommendation by the Personnel Director, or his/her designee, and approval by the CEO, or his/her designee, because of exceptional qualifications and experience or recruiting difficulties. (See also Policy Resolution No. 2010-02, in appendix.)
- B. Placement of a current extra help employee, who is at D, E, or F step of the salary range, into a regular position in the same classification at D, E, or F step, may be recommended by the Department Head, or his/her designee, for approval by the Personnel Director, or his/her designee, if the employee has qualified through the normal recruitment process. The Department Head, or his/her designee, must submit a written request to the Personnel Director, or his/her designee, prior to offering regular employment.
- C. When the filling of a position at a step which is higher than the first step of the salary range is authorized, a department may after assessing the incumbents' qualifications, submit a request to the Personnel Director, or his/her designee, that incumbents of positions in the same class, earning less than the step in the particular salary range at which the new employee enters, may be advanced to the same or a higher step. Any employee receiving a step advancement will also receive a new salary anniversary date.

SECTION 18.2. SALARY INCREASES WITHIN RANGE.

- A. Progression to higher steps within the salary range, shall not be automatic, but shall be based on merit and given only upon the affirmative written authorization of the appointing authority and the certification of the Personnel Director, or his/her designee, that the recommended increase is in accordance with the provisions of the County Personnel Manual and Salary Resolution. Such authorization may be given by a Department Head, or his/her designee, on behalf of an employee in the classified service only if the most recent performance evaluation indicates an overall rating of meets expected standards or above. (Refer to evaluations policy in Chapter 34.) Delay of a merit increase due to a performance evaluation of less than meets expected standards shall result in a change of salary anniversary date. (See also Policy Resolution No. 2010-02, in appendix.)
- B. Each person employed in a classification assigned to a salary range shall be eligible for merit increases within the range as follows (See also Policy Resolution 2010- 02, in appendix.):
 - 1. Eligibility for advancement to the B step shall be the beginning of the first pay period following completion of 13 pay periods of continuous service unless otherwise stipulated in a Memorandum of Understanding.

2. Eligibility for advancement to the C step and each subsequent step shall be the beginning of the first pay period following completion of 26 pay periods in each step of the range.
 3. A leave of absence other than that for which full pay is received, (e.g., vacation, sick leave, administrative leave or compensatory time off), shall cause the step increase eligibility date to be postponed by one pay period for each pay period of such leave. If the leave of absence is for one-half or more of a pay period, the step increase eligibility date will be postponed a full pay period.
 4. An employee who works the regular schedule of hours for more than one-half of the regularly scheduled workdays in the first pay period shall be deemed to have started on the first day of the pay period for the purposes of this section.
- C. The Personnel Director, or his/her designee, shall establish procedures which will assure timely notification and processing by all parties concerned.
- D. Should it be determined that a merit increase was overlooked through error and that the employee would have otherwise met the requirements for such increase, salary adjustment shall be made effective from the original date of eligibility for the increase up to a maximum of 26 pay periods; provided, however, that this provision shall apply only in cases of persons in the employ of the County at the time such error is claimed.

SECTION 18.3. SALARY ON PROMOTION.

- A. An employee who is appointed to a position in a class allocated to a higher salary range than the class of position which he/she formerly occupied shall receive the nearest higher salary in the new salary range as of the date upon which the appointment becomes effective; provided, however, that no such increases shall be less than 5% nor more than the maximum of the salary range of the higher classification. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the promotion was effective. In cases of promotion, the provisions of Section 18.2 shall be applicable in determining the eligibility of the employee for step increases within the range of the higher classification.
- B. Effective for promotions on and after July 1, 2002, and notwithstanding the provisions of subsection A of this section, a Department Head, or his/her designee, may request, in writing to the Personnel Director, or his/her designee, appointment of a current employee to B or C step. Effective for promotions on or after January 1, 2024, a Department Head, or their designee, may request, in writing to the Personnel Director, or their designee, appointment of a current employee to D, E, or F steps, in consideration of exceptional qualifications and experience. Placement of employees at D, E, or F steps requires recommendation by the Personnel Director, or their designee, and approval by the CEO, or their designee. (The intention of this section is to allow the County the opportunity to consider, for the purposes of salary range step placement upon promotion, the skills and qualifications of existing employees in a manner similar to non- employees, as described in Section 18.1.)

All of the following conditions must be met:

1. The employee qualifies for the requested step of the new salary range under the

provisions of subsection B of this section.

2. The employee is not promoting from one alternatively staffed level to another (such as Accountant Auditor I to Accountant Auditor II).
3. The experience and qualifications of the employee are such that, were he/she a non-employee applicant, the Department Head, or his/her designee, could reasonably be expected to request appointment at higher than A step. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the promotion was effective. In cases of promotion, the provisions of Section 18.2. shall be applicable in determining the eligibility of the employee for step increases within the range of the higher classification.

SECTION 18.4. SALARY ON DEMOTION.

- A. Any employee who is demoted shall have his/her salary reduced to any step in the range for the class of position to which the employee is demoted as determined by the employee's Department Head, or his/her designee, provided the salary is lower than the employee's current salary.
- B. Notwithstanding subsection A, effective April 1, 2008, with regard to demotions related to department reorganization, layoff, career track demotion or similar reasons, other than just cause, a Department Head, or his/her designee, may request, in writing to the Personnel Director, or his/her designee, demotion to B or C step, in consideration of the skills and qualifications of the employee. Effective for demotions on or after January 1, 2024, a Department Head, or their designee, may request, in writing to the Personnel Director, or their designee, demotion to D, E, or F steps, in consideration of exceptional qualifications and experience. Placement of employees at D, E, or F steps requires recommendation by the Personnel Director, or their designee, and approval by the CEO, or their designee. All of the following conditions must be met:
 1. The employee is not being demoted for reasons related to discipline or other just cause.
 2. The employee qualifies for the requested step of the new salary range.
 3. The experience and qualifications of the employee are such that, were the employee a non-employee applicant, the Department Head, or his/her designee, could reasonably be expected to request appointment at higher than A step.
- C. For purposes of further step increases within the salary range, the employee's anniversary date will be changed to the date when the demotion is effective. The provisions of Section 18.2. shall be applicable in determining the eligibility of the employee for step increases within the range of the lower classification.

SECTION 18.5. SALARY ON TRANSFER. Any employee who is transferred from one position to another in the same class or to another in a class having the same salary range shall be compensated at the same step in the salary range as he/she previously received. For purposes of further step increases within the salary range, the employee's anniversary date shall remain the same as it was before transfer.

SECTION 18.6. SALARY ON RANGE CHANGE. An employee who receives a range change (adjustment) to a higher overlapping salary range shall be placed at the same step in the new salary range. The employee's salary anniversary date for step advancement shall not change.

SECTION 18.7. SALARY ON POSITION RECLASSIFICATION. The salary of the incumbent in a position which is reclassified shall be determined as follows:

- A. If the position is reclassified to a class which is allocated to the same salary range as is the class of the position before it was reclassified, the salary and anniversary date of the employee shall not change.
- B. If the position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, the salary placement of the employee shall be treated the same as Section 18.3, Salary On Promotion. The employee shall receive a new anniversary date effective the date of reclassification.
- C. If the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the incumbent shall be demoted to the new class without reduction of current salary and shall receive a new anniversary date as of the effective date of demotion. Such salary shall remain unchanged until such time as the amount of the salary step of the new salary range to which the employee would otherwise be assigned exceeds that of the salary being received.
- D. Effective for reclassifications on or after January 1, 2024, and notwithstanding the provisions of subsection C of this section, if the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the Department may request to treat the salary step placement of the employee in accordance with the provisions of Section 18.4.B, Salary on Demotion, in consideration of exceptional qualifications and experience of the employee in the new classification. The employee's anniversary date will be changed to the effective date of the demotion. The provisions of Section 18.2 shall be applicable in determining the eligibility of the employee for future step increases within the range of the lower classification.

SECTION 18.8. ADJUSTMENT ON SALARY ANNIVERSARY DATE.

- A. Whenever an employee is promoted, receives a range change, or his/her position is reclassified to a class which is allocated to a higher salary range than the class of the position before it was reclassified, on his/her salary anniversary date he/she may first receive any within-range increase to which he/she is entitled, and then receive the higher step in the new salary range.
- B. A permanent employee who is off the job due to a work-related injury or illness shall not have his/her anniversary date changed, unless the off-the-job time period is so extensive as to cover a second anniversary date, which then will be extended until the employee returns to the job.

CHAPTER 20. TRAVEL AND OTHER EXPENSES—COUNTY CHARGES

SECTION 20.1. TRAVEL POLICY.

- A. As used in this Chapter, "travel" means the duration of an authorized departure continuing until the first return.
- B. When reimbursement is not available from non-County funds, any employee who is compelled to travel in the performance of his/her duties and in the service of the County shall be issued a County credit card and/or shall be reimbursed for his/her own actual and necessary expenses for transportation, lodging, meals and other necessary incidental charges in conformance with the policies, rates, and provisions herein set forth.
- C. In all travel, County officers and employees are expected to secure transportation, lodging, meals and other incidental charges as economically as possible.

SECTION 20.2. AUTHORITY FOR TRAVEL.

- A. Members of the Board of Supervisors (Board) are hereby authorized to travel as necessary in the performance of their duties. Members of the Board must get advanced Board majority authorization for payment of any out of county travel occurring in the last quarter of their term without an electorate approved consecutive term.
- B. Travel by members of other Boards and Commissions of the County shall be first approved by the Board of Supervisors except as provided by ordinance or State law.
- C. In State Travel.
 - 1. Department Heads are authorized to travel in state within the performance of their duties and within the limits of budgeted funds.
 - 2. County employees are permitted to travel in state as authorized by the Department Head, or his/her designee.
- D. Out of State Travel.
 - 1. No County officer or employee shall travel out of the state on business of the County without prior approval of the County Executive Officer, except when the absence is for less than five consecutive working days' duration and involves only travel into states bordering up on the State of California. This section D shall not apply to elective County officers, who may travel out of state as necessary in the performance of their duties.
 - 2. Department Heads, or his/her designee, have the authority to approve out-of-state travel when a department is legally mandated to transport or visit a client or inmate across state lines.

SECTION 20.3. TRAVEL TIME AS COMPENSABLE TIME WORKED. For employees who are subject to and not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), travel time shall be considered compensable time worked in accordance with the policies stated in this Section and the FLSA. Nothing in this policy is designed to provide

for compensable work time beyond the requirements of the FLSA. Should any of these policies conflict with the FLSA, the provisions of the FLSA shall control.

- A. Time spent in the course of job related travel (1) driving an automobile, or (2) riding in an airplane, train, boat, bus, or automobile as a required assistant or helper or while performing work specifically required by the employee's supervisor to be performed while traveling, or (3) traveling as a passenger on an airplane, train, boat, bus, or automobile where the travel is not overnight shall be considered as compensable time worked including instances of travel on normal days off. However:
 - 1. Normal commuting time shall not be considered as compensable time worked.
 - 2. Travel time between home and an airport or railroad station which is comparable to normal commuting shall not be considered as compensable time worked.
 - 3. Duty-free mealtime, while in transit, shall not be considered as compensable time worked.
 - 4. If an employee has returned home after completing his/her day's work and is subsequently called out at night to perform an emergency job, all time spent on such travel is considered time worked.
- B. Time spent traveling as a passenger on an airplane, train, boat, bus, or automobile on overnight travel (including travel time to the location and returning from the location) shall only count as compensable time worked when such time spent traveling is during normal work hours, including normal days off. Duty-free mealtime, while in transit, shall not count as compensable time worked.
- C. If an employee is offered by his/her Department Head, or his/her designee, to use public transportation for job related travel, but the employee requests permission to drive his/her personal vehicle instead and that request is approved by the Department Head, or his/her designee, the County may count as compensable time worked either the time spent driving the personal vehicle or the time the County would have had to count as compensable time worked during working hours if the employee had used the public transportation. Each and every Department Head, or his/her designee retains discretion to require that an employee use a particular mode of transportation for job related travel.
- D. In determining total hours worked for overtime purposes, applicable travel time as identified in A. and B. and C., shall be combined with actual hours worked.

SECTION 20.4. TRAVEL ADVANCES. Employees are encouraged to use a County credit card to fund travel expenses. However, where travel extends at least five days or the employee can demonstrate extenuating circumstances, an employee can request the Auditor-Controller to issue a travel advance. When approved, all advances will be issued at one hundred percent (100%) of the estimate.

SECTION 20.5. MEANS OF TRANSPORTATION.

- A. In compliance with Chapter 33 of the Personnel Rules, County Vehicles will be used when available as determined by the Department Head, or his/her designee.
- B. If a County Vehicle is not available, a vehicle may be rented through a County authorized

agency as approved by the Department Head (See Administrative Policy 8-103, Section B.14) or a private vehicle may be used or may be required to be used only upon the approval or direction of the Department Head (See Personnel Rules Chapter 33). The County shall not be liable for any claim for vehicle repair or restoration arising out of the use of a privately owned automobile except reimbursement for expenses as provided herein, unless otherwise required by law.

- C. Air (coach class), train, or other means of transportation may be authorized by the Department Head, or his/her designee, when in the best interests of the County. No nonscheduled air transportation may be used except upon prior approval of the CEO or his/her designee. The traveling officer or employee is responsible for obtaining any tax exemption or other benefit available to the County or its employees.

