

PERSONNEL
AND
SALARY RESOLUTION

COUNTY OF ORANGE

Updated

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PERSONNEL AND SALARY RESOLUTION

DEFINITIONS

The following terms as used in this Resolution shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

AT WILL EMPLOYEES shall mean employees who have entered into an At Will agreement or have been appointed to At Will positions. At Will employees serve at the pleasure of the County and may be released from employment without notice, cause, or rights of appeal.

AT WILL POSITION shall mean a position so designated by the Board of Supervisors.

BOARD shall mean Board of Supervisors of the County of Orange.

CONTINUOUS SERVICE shall mean employment in a regular position which has not been interrupted by resignation, discharge or retirement. Official Leaves of Absence shall not be credited toward continuous service.

CHIEF HUMAN RESOURCES OFFICER shall mean the Chief Human Resources Officer or that person's designee.

COUNTY shall mean the County of Orange and special districts governed by the Board of Supervisors.

COUNTY EXECUTIVE OFFICER shall mean the County Executive Officer or that person's designee.

DEPARTMENT HEAD shall mean the person who is the principal officer or employee of an agency or department for the discharge of duties provided by law or particular delegated functions, or that person's designee.

EMERGENCY means an unforeseen circumstance requiring immediate action, a sudden unexpected happening, an unforeseen occurrence or condition, a pressing necessity.

EMPLOYEE shall mean a person employed by the County and covered by terms of this Resolution except where the natural construction of this Resolution otherwise indicates and except elected officers.

EXECUTIVE MANAGEMENT EMPLOYEE shall mean a person employed in one (1) of the classes as listed in Appendix A.

EXTRA HELP EMPLOYEE shall mean a person employed in an extra help

position. An extra help employee serves at the pleasure of the County in an extra help position and may be removed from an extra help position at any time with or without notice or cause and without a hearing.

EXTRA HELP POSITION shall mean a position which is intended to be occupied on less than a year-round basis including, but not limited to, the following: to cover seasonal peak workloads; emergency extra workloads of limited duration; necessary vacation relief, paid Sick Leave and other situations involving a fluctuating staff.

FULL-TIME EMPLOYEE shall mean an employee employed in one (1) or more regular or limited-term positions whose normally assigned work hours equal those of a full workweek or work period as described hereinafter.

LIMITED-TERM EMPLOYEE shall mean an employee employed in a limited term position except where a regular position is converted to a limited-term position, the incumbent shall retain his or her former status. As an exception to this definition, a limited-term employee may also be used to fill a regular position when the incumbent employee is on Official Leave of Absence.

LIMITED-TERM POSITION shall mean a position which the County has determined has no anticipated long-range funding or has uncertain future funding.

PART-TIME EMPLOYEE shall mean an employee employed in one (1) or more regular or limited-term positions whose normally assigned work hours do not equal those required of a full-time employee.

PRACTICABLE means economically or operationally feasible; reasonably able to accomplish.

PROBATIONARY EMPLOYEE shall mean a person who is serving a probation period and is employed in a regular or limited-term position.

PROMOTION shall mean the movement of a regular, limited-term, or probationary employee from one (1) class to another class where the maximum rate on the new salary range is at least one (1) full step (for E range classes) or 2.75 percent (for management range classes) higher than the maximum step of the old salary range.

PROVISIONAL APPOINTMENT shall mean an appointment of a qualified person, who is not a regular, probationary or limited-term employee of the County, to a regular or limited-term position on a temporary basis.

PROVISIONAL EMPLOYEE shall mean an employee who occupies a regular or limited-term position as the result of a provisional appointment.

REASSIGNMENT shall mean the movement of a regular, limited-term or

probationary employee from one (1) class to another class on the same salary range or to a class where the minimum rate on the new salary range is less than one (1) full step (for E range classes) or 2.75 percent (for management range classes) higher or lower than the minimum step of the old salary range.

RECRUITING RATE shall be the minimum rate of the salary range allocated to a class unless otherwise authorized by the Board or the Human Resources Director.

REDUCTION shall mean the movement of a regular, limited-term or probationary employee from one (1) class to another class where the minimum step of the new salary range is at least one (1) full step (for E range classes) or 2.75 percent (for management range classes) lower than the minimum step of the old salary range.