SECTION 20.6. REIMBURSEMENT. No allowance shall be made for travel by any employee to and from his/her assigned place of work except as specifically provided in this chapter. Department Heads and employees shall be reimbursed for their expenses incurred in the course of work as follows:

A. Allowable Expenses.

1. Employees who are required or authorized to use private vehicles in the course of County business shall be reimbursed at the rate allowed by the IRS. According to the IRS, the mileage rate is intended to cover the following costs associated with the performance of the employee's job: vehicle depreciation (or lease payments), insurance, registration and license fees, personal property taxes, gasoline and all taxes thereon, oil, tires, and routine maintenance and repairs.
2. The use of other approved transportation shall be reimbursed at actual costs. A receipt is required to support the expense.
3. Lodging expenses shall be reimbursed at actual, reasonable and necessary costs as approved by the Department Head, or his/her designee. A receipt is required to support the expense.
4. The County shall provide reimbursement at Peace Officer Standards and Training (P.O.S.T.) approved rates for meals for which the County is fully reimbursed by the State. In rare cases where participation in an official convention or conference offers a meal that costs more than the per diem rate and the County benefits from employee participation in such meals, additional reasonable and necessary meal expenses may be allowed at the discretion of the Auditor-Controller with the appropriate explanation and submission of itemized receipts.
5. Meals shall be reimbursed on a per diem basis. Per diem rates are all inclusive, including tax and tip. The historical base rates for meals beginning June 1, 2018 are: \$12.00 for breakfast, \$12.00 for lunch, and \$25.00 for dinner. Per diem rates will be adjusted by the Auditor-Controller each January 1st based on the Consumer Price Index for All Urban Consumers (CPI-U); West Region; Food away from home category, unadjusted 12-months for the period ending October 31st of the preceding year. When applying annual increases, at no time will the meal per diem rates for breakfast, lunch or dinner exceed the highest US General Services Administration (GSA) rate for California counties as recorded on the GSA website. A historical schedule containing each annual rate will be maintained by the Auditor-Controller.

An employee is not required to use a County credit card or submit receipts for the meals to receive the per diem rates. Should an employee use a County credit card or submit receipts for meals in lieu of the per diem rates, the employee shall be reimbursed for the actual costs of the meals, including tips as explained below, up to the maximum applicable per diem rates for the meals.

In rare cases where participation in an official convention or conference offers a meal that costs more than the per diem rate and the County benefits from employee participation in such meals, additional reasonable and necessary meal expenses may be allowed at the discretion of the Auditor- Controller, including tips as explained below, with the appropriate explanation and submission of itemized receipts.

- a. For the purpose of determining entitlement for meal reimbursements, the following will apply:
 - i. Breakfast - Necessary travel began not later than 7:00 a.m. lasting at least four hours.
 - (A) Initial travel begin time must be at least one hour prior to employee's normally scheduled work time to be eligible for breakfast.
 - ii. Lunch - Necessary travel began not later than 11:00 a.m. and extended to or after 2:00 p.m. and the duration of travel is at least three hours.
 - iii. Dinner - Necessary travel began not later than 5:00 p.m. and extended to or after 7:00 p.m.
- b. Tips. Should an employee use a County credit card or submit receipts in lieu of the per diem rates as stated in Section 20.6.A.5. above, the employee will be reimbursed for tips paid to servers of meals in restaurants, in the actual amount paid, not to exceed the industry standard for appropriate tipping as announced by the Auditor- Controller each January 1st. Reimbursement is not authorized for alcoholic beverages or for any part of a tip attributable to the cost of alcoholic beverages. Reimbursement for tips is only authorized when applied to the cost of food and non-alcoholic beverages. No tips will be reimbursed in connection with per diem meal claims.
 - i. If an employee exceeds the allowable tip amount using a County credit card, the Auditor-Controller has the authority to waive the collection of the excess amount on a case-by-case basis, when it is determined by the Auditor-Controller that it is in the best interest of the County.
- c. In accordance with the rules of the IRS governing "taxable meal benefits," when an employee is paid for a meal expense(s), whether being reimbursed or being paid a stipend, and the employee does not remain overnight away from the general area of his/her headquarters, the corresponding meal expense payments are deemed to be taxable

compensation and as such shall be processed with the County Payroll. All reimbursement for same day travel expenses including meals and mileage, will be processed on the next available payroll cycle immediately following the travel reimbursement request audit. The meal expense payments provided for herein shall not be applied to the employee's California Public Employees' Retirement System (CalPERS) base salary in accordance with CalPERS rules. Headquarters shall mean the building or site at which the officer or employee normally works.

6. For expenses for authorized travel incurred by sworn employees of the Deputy Sheriffs Association (DSA) and the Sheriffs Administration Association (SAA), relative to State sanctioned and reimbursed training, {i.e., P.O.S.T. and Standards and Training for Corrections (STC)}, meal rate provided shall be consistent with State travel reimbursement schedules. Further, such employees shall receive one hundred percent (100%) travel advance for such estimated training expenses.
7. All other authorized travel expenses incurred in the course of work shall be reimbursed in accordance with Section 20.6.A.1. through 6.
8. No reimbursement will be made for meals eaten within County limits unless the travel involves remaining away from the general area of an employee's headquarters overnight, except that the evening meal may be claimed, in accordance with Section 20.6.A.5.c., with the approval of the Department Head, or his/her designee, if by reason of County business an employee must remain away from the general area of his/her headquarters later than 7:00 p.m. or must remain on continuous duty for at least four hours in excess of his/her normal shift. Nothing in this subparagraph is intended to preclude payment for meals which are otherwise reimbursable herein.
9. In addition, with prior approval by the Department Head, or his/her designee, reimbursement for in County meal expense shall be allowed for breakfast, lunch, or dinner in the following circumstances:
 - a. Meetings to discuss bona fide County business with private sector business persons or officials representing other counties, cities, states, or federal agencies;
 - b. Meetings with commissions, task forces, and ad hoc committees which include Shasta County business as an agenda item; and
 - c. Training sessions whereby it is necessary or appropriate for the employee to remain on site during the meal period.
 - d. When a county department elects to schedule trainings and/or meetings, which are attended solely by County employees, during normal meal times, the department must make every attempt to reschedule employees' meal period to another time between 11:00 a.m. and 2:00 p.m. County employees can be reimbursed if the training or meeting spans longer than the usual lunch times and/or with an explanation from the Department Head or his/her designee as to why the employee meal period could not be rescheduled to another time between 11:00 a.m. and 2:00 p.m.

Responsibility for prior authorization shall be with the individual Department Head, or his/her designee.

- B. Employees who are required to work extended shifts of at least three hours preventing them from being at their residence during normal morning and evening mealtimes may be entitled to actual reasonable and necessary meal expenses not to exceed the limits provided in Section 20.6.A.5. and in accordance with Section 20.6.A.5.c. when the meals are authorized by the Department Head, or his/her designee, and supported by a receipt. If, during unusual and extreme circumstances as determined by the Department Head, or his/her designee, it is not practical or possible for a Public Works employee to leave his/her work during normal morning or evening mealtimes during an extended work period, he/she will be provided a meal by the department or be entitled to a meal allowance consistent with Section 20.6.A.5. and in accordance with Section 20.6.A.5.c, unless otherwise stipulated (except for the provisions in Section 20.6.A.5.c.) in the Memorandum of Understanding for the General Teamsters Local 137 Trades and Crafts Unit.
- C. In addition to the above, the following expenses may be claimed if incurred in the performance of official County business:
 - 1. Parking and storage fees;
 - 2. Streetcar, bus, and train fares;
 - 3. Automobile rental (if unable to utilize a County contract for these services (See Administrative Policy 8-103, Section B.14) ;
 - 4. Taxi or shuttle service fares, plus the amount of any tip actually paid to the driver, not to exceed the industry standard for appropriate tipping as announced by the Auditor-Controller each January 1st;
 - 5. Luggage handling tips for bell captains, not to exceed \$1.00 per bag;
 - 6. Ferry, bridge, and road tolls;
 - 7. Long distance telephone and fax charges on County business;
 - 8. Upon approval of the Department Head or his/her designee, registration and conference fees and meal expenses when the meals are part of a conference;
 - 9. Upon approval of the Department Head or his/her designee, and with the concurrence of the Auditor-Controller, other necessary extraordinary expenditures (however, no claim for personal services such as cleaning, laundering, barbering or similar items of expense will be allowed).
- D. Notwithstanding other provisions of this Section, the Board of Supervisors may allow reimbursement not to exceed actual costs for any travel, specifically authorized by the Board, where such reimbursement is necessary to effectively accomplish the purposes for which the travel is undertaken.
- E. The Director of Support Services, or his/her designee, may approve reimbursement for actual and necessary meal expenses for persons not in Shasta County employment who provide training to County employees, who serve on the Board of Employee Appeals, or

who serve on employee selection panels appointed by the Director of Support Services, or his/her designee. Persons traveling from outside Shasta County who provide such service shall be eligible for the same reimbursement for mileage, lodging, meals, and necessary personal expenses as that provided for employees in subsection A. of this Section.

SECTION 20.7. BOARD OF SUPERVISORS' EXPENSES. Members of the Board of Supervisors shall be allowed their actual expenses in going to, attending, and returning from state association meetings and their actual and necessary expenses when traveling outside the County on official business, subject to the specific provisions of this Section and Section 20.6. They shall also be allowed their actual and necessary expenses for meals and lodging related to official business, as prescribed in this Section and Section 20.6.

- A. When reimbursement is otherwise authorized by statute, the County may reimburse members of the Board of Supervisors for actual and necessary expenses incurred in the performance of official duties.
- B. The types of activities that qualify a member of the Board of Supervisors to receive reimbursement of expenses relating to meals, lodging, registration fees, out-of- county travel, and other actual and necessary expenses include the following:
 - 1. Communicating with representatives of regional, state and national government on County adopted policy positions
 - 2. Attending educational seminars designed to improve the Board member's skill and information levels
 - 3. Participating in the meetings of regional, state and national organizations whose activities affect the County's interests
 - 4. Meeting to discuss bona fide County business with private sector, non-profit, or business persons, or officials representing other counties, city, state, or federal agencies; and
 - 5. Meeting with commissions, task forces, and ad hoc committees which include Shasta County business as an agenda item
- C. A Board member may also be reimbursed for, or be provided meals at, County conducted events and meetings of the Board of Supervisors.
- D. All other expenditures require approval by the Board of Supervisors.
- E. The reasonable reimbursement rates for travel, meals and other actual and necessary expenses are those prescribed in Section 20.6.A. Lodging expenses shall be reimbursed as prescribed in subsections F and G of this Section.
- F. If lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Supervisors at the time of booking. If the group rate is not available, the member of the

Board of Supervisors shall use comparable lodging that is consistent with the rates set by the Internal Revenue Service (IRS) in Publication 463 or any successor publication.

- G. Members of the Board of Supervisors shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.
- H. All expenses that do not fall within the rates prescribed in this Section, Section 20.6., or the IRS reimbursable rates, shall be approved by the Board of Supervisors, in a public meeting before the expense is incurred, or ratified after the expense is incurred, when prior action is not possible due to the urgency of the requirement for the expense.
- I. If a Board member chooses to incur additional costs that are above the rates established by this Section and Section 20.6., and those additional costs have not been approved pursuant to subsection H above, then the Board member may incur them at his/her own expense.
- J. Members of the Board of Supervisors shall use claim forms provided by the County Auditor-Controller to obtain reimbursement for actual and necessary expenses incurred on behalf of the County in the performance of official duties.
 - 1. The claim forms shall document that the expenses meet the requirements of this chapter for expenditure of public resources.
 - 2. Members of the Board of Supervisors shall submit claims to the County Auditor-Controller no later than the 15th calendar day after the expense is incurred, and each claim shall be accompanied by original receipts documenting each expense.
 - 3. Members of the Board of Supervisors shall provide brief reports on meetings attended at the expense of the County at the next regular Board meeting.
 - 4. All documents related to reimbursable County expenditures are public records subject to disclosure under the California Public Records Act (Government Code Sections 6250 and following).

SECTION 20.8. TRAVEL AND EXPENSE AND/OR RELOCATION REIMBURSEMENT FOR PROFESSIONAL RECRUITMENTS. The Director of Support Services, or his/her designee, is authorized to approve travel and expense and/or relocation reimbursement for professional recruitments when, because of the nature of a position or because of a particularly difficult recruitment, it is beneficial to the County to pay for the candidate's travel and related expenses in order for the candidate to come to Shasta County for an interview and/or pay for the candidates relocation expenses to Shasta County.

- A. Shasta County will reimburse a candidate for necessary travel, meal and lodging expenses associated with the candidate's interview and/or relocation to Shasta County for a position with Shasta County. This reimbursement includes:
 - 1. Travel: air fare, taxi fare, mileage incurred to and from Shasta County at a rate consistent with that allowed County employees.
 - 2. Car rental: the use of a rental vehicle for one day and/or moving van or similar vehicle for the duration of the relocation.

3. Lodging: hotel/motel and room charges, including Transient Occupancy Tax (TOT).
 4. Meals: food for the applicant consumed during the time it is necessary for the applicant to travel for the interview period and/or relocate to Shasta County, excluding alcoholic beverages.
- B. The following expenses are not reimbursable by the County:
1. Alcoholic beverages;
 2. Personal sundry and other non-related expenses;
 3. Recreational expenses;
 4. In-room movies; and/or
 5. Any expenses for family members.
- C. The Director of Support Services, or his/her designee, is also authorized to approve additional expenses related to the interview and/or relocation process such as, but not limited to, additional meal, lodging or travel expenses which are incurred by the candidate or the candidate's spouse (i.e., additional hotel costs due to travel restrictions, etc.).
- D. If there is any question regarding a potential expense being covered, the department should contact the Director of Support Services, or his/her designee.
- E. After receiving prior approval from the Director of Support Services, or his/her designee, the Department Head, or his/her designee, will provide written verification to the candidate of the approved expenses, prior to commencement of travel and/or relocation to Shasta County.
- F. Wherever possible the recruiting department will arrange for any necessary air travel, lodging, meals, rental car and/or moving van or similar vehicle. Such expenses shall be fully documented, using invoices and receipts which will be billed directly to the recruiting department for reimbursement through the Auditor-Controller's Office.
- G. In all cases, Personnel will be required to approve all expenses prior to the Department Head's, or his/her designee, submittal to the Auditor-Controller's Office.
- H. Reimbursement shall be provided to county employees for meal expenses incurred in conjunction with interviews of candidates for professional recruitments as defined in this policy.

SECTION 20.9. CLAIMS PROCEDURE. Claims for reimbursement for travel expenses shall be made on forms prescribed by the Auditor-Controller. Receipts must be attached for air or rail travel, automobile rental, lodging, registration fees and other expenses for which receipts are normally issued. Failure to complete the forms as required or to submit the proper receipts may be grounds for denying reimbursement. Receipts are not required for meals reimbursed using the per diem method.

- A. Any County employee who travels on County business will be assigned a County credit card for expenses.
- B. Employees traveling on county business (whether receiving an advance or not) must reconcile the travel instance within 10 calendar days of the travel return date.
- C. Reconciling amounts of less than \$1 owing to the County, or due to the employee, will be appropriately recorded in the County ledger using a journal entry but no cash will be paid out or collected.

SECTION 20.10. REIMBURSEMENT FOR TUITION AND OTHER TRAINING AND EDUCATION COSTS.

- A. It is the policy of the Board of Supervisors to encourage employees to participate in cost-effective training which will improve the quality and timeliness of those services County employees provide.
- B. Upon prior approval of the employee's Department Head, or his/her designee, the County will pay for or reimburse an employee for the actual, reasonable, and necessary costs of:
 - 1. Enrollment in and materials for continuing education classes which are required to maintain licensure or qualification for continued County employment, and not taken for the purpose of qualifying for another position or qualifying for non- County employment.
 - 2. Enrollment in and materials for seminars or workshops not exceeding ten class days which are related to the employee's current employment and are not taken for the purpose of qualifying for another position or qualifying for non-County employment.
 - 3. Enrollment in and materials needed for P.O.S.T. or STC training.
 - 4. Enrollment in and materials for education classes conducted in a web- based or on-line format, and not taken for the purpose of qualifying for another position or qualifying for non-County employment. The Department Head, or his/her designee, may authorize payment for on-site or off-site classes. The Department Head, or his/her designee, may authorize use of county property while employee is engaged in pre-approved training in accordance with Chapter 26. Electronic Assets and Information Security and Chapter 27. Use and Access to County Property and Expectations of Privacy. The Department Head, or his/her designee, assumes no responsibility for making county property available for completion of said training should computer equipment and other related electronic systems be unavailable for use.
- C. Upon the Department Head, or his/her designee, obtaining the prior approval of the Director of Support Services, or his/her designee, the County will pay for or reimburse an employee for the actual, reasonable, and necessary costs of other classes, seminars, or workshops related to the employee's current employment and which are not taken for the purpose of qualifying for another position or non-County employment.

CHAPTER 22. POLICY AGAINST DISCRIMINATION, HARASSMENT, ABUSIVE CONDUCT AND RETALIATION

SECTION 22.1. POLICY AGAINST DISCRIMINATION, HARASSMENT, ABUSIVE CONDUCT AND RETALIATION.

Shasta County unequivocally supports efforts to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment with the County without unlawful discrimination, harassment, or retaliation.

The County denounces unlawful discrimination, harassment, retaliation, and disrespectful or other unprofessional conduct by any person against County employees, applicants, interns, volunteers, and independent contractors on the basis of race (includes hair texture and hairstyles), color, religion (includes religious dress and grooming practices), age (persons age 40 and above), sex or gender (includes pregnancy, childbirth, breastfeeding, and/or related medical conditions), sex stereotype, gender identity/gender expression/transgender and sexual orientation, national origin (includes language restrictions and possession of a driver's license issued to undocumented immigrants), ancestry, marital status, disability (including physical, developmental, mental health/psychiatric, HIV and AIDS), medical condition (relating to a diagnosis of cancer or a record or history of cancer, genetic characteristics), reproductive health decision-making, genetic information, military or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation, or on the basis that the applicant, employee, intern, volunteer, or independent contractor is perceived to be a member of a protected class or is associated with a member of a protected class.

This policy is also intended to prohibit treating a county client or customer in a discriminatory, harassing or abusive manner.

In addition, the County prohibits retaliation against individuals who raise complaints of discrimination, harassment, abusive conduct or retaliation, or who participate in workplace investigations.

All references to Personnel Director, CEO, Department Head, or County Counsel in this policy also refer to their designees.

- A. Under federal and state laws, it is illegal to discriminate, harass, or retaliate on one or more of the foregoing bases in hiring, firing, compensation, and other terms or conditions, privileges, or benefits of employment.
- B. All employees shall be informed of the discrimination, harassment, and retaliation complaint process and be assured of their right to file complaints without fear of reprisal. All supervisors and managers shall be trained regarding behavior that constitutes discrimination, harassment, or retaliation.
- C. Discrimination, harassment, or retaliation against another employee, applicant, intern, volunteer, or independent contractor in violation of this policy may be grounds for disciplinary action up to and including termination.
- D. Disrespectful or unprofessional conduct may constitute harassment under this policy.
- E. This policy prohibits any violation of the California Fair Employment and Housing Act, as it currently reads or as it may be amended in the future.

- F. The County encourages any employee to raise questions he/she may have regarding discrimination, harassment, abusive conduct, retaliation or the terms of this policy with the Personnel Director.

SECTION 22.2. PROHIBITED CONDUCT.

- A. Discrimination in employment is unlawful and prohibited when decisions regarding the terms, conditions or benefits of employment are based on an applicant's or an employee's actual or perceived protected status as defined in section 22.1. The following forms of illegal discrimination is prohibited:
1. Disparate treatment: treating an individual differently because of his/her protected status;
 2. Disparate impact: following a policy or practice that has a discriminatory impact on a protected group of persons;
 3. Harassment: treating an individual in such an abusive or hostile way because of his/her protected status that it unreasonably interferes with an employee's work performance or creates a hostile work environment; and
 4. Retaliation: harassing or imposing an adverse employment action because an individual filed a discrimination or harassment complaint or in some other way opposed discriminatory practices, including participation in an investigation, proceeding or hearing including discriminatory practices.
- B. Abusive conduct is prohibited and is defined as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Examples of actions which constitute abusive conduct include:

1. Infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets.
2. Physical conduct that a reasonable person would find threatening, intimidating, or humiliating.
3. Gratuitous sabotage or undermining of a person's work performance or intentional interference with a person's work or work performance.
4. Conduct or actions that a reasonable person would find offensive.
5. Inappropriate conduct or behavior that is pervasive (requiring multiple acts) or severe.

Abusive conduct should be distinguished from appropriate actions to carry out supervisory or management responsibilities. Examples of what abusive conduct is NOT:

- (a) Reasonable management action: Managers have a right to direct the way work is carried out and to monitor and give feedback on performance.
 - (b) Performance management: Action taken in accordance with County rules and policies regarding formal and informal disciplinary action.
 - (c) Reasonable supervisory actions: Providing performance evaluations including negative evaluations; coaching and constructive feedback; setting aggressive performance goals; scheduling ongoing meetings to address performance or departmental goals; investigating potential misconduct.
 - (d) Personality conflict: Differences of opinion; interpersonal conflicts; occasional problems in working relationships.
- C. Unlawful harassment is prohibited and occurs when an employee's conduct, such as that described below occurs on the basis of a protected class as defined in Section 22.1:
- 1. Unreasonably interferes with an individual's work performance, or
 - 2. Creates an intimidating, hostile, or offensive working environment, or
 - 3. Influences or affects an individual's salary, employment conditions, position, or some other aspect of career development.

Examples of harassment include:

- (a) Verbal harassment: epithets, derogatory jokes or comments, threats, slurs, unwanted sexual advances, invitations, comments, posts or messages, or other offensive words or comments.
 - (b) Physical harassment: assault, unwanted touching, battery, impeding or blocking movement, or the physical interference with normal work, privacy, or movement.
 - (c) Visual forms of harassment: derogatory, and/or sexually-oriented posters, photography, cartoons, drawings or gestures, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, correspondence, email messages, or drawings.
 - (d) Abusive conduct on the basis of a protected class as defined in Section 22.1.
- D. This policy prohibits sexual harassment which is a type of sex discrimination and is a violation of Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act.
- It is against the policy of the County for any employee to sexually harass another employee, an applicant for employment, or a member of the public while in the course of County employment, while in uniform, or while using a County vehicle.

- a. "Sexual harassment," as used in this policy, includes any unsolicited and unwelcome sexual conduct when that conduct is directed toward a person

because of that person's sex or gender, and:

- i. Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
 - ii. Submission to or rejection of the conduct by an employee is used as a basis for employment decisions affecting the employee; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive work environment.
- b. "Sexual harassment" does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work efficiency. Sexual harassment may take different forms. It may be overt or subtle. One specific form is the demand for sexual favors. Other forms of harassment include but are not limited to:
- i. Verbal: Sexual innuendos, suggestive comments, whistling, jokes of a sexual nature, sexual propositions, degrading comments, or threats, whether made in person, by telephone or in messages left on voice mail.
 - ii. Visual: Sexually suggestive objects, pictures, or cartoons; leering; obscene gestures; or degrading or vulgar communications made in writing or by fax, email, or other computer transmission.
 - iii. Physical: Unwanted physical contact, including touching, pinching, brushing the body, assault, battery, coerced sexual intercourse, or making explicit or implicit threats or promises in return for submission to physical acts.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of their gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

- E. This policy also prohibits retaliation by any person against anyone filing a complaint or participating in any workplace investigation or complaint process.
- F. This policy also prohibits county employees from acting in discriminatory, harassing or abusive manner toward the county's clients or customers. However, only employees are eligible to use the complaint procedure provided in Section 22.4.
- G. The following conduct by County managers, supervisors and lead employees is also prohibited by this policy:
1. Failing to promptly report or take corrective action when an employee, applicant for employment, or volunteer, a customer or client of the County is being subjected to harassment, sexual harassment, abusive conduct or retaliation on the job or by a County employee; or
 2. Retaliating against a person who complained of discrimination or harassment, or who testified on behalf of one who made a complaint, or who assisted or
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participated in any manner on behalf of a complainant in an investigation or proceeding conducted under this policy.

H. Department Heads, managers, supervisors and lead persons are responsible for the actions of their employees. Department Heads must ensure that employees, managers, supervisors, and lead persons are aware of and comply with the County's policy. Prompt, appropriate action can help avoid, or minimize an incidence of discrimination, harassment, abusive conduct or retaliation.

SECTION 22.3. EMPLOYEE ACTION.

- A. People may not be aware that their behavior constitutes or may constitute harassing or abusive conduct under this policy. Often simply advising someone of the offensive nature of his/her behavior will resolve the problem.
- B. An employee who feels they are being harassed or is experiencing abusive conduct is encouraged to inform the alleged perpetrator either verbally or in writing that the behavior is unwelcome, offensive, in poor taste, or otherwise inappropriate. If this does not resolve the problem or if an employee feels uncomfortable, threatened, or has difficulty expressing their concern, the following complaint procedure should be used.

SECTION 22.4. COMPLAINT PROCEDURE. This procedure shall be used to review and resolve allegations of discrimination, harassment (including sexual harassment), abusive conduct, or retaliation. The procedure has both informal and formal routes of resolution. It is the County's intent to resolve complaints at the lowest step in the process, beginning with the informal step. This procedure may be used both by employees who believe they have been subject to as well as those who believe they may have witnessed discrimination, harassment (including sexual harassment), abusive conduct, or retaliation.

- A. Any employee or prospective employee who believes they have been the subject of or have witnessed unlawful discrimination, harassment, abusive conduct or retaliation, who is not able to satisfactorily resolve the complaint as described in Section 22.3 or is uncomfortable discussing the matter with the harasser, should verbally report the alleged act immediately to their department supervisor, Department Head or the Personnel Director.
- B. If the verbal report does not promptly and effectively remedy the situation, the employee shall file a formal complaint as follows:
 - 1. Any employee or prospective employee who believes he/she has been the victim of or has witnessed discrimination, harassment (including sexual harassment), or retaliation by anyone in the workplace, including an employee or customer, supplier, or visitor, should file a complaint within 30 days of the alleged act. The complaint should be in writing and shall be filed with the Personnel Director. The complaint may be delivered in person or mailed to the Director of Personnel, 1450 Court Street, Room 348, Redding, CA 96001. It should be delivered in a sealed envelope, addressed to the Personnel Director or his/her designee, and marked "Confidential."
 - 2. The written complaint must address the following information to allow a comprehensive investigation to be conducted:

- a. The complainant's full name.
 - b. The complainant's job title and department.
 - c. The subject's full name, if different from complainant.
 - d. The subject's job title and department, if different from complainant.
 - e. The full name and employment classification (if a County employee) of the person or persons allegedly responsible for the discrimination, harassment, or retaliation.
 - f. A plain, concise statement of the facts constituting the alleged discrimination, harassment, or retaliation.
 - g. The date or dates on which the alleged discrimination, harassment, or retaliation occurred.
 - h. The name and telephone number of any witnesses.
 - i. The complainant's signature, address, and telephone number and the date of signing of the complaint.
- C. A supervisory employee receiving a verbal or written complaint of or observing conduct which appears to be prohibited discrimination, harassment, abusive conduct, or retaliation shall inform the Department Head of such complaint or conduct as soon as possible and in no event later than the end of the next working day. If the complaint is about the Department Head the supervisor shall inform the Personnel Director instead of the Department Head. The Department Head will immediately notify the Personnel Director of the complaint or conduct. If the alleged perpetrator is employed in a department other than that of the complainant, the Personnel Director shall immediately inform the alleged perpetrator's Department Head of the complaint.
- D. In addition to the foregoing, the Personnel Director shall initiate an investigation of suspected discrimination, harassment, abusive conduct, or retaliation based upon: (1) the Director's personal observation; (2) a report of such behavior given to him/her or her by an officer or employee who is not a party to the allegation; or (3) such other information as he/she deems sufficient to warrant further inquiry.
- E. The Personnel Director, or his/her designee, in consultation with the Department Head, or his/her designee, and County Counsel, will have full authority to investigate all aspects of the complaint. If the complainant's Department Head is the alleged perpetrator, the Personnel Director, or his/her designee, and the CEO, or his/her designee, shall be in charge of the investigation.
- F. If the complaint was verbal, the Personnel Director, or his/her designee, shall request the complainant submit his/her complaint in writing. If the person refuses to do so, the Personnel Director, or his/her designee, may, in his/her discretion initiate an investigation regardless in accordance with subsection 22.4.D.
- G. All written complaints which provide the information listed in subsection 22.4.B.2 will be investigated in a timely and confidential manner. Reasonable attempts shall be made to protect the confidentiality of the complainant; however, confidentiality cannot be

guaranteed given the extent of the investigation which may take place. Information concerning a complaint will not be released by the County to third parties or to anyone within the County who is not involved with the investigation, except as required by law, nor should anyone involved be permitted to

- H. discuss the subject outside of the investigation or a resulting disciplinary action. The purpose of this provision is to protect the confidentiality of the complainant, to encourage the reporting of any incidents of discrimination, harassment, or retaliation, and to protect the reputation of any employee wrongfully charged with discrimination, harassment, or retaliation.
- I. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination, abusive conduct, or harassment for filing a complaint or assisting in an investigation.