REGULAR EMPLOYEE shall mean a person who is not on probation and is employed in a regular or limited-term position.

REGULAR POSITION shall mean a position established on a permanent year-round basis requiring work on a regular schedule unless otherwise authorized by Minute Order of the Board.

SENIORITY shall mean total continuous full-time equivalent service as a regular employee.

WORKING RETIREE shall mean a person who retired from their position with the County and is rehired as a temporary employee pursuant to the County Working Retiree Reemployment Policy and other applicable laws and policies. A working retiree serves at the pleasure of the County in an extra help position and may be removed from it at any time with or without notice or cause and shall have no right to any appeal or grievance procedure under any rule or regulation of the County unless as required by law or contract.

Y-RATE shall mean a pay rate outside of the assigned salary range of a class.

PART 1

The terms and conditions in Part 1 apply to all employees unless otherwise specified herein or specifically contradicted in a Memorandum of Understanding.

The Chief Human Resources Officer is responsible for maintaining the Personnel and Salary Resolution and is authorized to make administrative updates and changes in accordance with actions of the Board of Supervisors.

ARTICLE I GENERAL POLICIES AND PRACTICES

Section 1. Regulation of Employees

- A. There is hereby adopted a merit system for the personnel administration of this County, basing appointments, promotions, demotions and discharges specifically on merit for all employees except for extra help employees, working retirees, assistants and clerical employees to members of the Board, Executive Secretaries, Executive Assistants to elected Department Heads, and other at-will employees.
- B. All employees shall hold their positions subject to rules and regulations established by Resolution of the Board.
- C. Attorneys employed by the County are prohibited from engaging in the private practice of law.
- D. Catastrophic Leave Donation Procedure
The County shall administer a Catastrophic Leave procedure designed to permit employees to donate leave time to other employees on an extended unpaid leave due to a catastrophic medical condition or other serious circumstances. Such policies and procedures shall also require that an employee on a leave without pay at the time he or she receives a Catastrophic Leave donation will be treated as if on an Official Leave of Absence for purposes of probation and merit increase eligibility. The Chief Human Resources Officer may implement changes to the Catastrophic Leave procedure, subject to the meet and confer process if applicable.

Section 2. Position Classification Plan

- A. The Position Classification Plan of the County shall consist of the class titles and the class specifications adopted by the Board. There shall be a class specification for each class, unless exempted by the Board, which includes the title of the class and indicates the type of work performed, other requirements of the position, and the minimum qualifications for employment.

Class specifications shall be established by Minute Order or Resolution of the Board.

- B. The Chief Human Resources Officer is authorized to create a title schematic which includes class titles, pay grades, salary schedules, and other information for the use and administration of each classification consistent with actions taken by the Board of Supervisors authorizing such titles and rates of pay. The Chief Human Resources Officer is responsible for maintaining such tables and may also change such tables, rates and schedules in accordance with the provisions of the various Memoranda of Understanding or by subsequent action of the Board of Supervisors.
- C. The Chief Human Resources Officer shall administer the Position Classification Plan for all positions in the County service, including special districts governed by the Board, except elected officers and others designated by the Board as being exempted. The Chief Human Resources Officer shall make recommendations to the Board as to the establishment of classes. The Chief Human Resources Officer shall establish procedures to administer the Position Classification Plan.
- D. The Chief Human Resources Officer is authorized to conduct studies of the duties and responsibilities of the various positions in order to maintain the Position Classification Plan.
- E. The Chief Human Resources Officer is authorized to make changes to existing classification specifications to ensure proper maintenance and updates of the Position Classification Plan. Such authority is limited to: modification of duties, responsibilities, minimum qualifications, physical/environmental characteristics, classification characteristics, and classification titles of the established classifications. The authority also allows for the deletion of obsolete or unused classifications. Any changes that result in a monetary impact to the classification shall require Board approval.

Section 3. Number and Classification of Activated Positions

- A. The number of activated regular positions shall be as designated by the Board. No Department Head shall appoint regular or probationary employees in excess of the positions activated by the Board except that a Department Head may fill a regular position with a replacement for up to two days (overfill). A Department Head may fill a regular position with two employees (dual-fill) for up to 30 days with Chief Human Resources Officer approval. A Department Head may fill a regular position with a replacement beyond thirty (30) calendar days, with approval of the County Executive Officer.
- B. The Chief Human Resources Officer is authorized to reclassify positions when,
 - a) such reclassifications are consistent with the classification plan, classification

specifications and salaries adopted by the Board and
b) when the Department Head agrees with the classification change.

- C. The Chief Human Resources Officer may authorize that a regular position may be used as one (1) or more part-time regular positions provided that the total regularly scheduled hours of the part-time positions do not exceed the number of hours per week authorized for the activated regular positions.
- D. A Department Head may, upon the approval of the County Executive Officer, appoint limited-term or extra help employees subject to a determination by the Chief Human Resources Officer as to the appropriate classification of the positions. Ordinarily a full-time extra help position will not be authorized for a period exceeding six (6) months. In unusual circumstances, and at the discretion of the County Executive Officer and the Chief Human Resources Officer, a full-time extra help position may be authorized for a period longer than six (6) months, provided such period shall not exceed one (1) year.
- E. When a regular or limited-term position is vacant due to Leave of Absence, the position may be filled with a limited term employee for the length of the immediately preceding Departmental Leave, Official Leave, Disability Leave or Parenthood Leave and any extensions of such leaves.
- F. When an employee who is separating from County service by way of paid County retirement elects to take time off for vacation, the position to be vacated may be filled by the department for the length of vacation time off prior to the employee's paid retirement.
- G. When a regular or limited-term employee is on a leave of absence with pay and the cost of the employee's salary and benefits is fully reimbursed to the County, the employee's position may be filled by the department for the length of the paid leave.

Section 4. Organizational Changes

As adopted by the Board of Supervisors on November 17, 2015, the policy on Organizational Changes distinguishes the two types of organizational changes as:

- A. Countywide Organizational Change – changes which result in the establishment, dissolution or merger of any County department, or changes that propose position and budget adjustments between departments. The authority for approval of this type of organizational change shall be the Board of Supervisors. The County Executive Office (CEO), including the Deputy County Executive Officer, CEO/Budget and CEO/Human Resources, will review all proposed changes and bring a recommendation to the Board for approval.

- B. Department Organizational Change – changes which create, dissolve, move or consolidate any organizational units or reporting relationships within one controlling County department. The authority for approval for this type of organizational change shall be the County Executive Office. The County Executive Office will review and approve or deny requests related to Department Organizational Changes. Department Organization Changes include:
1. Changes that have a cost increase exceeding the budgeted Net County Costs and/or appropriations
 2. Changes that will result in a cost increase to any other department
 3. Changes that involve the creation of a new program or unit that results in new or increased Net County Costs
 4. Changes that involve the creation of a new executive level position

All agencies, departments, and special districts governed by the Board of Supervisors will submit to the CEO for its review any request to change their organizational structure.

The CEO will review department operating and business needs, public impact and policy considerations of the proposed change before recommending review by CEO/Budget and/or CEO/Human Resources. CEO/Budget will analyze and validate all Countywide cost/saving impacts for the organizational change proposal. Should any position changes (reclassification or addition) be recommended, CEO/Human Resources will review issues related to proposed job duties and how they relate to position classification, compensation, and/or employee relations.

Section 5. Selection Procedures

- A. The Chief Human Resources Officer shall administer the Orange County Recruitment Rules. Such Rules may be revised by the Chief Human Resources Officer; revisions that delete a principle of the Recruitment Rules must be approved by the Board of Supervisors.
- B. When the County assumes or absorbs the functions and personnel of another government agency, the Chief Human Resources Officer may waive or modify the regularly established minimum qualifications and selection procedures for the employees involved.

Section 6. Provisional Appointment

- A. The Chief Human Resources Officer may authorize an appointing authority to make a provisional appointment to a regular or limited-term position when the Chief Human Resources Officer, or designee, determines it is in the best interests of the County to fill a vacancy until a new eligible list can be established.
- B. A probationary, regular, or limited-term employee shall not be eligible for a provisional appointment.