The investigation of a complaint will normally include conferring with the parties involved and any witnesses by a qualified investigator. The Personnel Director, or his/her designee, is empowered to require the attendance of any employee or officer at all reasonable times for purposes of conducting the investigation and receiving testimony. The investigation may include interviews with the complainant, the alleged perpetrator, and any other persons who may have relevant knowledge concerning the complaint. The investigation shall be as thorough as possible, impartial, and shall conclude within the shortest possible time reasonable given the complexity of the case. When good cause is shown, temporary action may be taken pending the conclusion of the investigation.

The Department Head, or their designee, or where the Department Head is the alleged perpetrator, the CEO, in consultation with the Personnel Director, and County Counsel shall determine whether the complaint is valid in whole or in part, based on the evidence obtained during the investigation. A statement of the factual findings and the remedial action to be taken shall be approved by the County Counsel.

- J. Upon a finding that a County official or employee has engaged in unlawful harassment, discrimination, abusive conduct, or retaliation against a County employee, applicant for employment, intern, volunteer, independent contractor, or a County client or customer, the appointing authority shall take appropriate remedial action against the perpetrator up to and including termination of employment. Any disciplinary action shall be commenced and prosecuted in accordance with these Personnel Rules, or any other procedures allowed by a memorandum of understanding between the County and the employee's association.

Upon a finding that an Elected Official has engaged in unlawful harassment, discrimination, abusive conduct, or retaliation against a County employee, applicant for employment, intern, volunteer, independent contractor, or a County client or customer, any findings will be brought to the Board of Supervisors for consideration of remedial action.

Other appropriate remedial measures deemed necessary to prevent future discrimination, harassment, abusive conduct, or retaliation shall also be taken.

- K. After the statement of findings and remedial action has been approved by the County Counsel and the Personnel Director the complainant shall receive a copy of the initial statement of findings. The Department Head or CEO shall provide the complainant with the opportunity to meet to discuss the findings and any remedial action to be taken, provided that no information protected by Penal Code section 832.7, pertaining to peace officers, or other law shall be improperly disclosed. The request to meet to discuss the findings and any remedial action to be taken must be made by the complainant within ten

working days from receipt of the statement of findings. The meeting will then be held within ten working days of the receipt of that request. The complainant will be provided with an updated statement of findings after the initial meeting; if after the receipt of these latest findings, the complainant is still dissatisfied with the findings or the proposed remedial action, the complainant may within ten working days of the receipt of the updated statement of findings, submit a written request for reconsideration. A second meeting between the complainant, the Personnel Director, the County Counsel, and the Department Head, or CEO will be held within ten working days of the receipt of that request. Prior to any modification of the original statement, the alleged perpetrator shall be given notice of the proposed modification and an opportunity to provide input. The complainant shall be advised of their right to have a representative at any and all of these meetings. Following these proceedings, the complainant will be provided with a final statement of findings, which shall be final.

Complainants who submit a formal complaint who were witness to discrimination, harassment, abusive conduct or retaliation, of which they were not subject, will be notified of the closure of investigation; however, are not entitled to a notice of findings or the appeal procedures described herein.

- L. If misconduct is found, the final statement of findings may be made a part of the perpetrator's personnel file and should be attached or referred to in their next performance evaluation.

SECTION 22.5. POLICY AS EXCLUSIVE MEANS OF REMEDY. The procedures specified herein shall provide the exclusive internal mechanism by which all complaints of discrimination, harassment, abusive conduct, or retaliation by employees or applicants shall be heard and adjudicated and no other grievance or appeals procedure otherwise provided in these Personnel Rules or applicable Memorandum of Understanding, shall be used for seeking an administrative remedy for such misconduct, or for purposes of taking testimony or hearing accusations and/or rebuttals on this subject, except that any employee against whom disciplinary action is initiated or proposed to be initiated pursuant to the application of this procedure shall have full rights to hearing, determination and appeal of such disciplinary action or proposed disciplinary action to the extent provided in this manual or the applicable MOU.

The procedures specified herein will not preclude any person from utilizing the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission for redress of his/her complaint. The Federal Equal Employment Opportunity Commission and the California Civil Rights Department investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Employees claiming harassment, discrimination, or retaliation may also file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at calcivilrights.ca.gov and www.eeoc.gov.

SECTION 22.6. FALSE COMPLAINT. The County recognizes that false accusations of discrimination or harassment can have serious effects on innocent individuals. An intentional false complaint of discrimination or harassment may be a basis for the filing of disciplinary charges and may result in disciplinary action up to and including termination of employment.

SECTION 22.7. AVAILABLE TRAINING.

Instructions for accessing training shall be accessible on the Personnel Intranet page at the link following: <https://intranet.scnetsnet.co.shasta.ca.us/support-services/personnel/education>

SECTION 22.8. POLICY DISSEMINATION. Shasta County employees and volunteers will be required to read this chapter and acknowledge receipt and understanding of the policy upon hire.
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Employees will be also asked to acknowledge their review and understanding of this policy at least annually as a part of their evaluation process.

CHAPTER 26. ELECTRONIC ASSETS AND INFORMATION SECURITY

SECTION 26.1. ELECTRONIC ASSETS AND INFORMATION SECURITY.

- A. Computer information systems and networks are an integral part of business at Shasta County offices. The County has made a substantial investment in human and financial resources to create these systems. These policies apply to all County employees, contractors, consultants, and other workers at the County.
- B. These policies and directives have been established in order to:
 - 1. Protect this investment.
 - 2. Safeguard the information contained within these systems.
 - 3. Reduce business and legal risk.
 - 4. Protect the services to the citizens of the County.
- C. Violators of these policies may be subject to appropriate disciplinary action up to and including employment termination, termination of contracts, denial of service, and/or legal penalties, both criminal and civil.
- D. The Chief Information Officer is responsible for the administration of these policies.
- E. General responsibilities pertaining to these policies are set forth in this subsection. Additional specific responsibilities are listed in subsequent subsections when applicable to a particular section.
 - 1. Department Head Responsibilities:
 - a. Ensure that all appropriate personnel are aware of and comply with all applicable Shasta County policies dealing with electronic assets, information security, and confidentiality of County information assets.
 - b. Create appropriate performance standards, control practices, and procedures designed to provide reasonable assurance that all employees observe these policies.
 - 2. The Chief Information Officer's responsibility is to provide the appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.
 - 3. The employee's responsibility is to know and abide by all applicable policies dealing with electronic assets, information security and confidentiality of County information assets.

SECTION 26.2. ACCEPTABLE USE POLICY.

- A. The increased use of electronic communications by employees gives rise to a number of issues, including the risk of unauthorized access to or dissemination of confidential governmental information, a potential for misuse of electronic communications for purposes of personal gain or for harassment of others, and questions concerning the ownership of and right to use the County's information assets.
1. The purpose of this section is to provide direction to employees as to the proper use of electronic data and communication systems. Employees should be aware that a violation of this section, or any other applicable provision of this policy, might result in disciplinary action.
 2. This section applies to all employees, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. This section applies to all equipment owned, leased, or otherwise used by employees to conduct the business of the County.
- B. The goals of this policy are to:
1. Safeguard the electronic systems belonging to Shasta County;
 2. Safeguard the information assets of Shasta County;
 3. Prevent inappropriate use of County owned electronic systems;
 4. Clarify Department Head, or his/her designee, discretion regarding employees' reasonable use of County electronic systems and information assets;
 5. Assist in providing public access to public records which are not protected from disclosure;
 6. Eliminate County liability due to unauthorized information disclosure or software copyright violations; and
 7. Restrict the disclosure of County information to proper and intended recipients for appropriate uses.
- C. The following definitions are provided for clarification:
1. **Electronic systems** include data processing systems, software, photocopiers, video or audio recording devices, printers, personal computers, Personal Digital Assistants (PDAs), voice mail, telephone systems, pagers, facsimile machines, modems, Internet services, modem connections, cellular telephones, and any other hardware peripherals.
 2. **Information assets** include all data and software, whether internally developed or acquired from outside the County. Information may be represented in a variety of formats, including hard copy, magnetic tape, floppy diskette, terminal display, microfiche, microfilm, or other methods of storage or transmission.

3. **Exporting** means sending, shipping, or transporting outside of the United States.

D. **PROHIBITED ACTIVITIES.** Equipment, software and data are the sole property of the County. Unauthorized use of these systems is strictly prohibited and may result in discipline.

Unauthorized use includes, but is not limited to:

1. Personal use or operation of any system, except as allowed by Section 26.1, Use and Access of County Property, or other relevant provisions of this manual.
2. Use or operation of any electronic system for financial gain or in connection with political activities;
3. Operating any system in an unsafe or reckless manner;
4. Moving or disconnecting equipment without approval from the Information Technology Department;
5. Copyright violations such as the unauthorized copying, decompiling, or reverse engineering of software, or the illegal creation of a derivative work from licensed software;
6. Loading software which is not authorized by Information Technology, including security packages, encryption tools, or games; or
7. Removing equipment, software, or data from County premises without prior authorization.
8. Unauthorized use also includes, but is not limited to, accessing Internet sites not related to the employee's duties, playing computer games during work hours, working on personal documents during working hours, making unauthorized toll calls, making excessive personal telephone calls, etc. At the Department Head, or his/her designee's discretion, he/she may further limit employees' use of the County's electronic systems. The County's Incompatible Outside Employment Policy also limits the use of County time, tools, or data for any employee's personal gain. Employees should refer to that policy for further information.
9. Exception: County policy does not hold that an occasional and brief telephone call by an employee to his/her home, child's school, childcare provider, doctor's office, etc., constitutes a violation, in and of itself, of this policy. Rather, employees and supervisors are to apply common sense and reasonable judgment in a consistent, non-discriminatory manner. Department Head, or his/her designee, has the authority and responsibility to limit inappropriate or excessive personal use of County telephones and should follow the County's discipline procedures where necessary.
10. Other prohibited activities include:
 - a. Giving another person an employee's password without the Department Head's, or his/her designee's prior knowledge and approval.

- b. Accessing, without a work-related need to know and authorization from management, any database or file containing confidential information, including but not limited to medical, mental health, or personnel records; welfare records; juvenile dependency or delinquency records; criminal histories ("rap sheets"); or child support records, whether or not the confidential information is disseminated to any other person.
- c. Encrypting data files without the Department Head or his/her designee's prior knowledge and approval.
- d. Accessing or transmitting "adult" or other sexually explicit websites or material, except as required for authorized law enforcement purposes.
- e. Recording, or electronically eavesdropping on the conversation of an employee without the prior authorization of all participants, unless the law or court order authorizes such recording or eavesdropping.
- f. Using the County's information systems in a manner that violates a state or federal law, which makes the access to, or dissemination or use of, specified information a crime whether or not the employee knows of the existence of that law or the criminal penalties it imposes.
- g. Violations of the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, by any means, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the County.
- h. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, the installation of any copyrighted software for which the County or the end user does not have an active license.
- i. Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws. The Department Head, or his/her designee, along with County Counsel, should be consulted prior to any questionable exportation.
- j. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.).
- k. Revealing an employee's account password to others or allowing use of that account by others, including family and other household members, when work is being done at home.
- l. Using a County electronic asset to engage in procuring or transmitting material that may violate the County's policies against discrimination and harassment.

- m. Making fraudulent offers of products, items, or services originating from any County account.
 - n. Effecting security breaches or disruptions of network communication, including but not limited to, accessing data of which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access. "Disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information.
 - o. Port scanning or security scanning without prior approval from the Chief Information Officer, or his/her designee.
 - p. Executing any form of network monitoring that will intercept data not intended for the employee's computer, unless this activity is a part of the employee's normal job/duty.
 - q. Circumventing user authentication or security of any host, network, or account.
 - r. Interfering with or denying service to any user other than the employee's host (e.g., denial of service attack).
 - s. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, by any means, locally or via the Internet/Intranet/Extranet. or
 - t. Providing information about, or list of, County employees to parties outside the County without appropriate authorization.
11. The activities described in the above sub-section 10.b, e thru o, q, s, and t of paragraph 10 may also constitute crimes under state or federal law. Employees who are believed to have violated such laws will be subject to prosecution.
 12. Employees, contractors, consultants, and other workers at the County ("workers") should understand that they have no reasonable expectation of privacy in connection with the County's electronic systems and information assets. The County reserves the right to review electronic systems and information assets without prior notice to workers. The County will from time to time conduct reviews or audits of electronic systems and information assets without prior notice to workers, including random reviews, when in the exercise of its business judgment, the County determines that it would be prudent to do so. Any such review or audit of electronic systems and information assets may be conducted by authorized individuals as directed by the Department Head, or his/her designee, and/or the Chief Information Officer, or his/her designee.
 13. Employees should understand that Information Technology's staff can track most computer activity, including access to specific databases, and can by-pass passwords.

- E. SAFEGUARDING OF INFORMATION ASSETS. All information maintained by Shasta County is considered a County asset and shall be protected from damage, loss, misuse, or inappropriate disclosure. Department Head, or his/her designee, are responsible for administering adequate controls to insure the security, confidentiality, and integrity of information. Furthermore, all County employees are required to maintain proper levels of protection for information assets.
1. The County, through the Department Head, or his/her designee, is designated as the owner of those information assets, which are held within his/her department. Individual managers and employees may be assigned custodial responsibility at the department or application system level to insure accuracy, integrity, security, adequate controls and confidentiality (where necessary) of the information assets. Where proprietary software or property has been provided to Shasta County under confidentiality agreements, it is the Department Head, or his/her designee, responsibility to assure knowledge of and compliance with the terms of such agreements.
 2. Pursuant to the California Public Records Act, "public records," not otherwise exempt from disclosure, must be open to inspection at all times during the office hours of the County and every citizen has a right to inspect any public record in accordance with the procedures of and as limited by the Act. Government Code Sections 6252 and 6254 define the term "public record" for purposes of the Act's disclosure requirements. "Public record" includes most information maintained electronically.
 3. Much of the data processed by Shasta County employees is of a sensitive and/or confidential nature. Each County employee must become familiar with the distinctions between the information assets of the employee's department which must be disclosed to the public and those which are exempt from disclosure. Any employee having a question concerning the possible confidentiality of information assets should question his/her Department Head, or his/her designee, before releasing any information. Further, any citizen inquiries concerning the department's procedures for processing data should be referred to the Department Head or his/her designee, who should, when necessary, consult with County Counsel. Providing access to production data or information without a work related need to know without authorization is in direct violation of this policy and could subject the employee to disciplinary action.
 4. Employees who access, disclose, alter, or willfully destroy information which adversely impacts the County's services or who violate copyright laws, are and will be subject to applicable federal, state, and local criminal laws as well as to disciplinary action pursuant to County policies and procedures.
 5. Where possible, all PCs, laptops, and workstations must be secured with a password-protected screen saver with the automatic activation feature set at 10 minutes or less, or by logging off (control-alt-delete) when unattended.
 6. All PDAs must be secured in a manner that requires the entry of a password whenever the device is powered on.

7. All devices used by the employee that are connected to the County Internet/Intranet/Extranet, whether owned by the employee or County, must be continually executing approved virus-scanning software with a current virus database.
8. Employees must use extreme caution when opening email attachments received from unknown senders. Email attachments from unknown senders may contain viruses, email bombs, or other malicious code. When in doubt, contact the IT Call Center (530-245-7575) prior to opening this type of email.
9. When an employee is placed on a continuous Leave of Absence (as described in Chapter 14) for any amount of time, the Department Head, or his/her designee, should notify Information Technology to have the employee's technology access (i.e.: AD Account, VPN, and email/active sync access) disabled for the duration of the Leave of Absence. The department should collect all assigned County hardware and return it to the employee's designated worksite.
 1. The employee's Department will notify Information Technology of the need to re-establish the employee's technology access (i.e.: AD Account, VPN, and email/active sync access) upon the employee's return to work.
 2. All user accounts managed by the Department should be discontinued/disabled for the duration of the employee's continuous Leave of Absence and re-established upon the employee's return to work.

SECTION 26.3. USE OF ELECTRONIC MAIL.

- A. Shasta County recognizes and encourages the use of computers and the email system in its daily business and communications. Shasta County's email system is a valuable tool that can assist in eliminating "telephone tag" and reduce the production and circulation of hard copy of memoranda and other correspondence. Each individual has responsibility as outlined in this policy relating to the professional use of the mail system.
 1. This section defines the proper use of email for employees of Shasta County. Email is defined as written or typed messages, such as memos or letters, sent and delivered by communications link from person to person. Email consists of the primary text of the message and any attachments, such as word processing files, spreadsheet files, documents, and graphics.
 2. The purpose of this section is to ensure that all County email communications are used in a professional manner for the purpose of conducting the County's business, to ensure that all email communications are secured to prevent unauthorized access, unintended loss, or malicious destruction of data, and to provide for the integrity and availability of all email systems.
- B. Inasmuch as all of the computer systems and the data stored on them are the property of the County, all email messages composed, sent, or received on County devices are and remain the property of the County. Additionally:
 1. County information technology resources, including email, are to be used for the purpose of conducting the County's business. Incidental, non-business use of County information technology resources will be addressed by each County

Department Head, or his/her designee, in written policy as allowed by Chapter 27, Use and Access of County Property.

2. Notwithstanding a Department Head, or his/her designee's authorization for incidental, non-business use of County email, it is County policy that the County email system shall not be used to send "mass" or "broadcast" emails that are not for the purpose of conducting the County's business.
3. Department Head, or his/her designee, have the authority and responsibility to limit inappropriate or excessive personal use of the County's e-mail system and should follow the County's discipline procedures where necessary. In the absence of a written policy, email may not be used for any personal communications of any kind.
4. Employees should understand that email messages are not private and that they have no reasonable expectation that such messages will be considered confidential. Unless a specific exemption applies, all email messages, even those that have been erased, may be considered to be public records subject to disclosure under the Public Records Act. Those messages might also be accessed by persons involved in litigation with the County and used as evidence.
5. Access to email services is a privilege that may be wholly or partially restricted, through the exercise of management prerogatives without prior notice or without consent of the user.
6. Email is subject to the policies concerning other forms of communication as well as all other applicable policies including, but not limited to, confidentiality, conflict of interest, general conduct, discrimination, and harassment.
7. Email services shall not be used for purposes that could reasonably be expected to cause, directly or indirectly, unwarranted or unsolicited interference with others' use of email or the email system. Chain letters are prohibited.
8. Information Technology shall take appropriate steps to protect all email services from various types of security threats as follows:
 - a. The email servers shall be placed in safe locations that are physically secured.
 - b. The email servers shall have appropriate backups of software and data performed on a regular basis.
 - c. The email system shall have anti-virus software to scan the server itself and all the email messages traversing the system.
9. A County owned asset cannot reside on non-County owned resources such as Hotmail, AOL, Yahoo, etc. where the County has no jurisdiction. This means that these types of services are not to be used to conduct County business.
10. Encryption of email may be appropriate in some instances to secure the contents of an email message. Each user should be cognizant of the sensitivity of information contained in email and understand that it may be passed beyond the intended recipient, even when encrypted. Encryption must follow County standards.

11. When an authorized user terminates County employment or transfers to another County department or office, the Department Head, or his/her designee, will notify Information Technology to have the employee's email account terminated or transferred.
12. An employee learning of any misuse of the email system or other violations of this policy should notify his/her Department Head, or his/her designee, or the Chief Information Officer, or his/her designee, as soon as possible. A supervisory employee who becomes aware of misuses of the email system must also report the conduct to the Department Head, or his/her designee, as required by Section 22.4.C.

SECTION 26.4. LOGON BANNER POLICY. The purpose of this section is to establish that all County electronic computer systems will display a logon banner before a user is allowed to log on to the system. The logon banner message will inform the potential user of acceptable uses of the system, and of access restrictions, limitations, and expectations imposed as a condition of such use. This section applies to all County employees, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. This section applies to all equipment owned, leased, or otherwise used by employees to conduct the business of the County.

- A. The goal of this section is to prevent inappropriate use of County-owned computer systems and to reduce the risk to the County of litigation and liability due to inappropriate use of County-owned computer systems.
- B. The contents of the banner message must contain the following:
 1. The logon banner message will include the following information:
 - a. That unauthorized access to the system is prohibited.
 - b. The consequences of inappropriate system use.
 - c. That activity may be monitored and that use of the system implies consent to such monitoring.
 - d. Law enforcement or other investigative officials for appropriate action, if warranted, may use that information obtained during such monitoring.
 2. The user will acknowledge acceptance of the terms and conditions described in the logon banner message by some positive action, such as pressing a key to continue to the logon screen.
 3. The word "Welcome" will not appear in the logon banner as its appearance could imply that anyone is welcome to access and use the system.
 4. Information Technology shall determine the exact wording of the logon banner, in consultation with County Counsel.

SECTION 26.5. PASSWORD POLICY. Passwords are an important aspect of computer security and are usually the front line of protection for user accounts. A poorly chosen password may result in the compromise of the County's entire enterprise network. As such, all employees (including

contractors, vendors, and temporary staff with access to County systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

- A. The goals of this section are to establish standards for creation of strong passwords, the protection of those passwords, and the frequency of change.
- B. This policy includes all persons who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any County facility, has access to a County network, or stores any County controlled information.
- C. All user-level passwords (e.g., email, applications, desktop computer, etc.) must be changed at least quarterly. User accounts that have system-level privileges granted through group memberships or programs must have a unique password from all other accounts held by that user. Passwords must not be listed in email messages or other forms of electronic communication. All user-level and system-level passwords must conform to the following requirements:
 - 1. Passwords are used for various purposes. Some of the more common uses include: user-level accounts, email accounts, screen saver protection, voicemail password, and local router log-ins. All users should be aware of how to select strong passwords.
 - 2. Where permitted, passwords are to be no less than eight characters in length. All passwords are to be treated as sensitive, confidential information. No employee shall use the login ID or the password of any other employee, without Department Head, or his/her designee, approval.
 - 3. If an employee, contractor, consultant or other worker at the County suspects an account or password has been compromised, the employee must report the incident to the IT Call Center.

SECTION 26.6. REMOTE ACCESS POLICY. This section contains the standards for connecting to Shasta County's network from a remote location. These standards are designed to minimize the potential exposure to the County from damage, which may result from unauthorized use of County resources, such as the loss of sensitive or confidential data, violation of intellectual property, damage to the County's public image, or damage to critical County internal systems.

This policy applies to all employees, volunteers, contractors, consultants, non-County agencies, and others who are authorized to access the computer networks. This policy applies to remote access connections used to do work on behalf of Shasta County, including reading or sending email and viewing intranet web resources.

- A. The following definitions are used in this section:
 - 1. VPN - Virtual Private Network - a means of connecting a remote computer to a network across the Internet by creating a secure encrypted tunnel.
 - 2. DMZ - Demilitarized Zone - a network segment on a Firewall that is outside the internal network (lower security) and inside the Internet (higher security), used for placing devices that may need to be accessed by the Internet (web servers, etc.).
 - 3. Remote Access - a means of accessing core network resources from a site not physically connected, accomplished by dialup connection, or a digital subscriber

line (DSL), or cable modem, with a VPN tunnel.

B. The following are the limitations on remote access:

1. Remote access will be granted for authorized County work only. All remote access to the County network will be accomplished via a secure remote access method (including, but not limited to, strong authentication, VPN, controlled dial-in/dial-out, firewall DMZ).
2. Internet services, if allowed, will be strictly controlled by firewall technology to provide preventative and detective controls.
3. Access from a remote site to a County network that contains sensitive or restricted information may require extended identification and authentication procedures.
4. Access to County resources will only be allowed from County owned and controlled computers, unless otherwise authorized by Information Technology. All authorized employees accessing the County network from their privately owned computers will exercise due diligence in ensuring that their systems (both hardware and software) are free from computer viral infection and unauthorized use.
5. When an employee is placed on a continuous Leave of Absence (as described in Chapter 14) for any amount of time, the Department Head, or his/her designee, should notify Information Technology to have the employee's remote access suspended for the duration of the Leave of Absence. The department should collect all assigned County hardware and return it to the employee's designated worksite.
 - a. The Department Head, or his/her designee, will notify Information Technology of the need to have remote access re-established upon the employee's return to work.
6. When an authorized user terminates employment or transfers to another department or office all existing remote access services will be terminated. Remote access will have to be re-justified and re-established for any new County position. County owned hardware must be returned and software permanently deleted from privately owned equipment.

SECTION 26.7. CASUAL REMOTE ACCESS. PURPOSE. Modern business practices often provide for an employee to be able to check electronic communications tools from home or other non-work sites, which will be referred to as "casual remote access." "Communication tools" are voice mail, email, electronic calendar, or other similar tools.

- A. This section is intended to facilitate casual remote access, when appropriate, and to define the restrictions and responsibilities of employees and others who are authorized casual remote access. Managers and other employees who are not subject to overtime pay may have fewer limitations to casual remote access than other employees. Contractors, consultants, non-County agencies, and others who are authorized to use the County's computer networks may be subject to these provisions.
- B. The County's email System can be accessed from non-work sites through a specific secure website via a web browser or other electronic communications tools. The Information Technology Call Center will set up access, if authorized by the Department

Head or his/her designee. The Department Head, or his/her designee, will establish the appropriate restrictions for the employee's casual remote access to e-mail. In some situations, the department might expect an employee who is out of the area at a work-related training or conference to check email, similar to expectations to check and respond to voice mail as part of the normal workday. In some situations, during non-work time an employee may be authorized, for their own convenience and in a non-pay status, to access e-mail, voice mail, or their schedule for minimal amounts of time. The department has flexibility to authorize an employee to work or work overtime, via casual remote access; however, this policy is not intended to replace the County's Telecommuting Policy.

- C. The process for accessing the County's email or other electronic tools has been set up by the Information Technology Department, who reserves the right to discontinue the service if the need arises.

SECTION 26.8. INFORMATION SECURITY AWARENESS, TRAINING, AND EDUCATION POLICY. Security Awareness Training & Education (SATE) is key to minimizing the County's exposure to both malicious threats and accidental errors and omissions. SATE is not only defined as industry best practices, it is also a statutory requirement for the HIPAA covered components of the County, (i.e., Public Health, Mental Health, Drug and Alcohol programs, County Counsel and Information Technology, see C.F.R. Section 164.308(a)(5)(i) HIPAA). This policy sets forth a minimum standard for SATE to reduce the County's risk. Each department is responsible for ensuring that all employees are trained to at least this minimum standard. In certain situations it will be necessary for Departments to provide additional training.

- A. The goals of this section are to:

- 1. To educate employees about the County's Information Security Policies and help foster an understanding of how the policies protect the organization, its employees, and the public.
- 2. To document each employee's knowledge and understanding of policies and procedures, allow for disciplinary action when required, and promote the development of good working habits.
- 3. This policy applies to all employees, volunteers, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties. The level of SATE required by an individual employee is determined by that employee's level of access to information and information systems.

- B. The term "Security Awareness" is considered the daily "moment-by-moment" awareness level, while the term "Security Training" relates to the basic training all employees need to build their basic security skills. Security Awareness is partially a by-product of formal training, but it also is the result of efforts made by the department to enhance awareness.

- C. Basic security training will be provided for all new employees, ideally before the employee begins to perform his job duties. Additionally, all employees must complete security policy training every two years.

- D. General responsibilities pertaining to this policy are set forth in Section 26.1. The following subsection lists additional specific responsibilities.