- C. A provisional employee shall not serve a probationary period. If a provisional employee receives a regular appointment, the employee shall serve a new-hire probationary period. A provisional employee who receives a regular appointment shall maintain his or her original hire date for purposes of vacation and sick leave accrual, retirement and layoff.
- D. A provisional employee may be released from service at any time without right of appeal or hearing.
- E. Provisional employees shall earn all other benefits which accrue to regular employees, except for rights and benefits pursuant to the Layoff Procedure provided for in the applicable Memoranda of Understanding or Personnel and Salary Resolution.

Section 7. Leave Accruals Upon Reemployment

When a person is reemployed in a regular or limited-term position, the Chief Human Resource Officer may, upon the request of the Department, apply the period of previous County continuous service for the purpose of determining vacation and sick leave earning rates. The Chief Human Resources Officer must approve this request before the employee is reemployed.

Section 8. Filling Critical Positions – Vacation and Sick Leave Incentive

As an incentive for filling critical, executive, high-level management, high-level technical, or hard to fill positions, and upon recommendation of the Department Head, and concurrence of the County Executive Officer, as part of an offer of employment, a candidate may be granted a vacation balance of up to one-hundred twenty (120) hours and/or sick/healthcare leave balance of up to ninety six (96) hours, and/or accrue up to the maximum rate per the applicable Memorandum of Understanding upon appointment for vacation and sick/healthcare leave when the candidate's qualifications would constitute a direct and measurable benefit to the County.

Section 9. Recruitment Expenses

The Department Head may authorize necessary recruitment expenses when those expenses are within established guidelines and the annual budgeted amount. These expenses may include travel expenses of a candidate for executive, high-level management, high-level technical, or hard to fill positions, when deemed appropriate by the Department Head.

Section 10. Relocation Expenses

Upon request from a Department Head, the County Executive Officer is authorized to approve reimbursement for relocation and temporary housing expenses for executive,

high-level managers, or high-level technical positions, required to relocate up to a maximum of \$25,000.

Section 11. Performance Evaluations

The Chief Human Resources Officer is authorized to establish a performance evaluation program.

Section 12. Promotional Probation on Reallocation

When a regular or limited-term employee is promoted as a result of the employee's position being reclassified to a higher class and the class from which the employee is promoted is subsequently deleted or abolished or if the reclassification occurred as the result of a Classification Maintenance Review, the incumbent employee shall not serve a promotional probation period.

Section 13. Extension of Probation Periods

- A. Upon recommendation of the Department Head, the new-hire or promotional probation period of an employee may be extended at the sole discretion of the Chief Human Resources Officer for a period not to exceed one hundred eighty (180) calendar days provided such action is approved by the Chief Human Resources Officer before the normal probation period is completed. In such cases, the Department shall advise the applicable employee association in writing regarding the extension of probation as soon as practicable. Denial of a request to extend a probation period shall not be subject to appeal or hearing.
- B. The Chief Human Resources Officer shall extend the probationary period of employees with an employment authorization document which has an expiration date which would occur after the end of the probation period. Such probation periods shall be extended to coincide with the expiration date of the employment authorization document. In the event an employee's probationary period is extended by the provisions of this Section, and such an employee serves a probationary period which is longer than the normal probation period, such an employee may fail probation during the extended period only for failure to obtain a new, valid employment authorization document by the expiration date of the expiring employment authorization document.
- C. A new-hire or promotional probationary employee who is on paid administrative leave shall have his or her probationary period extended by the length of the leave. If the extended probationary period ends in the middle of a pay period, the probationary period shall be extended to conclude on the final day of that pay period.

Section 14. Voluntary Reduction or Reassignment to Different Occupational Series

- A. For all reductions or reassignments to an occupational series in which they have not held status, an employee must meet the minimum requirements of the new classification. Nothing in this provision shall affect an employee's reemployment qualifications pursuant to the County Recruitment Rules and Policies or prevent an employee from participating in future County recruitment opportunities.
- B. When a regular or limited term employee requests a voluntary reduction or reassignment from a position in which they have held status to an occupational series in which they have not held status, their salary and merit increase eligibility date shall be determined by, and must be approved by, the Chief Human Resources Officer.