- 1. Manager Responsibilities:

- a. Ensure that all employees complete the available basic security awareness training within the employee's first 30 days of employment.
 - b. Ensure that all employees have received departmental training on the difference between "public" records and the need to keep certain information "confidential."
- 2. Information Technology Department Responsibilities:
 - a. Develop an Information Technology Security Awareness training program capable of training delivery, tracking, testing, and reporting to ensure implementation of and compliance with this policy.
 - b. Develop and maintain security curriculum.
 - c. Periodically provide departments notification when employees have not met security awareness training requirements.
 - d. Periodically provide employees with "visual cues" or "reminders" to help employees think about security.
- 3. Employee Responsibilities:
 - a. Successfully complete available basic Information Technology's Security Awareness training within first 30 days of employment.
 - b. Successfully complete Security Policy training every two years.
 - c. Work with Security Awareness in mind.
 - d. Report any potential information systems security issues to the IT Call Center immediately.
- E. An employee's User ID may be temporarily disabled for non-compliance with Security Awareness training and testing requirements.

SECTION 26.9. SOFTWARE COPYRIGHTS AND LICENSING POLICY.

- A. The purpose of this section is to clarify software copyrights and licensing policies:
 - 1. There is a significant financial liability to the County if software that has not been legally obtained is used on County-owned or leased equipment.
 - 2. All employees and other users of County computers shall adhere to computer software copyright statutes when on County-owned or controlled property.
 - 3. **Copyright infringement is a felony.** The County will not condone nor contribute to the commission of a felony. Only licensed copies of copyrighted software may be installed on the County's PCs, laptops, servers, or other electronic storage device.
 - 4. To facilitate the tracking of licensed software and prevent copyright infringement, all software purchases shall be made by or coordinated through the Information

Technology department.

B. The following definitions apply to this section:

1. "Outside software" is software that is written or published by any person or organization other than Shasta County Information Technology.
2. "Copyright" is the exclusive legal right to publish, reproduce, copy, or sell the matter and form. If a work is copyrightable, it should be treated as if it is protected by copyright.
3. "License" is an authorization by the owner of a work permitting the use of that work.

C. The following describes the County approved software to be used:

1. Only software that has been legally acquired and licensed may be used. Employees should check the documentation provided with the software before making copies for others. Copies of software should ordinarily be made for back-up purposes only.
2. There is a potential for introducing a virus into a County system, and possibly even Countywide, whenever outside software is used. An employee who needs to use an outside software program for business purposes must first obtain permission from his/her Department Head, or his/her designee, and from the Information Technology department.
3. Software is only to be loaded onto County computers by Information Technology so that it can be properly inventoried and more easily supported by Information Technology. Failure to comply with this puts the department and the County at risk of copyright infringement.
4. Software used on County-owned or controlled computer hardware shall be limited to that which:
 - a. Is covered by a licensing agreement with the software author(s), publisher, or vendor.
 - b. Has been donated to the County. A written record of the contribution is on file in the receiving County department. County office and license is in the name of the County. A copy of the license must be on file with Information Technology and the software must be installed by the Information Technology department.
 - c. Was purchased by the County and a record of the purchase is on file in the Information Technology department.
 - d. Was written or developed by an employee or consultant, for the specific purpose of being used on County computers. In the event of consultant-provided software, a formal County contract shall be in place delineating the legal requirements concerning the use of such software, and all users shall abide by such contract.
5. All software developed by employees in the course of their work becomes the

sole property of Shasta County, and the employee retains no rights to the software.

- D. It is every Department Head, or his/her designee's, responsibility to ensure that he/she has valid licenses for all software used in that department. The County retains the right to examine, without notice, all electronic storage media, data files, logs, and programs use on County computer equipment.

SECTION 26.10. VOICE MAIL POLICY.

- A. Use of the County's voice mail system is a privilege and not a right. Voice mail is an electronic communication device and should be treated the same as email or any other information system. This policy applies to all employees, volunteers, contractors, consultants, and other workers at the County, including all personnel affiliated with third parties.
- B. Voice mail is an electronic communication system in which spoken messages are recorded or digitized for later playback to the intended recipient.
- C. The following limitations apply to the use of voicemail:
1. Voicemail uses passwords for security. Any policy for periodically changing voicemail passwords is left to the discretion of the Department Head, or his/her designee. No employee shall use the Voicemail user ID or password of any other employee without permission from the Department Head, or his/her designee. For those departments that use a group voice mailbox, it is up to the Department Head or his/her designee, to determine the policy, keeping security a priority.
 2. Voice mail messages should be limited to County business matters. Voice mail may never be used for the conduct of outside business pursuits or political activities, although it may be used for receiving necessary messages from family members, childcare providers, or the like.
 3. Before attempting to access a current employee's voice mail "mailbox," the employee's Department Head, or his/her designee, through the Chief Information Officer, or his/her designee, must make reasonable efforts to obtain the employee's consent to such access. If consent is denied, the employee must clear his/her mailbox of any personal messages within the time set by the Department Head, or his/her designee, after which time the County may access the employee's mailbox and listen to any remaining messages. In addition, an employee's mailbox may be accessed without attempting to obtain the employee's consent following the effective date of the employee's separation from employment or his/her last day of work, whichever is earlier.
 4. When an authorized user terminates employment or transfers to another department, office or agency, the Department Head, or his/her designee, or the designee will notify Information Technology to have the employee's voicemail account terminated or transferred.
 5. An employee learning of any misuse of the voice mail system or other violations of this policy should notify his/her Department Head, or his/her designee, or the Chief Information Officer, or his/her designee, as soon as possible.

SECTION 26.11. REMOVABLE STORAGE DEVICES POLICY.

Shasta County Personnel Rules (revised 8/2024)

- A. **PURPOSE.** This policy has been created to define standards for the utilization of removable storage devices such as, but not limited to, floppy discs, CDs, DVDs, USB drives, etc. These standards are designed to minimize the potential exposure to the County from damages. Damages may include the loss of sensitive or confidential data, intellectual property, damage to public image, or damage to critical County internal systems.
- B. **SCOPE.** This policy applies to all County employees, volunteers, vendors, contractors, consultants, non-County agencies, and others who are authorized to access the County's resources.
- C. **DEFINITIONS**
1. **Removable Storage Device** – Portable device used to copy and store information on portable media such as, but not limited to, a floppy disc, CD, DVD or USB drives, or external hard drives.
 2. **Floppy Discs** – Old style storage media. Square plastic device that holds 1.44mb of data.
 3. **CD** – Compact Disc
 4. **CD-RW** – Compact Disc Rewritable
 5. **DVD** – Digital Video Disc
 6. **DVD-RW** – Digital Video Disc Rewritable
 7. **USB Drive** – Small drives that plug into a personal computer's Universal Serial Bus (USB) port and stores information. Also termed thumb drives, USB key fobs, flash drives, etc.
 8. **EPHI** – Electronic Protected Health Information
 9. **PHI** – Protected Health Information – Individual health information that: 1) identifies the individual in any way; 2) is created or received by a health care provider; or 3) is billed for payment to a third party.
 10. **County Resources** – For the purposes of this policy, County Resources are defined as any equipment or information owned by or in possession of the County of Shasta. This could include, but is not limited to, equipment, computer devices, networks, software applications, documents, files, etc.
 11. **Reformat** – perform an “unconditional” or “complete” (i.e., not “quick”) format.
 12. **Destroy** – first perform an “unconditional” or “complete” (i.e., not a “quick”) format, then cut in half or break apart before disposing.
 13. **Encryption** – the process of transforming electronic data using an algorithm making it unreadable except to those in possession of a key that enables the data to be decrypted. Encryption can be accomplished by using various

encryption software and/or by copying files to an encrypted removable media device such as but not limited to an encrypted USB drive. The acquisition of encryption software and/or encryption devices requires prior County Information Technology Department (County IT) approval (refer to Section 2.5.3 of the Shasta County Contracts Manual).

D. DESCRIPTION

1. Access to the County network and resources attached to the network will only be allowed from County owned or controlled computers, unless otherwise authorized by the County IT. All authorized employees accessing the County network from their county-owned or non-county owned computers will exercise caution in ensuring that all information copied to a removable storage device is stored, used and disposed of properly as delineated in this policy.
2. Shasta County operating system files and application files are not to be copied or modified at any time.
3. Loss, theft or unauthorized disclosure of a portable or removable storage device that contains County data must be reported immediately to the appropriate Department Head, or his/her designee.
4. When an authorized user terminates County employment, transfers to another County department, office or agency, or contractual relationship with the County is terminated, all existing removable storage devices will remain with and/or be returned to the department that owns the data contained on these devices.
5. Media Reuse / Disposal

Floppy discs, CD-RW, or DVD-RW containing sensitive or confidential data should never be reused for another purpose. When an employee is finished using this type of media with sensitive or confidential data, the media must be destroyed using one of the following methods.

- a. Destruction of this type of media is best accomplished by running it through a crosscut shredder that is rated to handle materials of this thickness.
- b. Contact County IT (245-7575) to have the media destroyed. County IT can shred the media, use a device that grinds the recordable surface from the media or use other appropriate destruction methods.

For the purpose of re-using Removable Storage Devices, if an employee gives a previously used floppy disc, CD-RW, DVD-RW, or USB drive to another County employee for their use, the originating employee must reformat it first.

6. If an employee, volunteer, or vendor/contractor uses any of these removable storage devices for the purposes of storing or transmitting EPHI, they must password protect or encrypt any sensitive or confidential data and EPHI.
7. If an employee, volunteer, or vendor, contractor, or consultant uses any of these removable storage devices for the purposes of storing or transmitting information

other than EPHI, they should password protect or encrypt any sensitive or confidential data, unless there are other protective measures currently in place as allowed by departmental policy, local, state, or federal law.

8. If an employee, vendor, contractor or consultant who has access to sensitive or confidential information or EPHI terminates employment or contractual relationship with the County, the Department Head, or his/her designee, must ensure all County resources, including the above referenced information, media, and all removable storage devices containing such data, remains with the County.

SECTION 26.12. MOBILE DATA DEVICE POLICY.

A. Mobile electronic communication devices are capable of connecting to the County network for the purpose of synchronizing data contained in an employee's County email account. Because of the mobility and the size of these devices, they are susceptible to being misplaced, lost, or stolen. Protecting the information contained on these devices from being viewed and/or exploited by unauthorized personnel is of the utmost importance.

1. This section defines the proper use of mobile electronic communication devices connected to the County network as well as important safeguards that must be followed.
2. The purpose of this section is to establish standards for the use of mobile electronic communication devices connected to the County network. These standards are designed to prevent unauthorized access of County information.

B. The following definitions are used in this section:

1. "Mobile Data Device" – a computing device that is usually much smaller than a typical laptop computer that is easily transported from place to place. These devices communicate with various networks using one or more wireless technologies - usually Wi-Fi and/or a cellular phone network. These devices are distinguished from desktop and laptop computers by the fact that a mobile data device cannot be joined to the County network through a standard Active directory configuration. Some examples of mobile data devices are smartphones, iPads, Nooks, Kindles, Zooms, and other devices running the Android operating system.
2. "Smartphone" – a mobile telephone that also includes many of the features of a standard computer. Some of the features might include sending/receiving email, browsing the Internet, and loading software applications (apps). Some common smartphones are Blackberry, iPhone, and phones using the Android operating system.
3. "Personal Mobile Data Device" – a mobile data device that is owned by the employee and where, if the device can communicate via a cellular network, the employee is personally responsible for all charges that are incurred through the cellular network carrier.
4. "County Provided Mobile Data Device" – a mobile data device that is provided by the County and where, if the device can communicate via a cellular network,

monthly charges incurred through the cellular network carrier are paid for by the County.

5. “Secure Digital (SD) Cards, Compact Flash (CF) Cards, Memory Sticks, Flash-Based Supplemental Storage Media” – different types of memory that can be added to increase the storage capacity of some mobile data devices.
 6. “KILL” – This is the term used to describe the process of removing a mobile data device’s connection to the County network. This process also includes clearing all data from the mobile data device and returning it to its factory settings. The device returns to the state it was in when originally purchased.
- C. When a department is contemplating issuing a County provided mobile data device, they should consult with their assigned IT Analyst who can help identify features, functions, pros, and cons of the various devices available.
- D. The privilege of having a smartphone connected to the County network requires the employee to comply with certain responsibilities and rules pertaining to the use and security of data contained on the smartphone.
1. Failure to comply with these responsibilities and rules will result in immediate suspension of the employee’s connection to the County network.
 2. The Chief Information Officer, or his/her designee, will make the final determination as to whether a mobile data device will be connected and/or remain connected to the County network.
- E. It is the responsibility of the employee who is connecting to the County network to ensure that all components of his/her connection remain as secure as his/her network access within the County. It is imperative that any wired (via sync cord, for example) or wireless connection, including, but not limited to mobile data devices and service, used to conduct County business be utilized appropriately, responsibly, and ethically. The following rules must be observed by employees that are using a mobile data device connected to the County network:
1. The types of devices that are allowed to connect to the County network are limited. Please check with the Shasta County Information Technology Department (County IT) to determine the current devices and software versions that are supported.
 - a. Prior to initial use for connecting to the County network, employee must execute either the Personal Mobile Data Device Agreement or the County Provided Mobile Data Device Agreement (located in Appendix A) and verify with County IT that all hardware, software and related services are compatible with the County network.
 - b. Both the Personal Mobile Data Device Agreement and the County Provided Mobile Data Device Agreement must be approved by the employee’s Department Head, or his/her designee, or his/her designee and sent to the Chief Information Officer, or his/her designee, for final approval.

2. Some mobile data devices may require the purchase of a software application (app) to allow the mobile data device to comply with County IT mandated security requirements.
 - a. Personal Mobile Data Device

Employee must receive prior approval from IT before installing any software application in order to ensure software and device comply with County mandated security requirements. Employee is responsible for all costs of required software applications. If the mobile data device can communicate with a cellular network, it is the employee's responsibility to set up his/her individual calling plan with their cellular network provider and to pay all charges incurred.
 - b. County Provided Mobile Data Device

With the employee's Department Head, or his/her designee, approval, the department will purchase the required software application.