Section 15. Authority for Disciplinary Action

Discipline may be imposed by the Department Head or the County Executive Officer. The County Executive Officer shall take no disciplinary action for an employee in a department led by an elected official unless the County Executive Officer has requested the department to do so in writing and the department has refused or failed to take such action within a reasonable time, not to exceed ten (10) calendar days of such a request. In the County Executive Officer's written request to the department, the County Executive Officer may suggest the appropriate discipline under the particular circumstances. Before the above-mentioned time limit has elapsed, the department may impose a lesser discipline (if a suggestion for discipline is made) on the employee only with the concurrence of the County Executive Officer.

Section 16. Leave of Absence With Pay (Administrative Leave)

- A. A Department Head may authorize an employee to be absent with pay for reasons other than physical or mental illness for a period of time not to exceed (240) regularly scheduled working hours if the Department Head finds that such absence contributes to the functions and goals of the County or is for the purposes of conducting an investigation.
- B. An employee may be absent with pay in excess of two hundred forty (240) regularly scheduled working hours upon a request by the Department Head, if the Chief Human Resources Officer and the County Executive Officer approve. Forms requesting an absence with pay in excess of two hundred forty (240) regularly scheduled hours shall be prescribed by the Chief Human Resources Officer and shall state specifically the reason for the request and the beginning and ending dates of the absence. Any further extension will continue to require approval from the Chief Human Resources Officer and the County Executive Officer. Extensions shall be required every 240 hours, unless the Chief Human Resources Officer and County Executive Officer deems another allotment appropriate.

Section 17. Military Leave of Absence

A request for Military Leave of Absence shall be made upon forms prescribed by the Chief Human Resources Officer and shall state specifically the reason for the request, the date when it is desired to begin the Leave of Absence, and the probable date of return. Military Leave is governed by provisions of the Military and Veterans Code of the State of California, Section 395 to 395.5., the Uniformed Services Employment and Reemployment Rights Act (USERRA), and any other applicable Board Resolutions (e.g. 20-045). An employee receiving pay for a portion of such Leave shall not be deemed to be occupying a position during such paid Leave period. When a regular position is vacant due to a Military Leave of Absence, the position may be filled for the length of that Leave.

Section 18. Time Off for Voting

- A. If an employee does not have sufficient time outside of working hours to vote at a State-wide election, the employee may, without loss of pay, take off enough working time which when added to the voting time available outside of working hours will enable the employee to vote.
- B. No more than two (2) hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.
- C. If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give his or her supervisor at least two (2) working days' notice that time off for voting is desired, in accordance with the provisions of this Section.

Section 19. Deductions for Maintenance

- A. Whenever full, part, or any maintenance is furnished to any County officer or employee, an amount equal to the value of such maintenance as determined by Resolution of the Board shall, except as hereinafter in this Section provided, be deducted from the compensation to be paid such officer or employee, provided that the Board may, by Resolution, establish rules and regulations requiring advance cash payments for meal tickets in lieu of payroll deductions.
- B. The Sheriff-Coroner and the County Probation Officer may authorize free meals for personnel who are restricted to correctional facilities during their meal period on a regularly assigned shift.

Section 20. Employee Parking

With the concurrence of the County Executive Officer, the Department Head may pay for additional parking access when doing so will further the achievement of operational needs and business goals.

Section 21. Uniforms, Articles of Clothing, Equipment, and Supplies

With the concurrence of the County Executive Officer, a Department Head may authorize the purchase of additional uniforms, articles of clothing, equipment, and supplies when doing so will further the achievement of operational needs and business goals.

Section 22. State of Residence

Employees may not reside outside of California and work remotely. Employees may temporarily work remotely from outside of California with Department Head approval if they continue to maintain a California residence. The County will at all times make withholdings required by the State Franchise Tax Board as if the employee resides at all times in California. The County is not responsible for withholdings for state taxes that may be due in another state. The County makes no representation or warranty regarding whether an employee is obligated to pay taxes due in another state.

ARTICLE II PAY PRACTICES

Section 1. Method of Compensation for Employees

Employees shall receive compensation at the biweekly or hourly rate within the range or at the flat rate assigned to the class in which they are employed.

The pay rate(s) for each class is (are) set forth in a table of class titles, pay rates and salary schedules.

Employees' information will be entered into the County's personnel transaction database which shall be used by Auditor Controller to issue payment to such employees.

Section 2. Salary Payment Procedure

- A. A pay period shall cover fourteen (14) calendar days and shall start on a Friday and end with the second Thursday thereafter unless otherwise provided in a Memorandum of Understanding. Employees and officers shall be paid approximately eight (8) days after the end of a pay period, usually on a Friday.
- B. Compensation for each employee for whom compensation is established shall be paid out of the County General Fund or such other fund as may be provided by ordinance or by law upon certification by the Department Head to the Auditor-Controller that such employee has performed the services set forth in said certificate. When an employee separates from the County service and use of the regularly scheduled certification would create an inequitable delay, the Department Head may immediately file a special payroll certification of such separation with the Auditor-Controller. The Auditor-Controller may draft the warrant for the period of time and/or pay due said employee up to the time of separation. Notice of such separation shall be immediately filed with the Chief Human Resources Officer.

Section 3. Pay Check Deposit

Employees hired after June 29, 2001 will be required to authorize automatic deposit of his or her paycheck to a financial institution of the employee's choice.

Section 4. Authorization for Salary Increases

The Chief Human Resources Officer shall notify the Auditor-Controller in writing of all salary increases and such notifications shall constitute authorization for the Auditor-Controller to make payments to the employee at the higher rate. Upon recommendation of the Chief Human Resources Officer, the County Executive Officer may authorize salary increases for employees in unrepresented classifications when there is a direct and measurable benefit to the County for such an increase. After the increase, employees

shall still receive compensation at a biweekly rate within the range assigned to the class in which they are employed for each full pay period worked as determined by Article I.

Section 5. Salary on Employment as a Deputy Sheriff Emergency Service

In case of the necessity for the transportation or arrest of any person by the Sheriff-Coroner's Department, District Attorney's Office, Probation Department or other officer or employee empowered to arrest or transport such person, such officer or employee may, and is hereby empowered to, deputize and employ a Deputy Sheriff-Emergency Service to assist in such activity. The Sheriff may also deputize and employ Deputy Sheriffs-Emergency Service to perform emergency law enforcement duty for which regular deputies are not available and shall be authorized to compensate for Deputy Sheriffs - Emergency Service at the rate specified in the table of class titles, pay rates and salary schedules.

Section 6. Temporary Salary Increase for Responsibilities During Emergencies

In accordance with an emergency declared upon by the Board of Supervisors, activation of the County's Emergency Operations Center (EOC), or agency Department Operations Center (DOC), the County Executive Officer may authorize temporary additional compensation up to five and one-half (5 ½) percent of the employee's base salary.

Section 7. Changes in Salary Allocation

If a class is reassigned to a different salary range, each employee in the class shall be compensated at the same step in the new salary range as they were receiving in the range to which the class was previously assigned.

Section 8. Salary on Promotion

When a regular, limited-term or probationary employee is promoted to a position in a class with a higher salary range, they shall receive the recruiting salary for the higher class or such higher amount as would be the closest to a two (2) step increase on the range over the salary received prior to the promotion, not to exceed the top step of the range. A new merit increase eligibility date shall be established which shall be the first day of the pay period following completion of the first twenty-six (26) weeks of service in the new class except that the employee will retain his or her former merit increase eligibility date if the promotion was the result of a Classification Maintenance Review.

Section 9. Salary on Reassignment

When an employee is involved in a series of reassignments among classes with the same salary range but different recruiting steps or a series of reassignments among classes on different salary ranges, or is reassigned through a classification maintenance review to a class on a different salary schedule, their salary and merit increase eligibility date shall

be determined by the County Executive Officer.

Section 10. Salary on Reduction - Reclassification

When a regular, limited-term or probationary employee is reduced because the position the employee occupied is reclassified, the applicable salary shall be determined as follows:

If the salary of the employee is the same or less than the maximum of the new class, the salary shall not change, except if the reduction is the result of a Classification Maintenance Review. When the reduction is the result of a Classification Maintenance Review, the new salary will be the closest step on the new salary range which is not lower than the current rate of pay. In any case, the merit increase eligibility date of the employee shall not change.