 - i. If software applications are required, the department requesting connection of the County provided device will be responsible for making this purchase prior to the device being connected to the County network.
 - ii. The employee's department is responsible for all costs of required software applications.
 - iii. If the mobile data device can communicate with a cellular network, it is the employee's department's responsibility to set up the employee's individual calling plan with a cellular network provider and to pay all charges incurred. Any service issues or billing disputes with the carrier or vendor are the sole responsibility and obligation of the employee's department.
3. Employees who access, via their mobile data device, Protected Health Information (PHI), and/or Personally Identifiable Information (PII), and/or any other data deemed by policy or statute to require encryption, are required to maintain the settings on their mobile data device such that data encryption is enabled at all times.
4. Privacy
 - a. Personal Mobile Data Device - By voluntarily connecting a personal device to County resources, employees do not have any reasonable expectation of privacy concerning any and all of the information stored on his/her device. The County reserves the right to review and access at any time any and all of the information stored on personal devices, including, but not limited to, wireless devices, which are used to connect to County resources, such as email. Employee access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious

activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily connects a personal device to County resources, the County has the right and the ability to review and access any and all information on the employee's personal device, including data the employee may view as personal. The County's right and ability to review and access any and all information on that personal device exists for the entire time the employee uses the device to connect to County resources. Should employee wish to terminate the connection to County resources, employee shall submit the personal device for access and review by County IT to ensure that all County related information is removed from the personal device. Any employee who refuses to surrender a personal device connected to County resources when requested by his or her supervisor to access and review the information on the device may be subject to disciplinary action.

- b. County Provided Mobile Data Device - Employees have no reasonable expectation of privacy concerning any and all of the information stored on a County provided device. The County reserves the right to review and access at any time any and all of the information stored on County provided devices, including, but not limited to, wireless devices, which are used to connect to County resources, such as email. Employee access and/or connection to the County network may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity in order to identify accounts or systems that may have been compromised by external parties. When an employee voluntarily accepts a County provided device, the County has the right and the ability to review and access any and all information on that device, including data the employee may view as personal. Should employee wish to stop using a County provided device, employee shall return the County provided device. Any employee who refuses to surrender a County provided device when requested by his or her supervisor may be subject to disciplinary action.
- 5. Employees accessing any County network with mobile data devices, are required to know and adhere to all County policies and guidelines, including policies and procedures concerning the confidentiality of the data being accessed and personal activities during work hours.
 - 6. Any and all data obtained via the County network remains the property of the County in perpetuity.
 - 7. Passwords and other confidential data are not to be stored on any associated storage devices such as Secure Digital (SD) and Compact Flash (CF) cards, as well as Memory Sticks and related flash-based supplemental storage media.
 - 8. Employees who dispose of their device or return it to the vendor must remove all County information from the device before disposing of it or returning it to the vendor. Employees can contact County IT (530-245-7575) if they need assistance in removing County information from the employee's device.

9. Employees must immediately report a missing, replaced, or stolen mobile data device to County IT (530-245-7575) and to their personal cell carrier if applicable. County IT will send a "KILL" command that will clear ALL data from the device and return the device to the configuration it was in when originally purchased.
10. For Personal Mobile data devices and for County Provide Mobile data devices where the department permits the employee to store personal data on the mobile data device, it is the employee's responsibility to back up their personal data, settings, media, or applications in the event the device has to be "KILLED" by County IT.
11. The mobile data device is subject to a remote "KILL" under the following conditions:
 - a. Lost or stolen device.
 - b. Six consecutive failed password attempts (assumes the device is no longer in the owner's possession).
 - c. Employee leaves the employ of the County.
 - d. Department Head, or his/her designee, request.
 - e. County IT determines that any access to the County network is at risk (subject to approval of the Chief Information Officer, or his/her designee).
12. Employees must abide by all municipal, state, and federal laws concerning the use of mobile devices.
13. All mobile data devices connected to the County network will be forced to comply with complex password policies. This means that to use the device, the employee will have to unlock the device by entering the valid password. Additionally, password changes will be required as determined by County IT. Mobile data devices will automatically lock (requiring the user to re-enter his/her password) after 10 minutes of inactivity. Passwords are not to be divulged to others (see Acceptable Use Policy within this chapter).
14. County IT will charge the employee's department the current IT Professional Service hourly rate for all support of personal devices connected to the County. The employee must follow his/her department's procedures for obtaining services from the County IT.

CHAPTER 28. OUTSIDE EMPLOYMENT AND CORPORATE AFFILIATION POLICY

SECTION 28.1. PURPOSE.

- A. Government Code section 1125 et seq. prohibits local agency officers and employees from engaging in employment or activities for compensation which are incompatible, inconsistent or in conflict with their agency employment. Government Code section 1090 prohibits government officers and employees from being financially interested in a contract or sale in both their public and private capacities. In addition, the State's common law prohibits self-dealing and requires public officers to discharge their responsibilities with fidelity, and untainted by private interests.
- B. Shasta County employees have the same rights as other citizens to paid outside employment if they so desire, unless such outside employment violates the provisions of section 1125 et seq. or this Shasta County policy adopted pursuant to section 1126.

SECTION 28.2. GENERAL POLICY: GOVERNMENT CODE SECTION 1126. Government Code section 1126 is applicable to all County officers and employees. The provisions of section 1126 are hereby incorporated in this policy and any future amendments to section 1126 duly adopted by the legislature shall be incorporated by reference as they are enacted.

- A. Government Code Section '1126 now provides in pertinent part as follows:

- 1. . . . *A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his/her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board or commission of his or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).*
- 2. *An employee's outside employment, activity, or enterprise may be prohibited if it:*
 - a. *involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment, or*
 - b. *involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be*

required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee, or

- c. involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed, or*
- d. involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient . . .*

SECTION 28.3. PROHIBITED OUTSIDE EMPLOYMENT OR CORPORATE AFFILIATIONS.

- A. Shasta County adopts the following rules which will govern the application of Government Code section 1126 restrictions to employees.
- B. Employees are prohibited from holding employment or participating in activities for compensation, as described in Government Code section 1126 and which have the characteristics or potential impacts described in subsection D.
- C. Employees are prohibited from being members, officers or directors of corporations, including non-profit corporations (hereafter referred to as "corporate affiliation"), if doing so would have the characteristics or potential impacts described in subsection D.
- D. The outside employment or corporate affiliation is prohibited if it:
 - 1. Results in repeated phone calls to or from the employee's work locations.
 - 2. Results in persons making repeated visits to the employee's work locations.
 - 3. Requires the use of time off from work without adequate notice or at times that interfere with the employee's County responsibilities.
 - 4. Involves activities that are directly or indirectly subject to the review or approval of a County department under which the employee is employed.
 - 5. Depends upon the availability of County information which would not be available to the general public.
 - 6. Improperly represents that the outside employment, activity or enterprise for which compensation is received is provided as a county service or is endorsed by the County, when it is not.
 - 7. Involves the use of any County property, vehicles, tools, or equipment, whether directly or incidentally.

8. Involves activities rendered to County clients in the county employee's department for private compensation which are expected to be rendered in the regular course of the duties of the County employee.
 9. Interferes with the satisfactory performance of duties.
 10. Involves any other activities which conflict with the employee's performance of County duties for which he or she was hired or is detrimental to County service.
 11. Involves the representation to any individual, company, or firm with which the County does business that the employee can or will use his or her position with the County to further the interests or goals of that individual, company, or firm for compensation or gifts received from that individual, company, or firm.
- E. Any County employee who is a member, officer, or director of a corporation, including a non-profit corporation, shall recuse himself or herself from any involvement in establishing or influencing any contractual relationship between the County and the corporation, on behalf of either the County or the corporation, including making or influencing decisions regarding whether to enter into such contractual relationship, or involvement in procurement, contract drafting or negotiation, or monitoring of the contractor's performance, unless statutorily authorized to do so.
- F. All County employees who are also subject to professional codes of ethics shall adhere to such professional ethics in any of their dealings with outside employment. Any violation of such professional ethics may result in the prohibition of the outside employment.
- G. After consultation and approval by the Personnel Director, or his/her designee, any department may adopt additional policies, which shall be incorporated into departmental policies.

SECTION 28.4. NOTICE REQUIREMENTS. Employees contemplating or currently engaging in any outside employment or who change outside employment, or who are or are contemplating becoming a member, officer, or director of a corporation, shall provide their Department Head, or his/her designee, with written notification of all regular outside employment, all occasional outside employment, including self-employment, and all corporate affiliation. An outside employment statement must contain the following (See Outside Employment/Corporate Affiliation Statement form in appendix.):

- A. The name and address of the employer, client/customer, or corporation, unless there is a statutory privilege making such provision of information confidential. In these circumstances, the Department Head, or his/her designee, may require additional information which is not privileged or confidential.
- B. The nature of the services or products to be provided, including a copy of the job description or employment agreement.
- C. The expected hours and duration of the employment or activities related to the corporation.
- D. The relationship, if any of the employment to County approvals or reviews.

- E. With regard to corporate affiliations, whether the corporation currently has any contracts with the County or is likely to have a contract through the employee's department in the future.
- F. Any other information that will assist the department with determining the compatibility of the outside employment with County employment.
- G. A certification by the employee that he or she has read this chapter and will comply with all of the rules of such policy in pursuing outside employment or corporate affiliation.
- H. County employees currently engaging in outside employment, or who have a corporate affiliation, shall submit notification within 10 days of receipt of this policy. Employees contemplating outside employment or a corporate affiliation shall submit notification prior to beginning each such employment or corporate affiliation and in no event shall notification be submitted more than five days after beginning employment or corporate affiliation.
- I. County employees who have been previously approved to engage in outside employment or who have a corporate affiliation, who have a change in position and/or appointing authority, shall re-submit notification within 10 days of such change, to be re-reviewed for compatibility with the employee's position.
- J. Receipt and filing of the Notice does not constitute approval of such outside employment by the Department Head, or his/her designee.
- K. All employees regardless of whether they intend to engage in outside employment or initiate a corporate affiliation, must sign the Outside Employment/ Corporate Affiliation Statement.

Employees will be required to review and acknowledge understanding of this policy with their annual evaluation.

SECTION 28.5. ORDER TO CEASE OUTSIDE EMPLOYMENT OR CORPORATE AFFILIATION. A Department Head, or his/her designee, may order an employee to cease working at any outside employment or having a corporate affiliation, if the employment or affiliation is in violation of any of the provisions of this Policy. The Department Head, or his/her designee, shall notify the employee, in writing, of the order and shall provide reasons for such order. The Department Head, or his/her designee, may, for good cause, immediately demand suspension of the outside employment or corporate affiliation pending the final determination of incompatibility. (See Order to Cease Outside Employment/Corporate Affiliation form in appendix.) If an order has been issued due to failure to comply with notice requirements, such order may be lifted after employee complies with notice requirements and the outside employment has been reviewed and approved as to compatibility with their employment. An order which has been issued due to failure to comply with notice requirements shall not be subject to appeal under Section 28.6.

SECTION 28.6. APPEAL. Employees whose outside employment is denied after submission and review of an Outside Employment/Corporate Affiliation Statement shall have the right to appeal an order to cease outside employment or a corporate affiliation by submitting an appeal in writing to the Outside Employment/Corporate Affiliation Review Committee. The Review Committee is made up of the Personnel Director, or his/her designee, and the CEO, or his/her designee and a Department Head, or his/her designee, not involved in the matter appealed (or designee) chosen by the other two. (See Employee Appeal from Order to Cease Outside Employment/Corporate Affiliation form in appendix.)

- A. The written appeal must be submitted to the Review Committee within 10 business days of the date of the employee's receipt of the order to cease outside employment or corporate affiliation. The Review Committee shall review the order, investigate the circumstances of the employee's outside employment or corporate affiliation, including meeting with the employee, as necessary, and make its decision within 30 days receipt of the written appeal.
- B. In lieu of the above appeal procedure, employees shall have the right to submit a written appeal directly to the Grievance Board in accordance with the Grievance procedures contained in Chapter 9.

SECTION 28.7. DISCIPLINARY ACTION. Failure to provide written notification as required or failure to provide complete information to the best of the employee's knowledge may be cause for disciplinary action pursuant to the provisions of these Personnel Rules. Failure to comply with a written order to cease outside employment or corporate affiliation issued to the employee by his or her Department Head, or his/her designee, may be cause for disciplinary action pursuant to the provisions of these Personnel Rules.

CHAPTER 30. SHASTA COUNTY PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING POLICY

SECTION 30.1. PURPOSE.

- A. It is the purpose of this policy to assist Shasta County to be free from the effects of drug and alcohol abuse.
- B. It is the County's intention to maintain a safe, healthy, and productive work environment where employees can perform their duties safely and effectively for the benefit of the public, their fellow employees, and themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with the objectives and mission of the County.
- C. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse for the County as a potential employer. All applicants should be aware that failure to pass the tests identified in this policy may result in the denial of employment.

SECTION 30.2. DEFINITIONS. For the purposes of this policy, the following definitions shall apply:

- A. Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- B. Controlled Substance. Cocaine, amphetamines, methamphetamine, opiates, phencyclidine (PCP), and any substance as defined in section 11007 of the Health and Safety Code as it now exists or may hereafter be amended.
- C. Drug. Any substance which, when ingested, is capable of altering an individual's mood, perception, motor skills, or judgment.
- D. Drug Test. A test of a person's blood, breath, urine, or other bodily fluid or substance for the purpose of detecting the presence of alcohol, drugs, or controlled substances.
- E. MRO. Medical Review Officer. A physician recognized by the drug testing service provider who is responsible for sample collection and testing procedure.
- F. SAMHSA. Substance Abuse and Mental Health Services Association is an agency of the U.S. Department of Health and Human Services.

SECTION 30.3. PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING.

- A. All applicants for positions within the County, except those affected by the federal Department of Transportation drug testing program or the Shasta County Sheriff's Department Drug Testing Policy, who have been conditionally offered employment shall submit to a drug and alcohol test as a part of the pre-employment physical examination.

- B. All of the drug and alcohol testing protocol referenced in this Policy, and the laboratories used pursuant to this Policy, will be in compliance with the Federal Substance Abuse & Mental Health Services Administration (SAMHSA) standards, as referenced in the U.S. Department of Transportation, Federal Highway Administration regulation 49 CFRA 40b.
- C. A positive test for a controlled substance or drug which has not been lawfully obtained and/or a positive test for alcohol may be grounds for withdrawal of the offer of employment.
- D. Applicants shall be given a written notice that the physical examination will include a drug and alcohol test. The applicant will be required to sign an acknowledgment and consent form. Failure to sign this consent form will result in denial of employment.

SECTION 30.4. SAMPLE COLLECTION AND TESTING PROCEDURES.

- A. Sample collection and drug and alcohol testing shall be conducted in accordance with the provisions of this policy by a reputable contracted provider equipped and licensed to provide such service. The collection of samples and testing under this policy shall be conducted by the contractor and comply with the following standards and procedures:
 - 1. Tampering with a drug test sample (urine, blood, or other bodily substance) through substitution, dilution, adulteration, or some other method, constitutes a refusal to provide a sample and may be grounds for denial of employment.
 - 2. Tampering with a positive drug test device or a willful failure to follow the instructions of the sample collector constitutes a refusal to provide a sample and may be grounds for denial of employment.
 - 3. Refusal or failure to comply with the provisions of this policy may be grounds for denial of employment.
 - 4. Nothing herein shall be construed to prohibit the acquisition of more than one type of sample if deemed appropriate under the particular circumstances by the Personnel Director or his/her designee.
- B. Sample Collection.
 - 1. The collection of all test samples shall be done in a medically appropriate manner designed to protect the safety and privacy of the applicant, as well as the integrity and identity of the sample in accordance with SAMHSA.
 - 2. Applicants will be required to provide two pieces of identification, (such as Driver's License, Passport, Social Security Card, Birth Certificate Baptismal Certificate, Immigration Card, Work Visa, etc.) at least one of which must be a photo ID.
 - 3. The collection will be conducted by the service provider at a location to be determined by the service provider. The service provider will assure that the designated collection site has all the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of samples to the testing laboratory.

4. No unauthorized personnel shall be permitted in any part of the designated collection site when samples are collected or stored.
5. If an applicant fails to arrive at the assigned time, the collection site person shall report the failure to arrive to the Personnel Director, or his/her designee.
6. If an applicant provides a sample determined to be diluted, a second sample shall be obtained as soon as possible. Applicants providing a second diluted sample will be denied employment. All samples suspected of being diluted shall be retained and tested.
7. Applicants providing a sample found to be outside standard temperature range will be required to provide a second sample for testing as soon as possible. The first sample will be retained.
8. An applicant who has a test deemed to be substituted, adulterated, or positive may reapply in one calendar year.

D. Testing Procedures.

1. Substances to be tested and test standards are as follows:

Initial Test Cutoff Concentration	
	(nanograms/milliliter)
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000
Ethanol	20

Confirmatory Test Cutoff Concentration	
	(nanograms/milliliter)
Cocaine metabolite (2)	150
Opiates:	
Morphine	2000
Codeine	2000
6-Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (3)	500
Ethanol	20

Footnotes:

- (1) Benzoylecgonine
 - (2) Specimen must also contain amphetamine at a concentration greater than or equal to 200nanograms/milliliter
 - (3) Test for 6-AM when morphine concentration exceeds 2000 nanograms/milliliter
4. In the event the test is positive, the MRO will review applicant's medical history, and review any other relevant biological factors.
 5. The MRO will review medical information supplied by the applicant when a positive test could have resulted from legally prescribed medication. The MRO will have the discretion to accept evidence in any manner the MRO deems most efficient or necessary. Evidence to justify a positive result may include, but is not limited to, a valid prescription or a verification of a valid prescription from the applicant's physician. The onus is on the applicant to provide the MRO with proof of such information.
 6. If the MRO determines there is no justification for a positive result, such result will then be considered a verified positive result. The contractor will then immediately report the positive result to the Personnel Director or his/her designee, by telephone and follow up with written confirmation or confirmation via fax or email.
 7. The applicant may appeal the results of the pre-employment drug test to the Personnel Director, or his/her designee, who, at his/her discretion, may allow one further testing procedure to be conducted.

SECTION 30.5. CONFIDENTIALITY. Laboratory reports and/or test results shall be filed and housed by the service provider and remain confidential.

CHAPTER 31. ALCOHOL-FREE AND DRUG-FREE WORKPLACE POLICY

SECTION 31.1. POLICY. The County of Shasta recognizes that the use of drugs or alcohol in the workplace can create health and safety problems for employees and the public they serve. Therefore, it is the County's policy that:

- A. Alcohol intoxication or the unlawful manufacture, unlawful distribution, unlawful dispensing, unlawful possession, or unlawful use of any controlled substance is prohibited in the workplace, while on duty, on standby for duty, or while in uniform.
- B. Each County employee will be notified that as a condition of employment the employee is required to:
 - 1. Abide by this policy; and
 - 2. Notify the County of any criminal drug or alcohol statute conviction (including a plea of nolo contendere) for a violation that occurred in the workplace, while on duty or on standby for duty or while in uniform, no later than five days after such conviction.
 - 3. The County will take one or both of the following actions within 30 days of receiving notice of an employee being alcohol- or drug-impaired on the job or of the employee's conviction of an alcohol- or drug-related offense described in Paragraph B.2.:
 - a. Require the employee to participate in an alcohol or drug abuse rehabilitation program approved by a federal, state, or local health or law enforcement agency;
 - b. Take appropriate personnel action against the employee consistent with these Personnel Rules and relevant MOU.
 - 4. The focus of this policy is substance abuse prevention through educating employees about the dangers of alcohol and drug abuse, and encouraging rehabilitation of those employees who have such problems. However, this policy does not preclude taking disciplinary action when appropriate. The decision whether to take disciplinary action will be made on a case-by-case basis.
 - 5. The County shall conduct drug/alcohol abuse awareness programs that inform employees about the dangers of drug and alcohol abuse in the workplace, the availability of drug and alcohol counseling and rehabilitation programs, the County's policy of maintaining a drug-free and alcohol-free workplace, and the penalties that may be imposed upon employees for alcohol or drug violations.
 - 6. The County, through its drug/alcohol abuse awareness program and/or Employee Assistance Program (EAP), shall provide referral to substance abuse counseling services or educational services as appropriate.

7. A County employee shall be subject to drug and alcohol testing during working hours upon the appointing authority's or the appointing authority's designee's determination that there is reasonable suspicion that the employee is currently impaired due to the use of drugs or alcohol. The conditions of and procedures for testing are described in Section 31.2.
8. "Reasonable suspicion" is a belief based on objective facts and reasonable inferences drawn from those facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or the employee's ability to perform the job safely is reduced. Any of the following, alone or in combination, may give rise to reasonable suspicion that the employee is currently under the influence of alcohol or a drug and is impaired:
 - a. Slurred or excessively rapid speech;
 - b. Alcohol odor on breath or clothing;
 - c. Unsteady standing, walking, or movement;
 - d. Pupils dilated or constricted or difficulty focusing eyes;
 - e. An accident involving County property or equipment;
 - f. A physical altercation;
 - g. A verbal altercation; provided, however, such altercation shall not, by itself, be considered a basis for reasonable suspicion;
 - h. A pattern of unusual behavior, such as hyperactivity, mood swings, hostility, absentmindedness, lethargy, or withdrawal;
 - i. Ingestion of alcohol or an illegal drug while on County premises or while on duty;
 - j. Possession of alcohol, an open container, illegal drugs, or drug paraphernalia;
 - k. Substandard work performance, including increased errors or absenteeism, a decrease in quantity or quality of work performed, or deterioration of work relationships; provided, however, that substandard work performance shall not, by itself, be considered a basis for reasonable suspicion;
 - l. Information obtained from a reliable person with direct personal knowledge.
9. The County shall abide by the requirements of the Drug-Free Workplace Act of 1988 (PL. 100-690).
10. This policy shall be applied without bias or prejudice.

11. Each County employee will receive a copy of this policy.

SECTION 31.2. TESTING.

- A. Whenever an appointing authority or designee determines that reasonable suspicion, as defined in policy in Section 31.1.B., exists to believe that an employee is currently impaired by a drug or alcohol in violation of the County's Alcohol-Free and Drug-Free Workplace Policy, or any other law, ordinance, resolution, or policy, the appointing authority or designee may, with the prior concurrence of the Personnel Director, or his/her designee, and County Counsel or their designees, require the employee to immediately submit to a urine test or breath test using a Evidential Breath-Testing device (EBT) for suspicion of alcohol use, or, if a contracted laboratory can take blood tests, at the employee's option, a blood test. The urine or blood sample will be analyzed at a laboratory with which the County contracts for drug and/or alcohol testing, or if such laboratory is not available, any other reputable laboratory equipped and licensed to provide such services.
 1. Alcohol testing. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The employee and the individual conducting the breath test, a Breath Alcohol Technician (BAT), will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test result determines any actions taken.
 2. A urine or blood sample shall be given by the employee at the designated laboratory or a County facility. The blood or urine samples will be split, sealed, and labeled in the employee's presence. One of the samples will be screened using the Immuno-assay technique. If a positive finding is made, that sample will be analyzed using LC/MS/MS chromatography. The other sample will be secured by the laboratory so that the employee may obtain an independent analysis if he/she so chooses.
 - a. If the initial test result is negative, the laboratory report, test result and test memorandum shall be destroyed unless the employee makes a written request that the material be placed in a confidential file. Laboratory reports, test results, and the test memorandum shall not appear in the employee's regular personnel file unless disciplinary action is imposed; information of this nature will otherwise be contained in a separate confidential medical folder and securely kept under the control of the Personnel Director, or his/her designee. Such information shall not be divulged to any third party or agency without the express written consent of the employee. However, such information may be disclosed to an arbitrator or the Board of Employee Appeals or any other hearing officer in the course of disciplinary proceedings. Reports of test results may be disclosed to Shasta County management strictly on a need-to-know basis.
 - b. A copy of the test results and any laboratory report shall be given to the tested employee. The initial test and the County's confirming test shall be conducted at County expense.

3. Within two County business days of receiving a copy of the test results, the employee may submit to the appointing authority or designee a written explanation which may be accompanied by copies of prescriptions, counselor's reports or other documentation concerning the employee's test results.
 4. The appointing authority or designee shall arrange for the employee's transportation to and from the laboratory or County facility for the test. The appointing authority or his/her designee shall also arrange for transporting the employee home after the test should the employee appear incapable of safely or competently completing his/her shift.
 5. An employee's refusal to submit to a drug/alcohol test may be considered a willful violation of a reasonable order by a superior officer and may be a ground for disciplinary action.
 6. An employee's voluntary inquiries concerning or participation in a drug or alcohol rehabilitation program shall be considered confidential.
- B. Whenever reasonably feasible, prior to requiring the employee to submit to testing, the appointing authority or designee shall give the employee the opportunity to be seen by a peace officer trained in the recognition of drug and alcohol abuse to confirm that reasonable suspicion exists. The employee may, at his/her option, waive the right to be seen by the peace officer.
- C. As soon as practicable, but no later than the end of the County's next working day, the appointing authority or his/her designee involved in the case shall prepare a memorandum which states the facts which gave rise to reasonable suspicion. The memorandum shall be reviewed and signed by the Personnel Director or his/her designee, and County Counsel or their designees. The memorandum need not be prepared prior to the employee submitting to testing, shall be completed prior to the County considering the results of testing performed under this policy. A copy of the memorandum shall be given to the employee.
- D. For purposes of the testing of Sheriff's Office sworn or safety sensitive personnel, refer to the Sheriff's Office Alcohol Free and Drug Free Workplace Policy. For purposes of the testing of any other employee, "designee" shall include only management employees.

SECTION 31.3. SAMPLE COLLECTION AND TESTING PROCEDURES.

- A. Sample collection and drug and alcohol testing shall be conducted in accordance with the provisions of this policy by a reputable contracted provider equipped and licensed to provide such. The collection of samples and testing under this policy shall be conducted by the contractor and comply with the following standards and procedures:
- B. Sample Collection.
1. The collection of all test samples shall be done in a medically appropriate manner designed to protect the safety and privacy of the applicant, as well as the integrity and identity of the sample in accordance with SAMHSA (Substance Abuse and Mental Health Services Administration).
 2. The collection will be conducted by the vendor at a location to be determined by the vendor. The vendor will assure that the designated collection site has all the

necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of samples to the testing laboratory.

3. No unauthorized personnel shall be permitted in any part of the designated collection site when samples are collected or stored.
4. The Personnel Director, or his/her designee, or designee shall review and concur in advance with any decision by a collection site person to obtain a urine sample under the direct observation of a same gender collection site person based on a reason to believe that the employee may tamper with the sample to be provided and/or the collection equipment.

C. Testing Procedures.

1. Initial and confirmation drug testing shall be completed in accordance with SAMHSA standards.
2. Substances to be tested and test standards (as currently published by SAMHSA) are as follows:

Initial Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000
Ethanol	20

Confirmatory Test Cutoff Concentration

	(nanograms/milliliter)
Marijuana metabolite (1)	15
Cocaine metabolite (2)	150
Opiates:	
Morphine	2000
Codeine	2000
6-Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (3)	500
Ethanol	20

Footnotes:

- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (2) Benzoylcegonine
- (3) Specimen must also contain amphetamine at a concentration greater than or equal to 200nanograms/milliliter
- (4) Test for 6-AM when morphine concentration exceeds 2000 nanograms/milliliter

If and when SAMHSA standards change, the standards as set forth in this policy

will change to coincide with those set forth by SAMHSA.

3. Testing may be conducted for other drugs or controlled substances (e.g. LSD, etc.) when there is reasonable suspicion to believe that an employee has used other substances. Such additional testing must be approved by the Personnel Director, or his/her designee.
4. If the test is positive, the laboratory will notify the MRO (Medical Review Officer - a physician responsible for reviewing positive drug and/or alcohol from testing performed by the laboratory) and the MRO will review applicant's medical history, and review any other relevant biological factors. If there is not a current MRO in place, the Personnel Director, or his/her designee, may seek review from another qualified person or entity.
5. The MRO will review medical information supplied by the applicant when a positive test could have resulted from legally prescribed medication. The MRO will have the discretion to accept evidence in any manner the MRO deems most efficient or necessary. Evidence to justify a positive result may include, but is not limited to, a valid prescription or a verification of a valid prescription from the applicant's physician. The burden is on the employee to provide the MRO with proof of such information.
6. If the MRO determines there is no justification (reference #5 above) for a positive result, such result will then be considered a verified positive result. The contractor will then immediately report the positive result to the Personnel Director or his/her designee, by telephone and follow up with written confirmation.