Section 11. Limitations Upon Compensation

- A. Unless otherwise provided by Resolution, all fees, commissions and mileage (other than mileage reimbursement received pursuant to the County's mileage reimbursement provisions), and compensation of whatever nature or character, including profits from the jail commissary, the feeding of prisoners, and the transportation of persons received by an employee by virtue of his or her office, shall be deposited for each calendar month not later than the fifth of the succeeding month into the General Fund of the County, or such other fund as may be provided by law, and shall become the property of the County of Orange immediately upon its receipt, by such employee. The provisions of Section 70 of the Penal Code, relative to the asking or receiving of gratuities, is hereby made a part of the regulations governing employees.
- B. Fees or compensation paid or received pursuant to appointment as an alienist or psychiatrist by the Superior Court shall not be subject to this Section and may be retained by the person to whom such fees or compensation are paid as his or her property.

Section 12. Confidential Employees

A. Represented Employees

Effective March 25, 2014, represented employees will no longer be eligible for premium pay, provided, however, those employees who had been designated as confidential prior to March 25, 2014 will continue to receive a premium pay of five and one-half (5 ½) percent of the hourly rate of pay, so long as they are functioning in a position designated as confidential.

B. Executive Secretary, County Executive Officer

The Executive Secretary to the County Executive Officer shall receive a premium pay of ten (10) percent of the hourly rate of pay.

Section 13. Additional Compensation

Notwithstanding anything in this Personnel and Salary Resolution to the contrary, when in the judgment of the Board it becomes necessary or desirable to utilize the services of County employees in capacities other than those for which they are regularly employed, the Board may authorize an additional rate of compensation for such employees.

Section 14. Authority to Resolve Employee Complaints/Grievances/
and to Select and Compensate Arbitrators

A. The Chief Human Resources Officer or designee may authorize payments in settlement of employee complaints or grievances where:

1. resolution of the complaint advances effective employer-employee relations or the cost of potential arbitration or litigation exceeds the amount in controversy, and
2. the amount of such settlement does not exceed one hundred thousand (\$100,000) dollars in any one (1) case.

B. The Chief Human Resources Officer or designee may authorize the selection of and payment to arbitrators or other third-party neutrals conducting arbitrations of employee grievances and/or selection complaint hearings.

Section 15. Election Work

In addition to any other position or positions that are held, a Department-authorized employee may also voluntarily work in a capacity authorized for the Registrar of Voters in the course of an election provided that such election work does not unduly interfere with the employee's regular assignment. Election work shall be compensated at the rate authorized for such work.

ARTICLE III PAYOFF PROVISIONS

Section 1. Sick Leave Payoff

If applicable, the amount of the payment for unused sick leave shall be calculated on the same basis as employee's retirement is calculated pursuant to Government Code Section 31462.1, or on the basis of the employee's salary at the time of paid County retirement or death, whichever is greater.

Section 2. Vacation Payoff

The amount of the lump sum payment for accrued vacation shall be calculated on the same basis as employee's retirement is calculated pursuant to Government Code Section 31462.1, or on the basis of the employee's salary at the time of separation, whichever is greater.

Section 3. Annual Leave Payoff

Annual Leave payoffs will be made as per the provisions in each specific Annual Leave Plan.

ARTICLE IV ON-THE-JOB INJURY, WORKERS' COMPENSATION PAY

Section 1. Workers' Compensation Leave

- A. When an injury is determined to be job related, an employee shall be placed on Workers' Compensation Leave.
- B. Workers' Compensation Leave shall continue until the employee:
 - 1. is determined to be physically able to return to work and such medical determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
 - 2. is determined to be physically able to return to work with medical restrictions which the County can accept and such determination, if disputed, is confirmed by Workers' Compensation Appeals Board; or
 - 3. accepts employment outside the County; or
 - 4. accepts employment in another County position; or
 - 5. has been found to be permanent and stationary and is not rehabilitated as provided by law; or
 - 6. is retired pursuant to Government Code provisions.

Section 2. Treatment of Industrial Injuries

Whenever an employee sustains an injury or disability arising out of and in the course of County employment which requires medical care, the employee shall obtain treatment according to the provisions of the California Labor Code Section 4600 et seq. Workers' Compensation Pay shall be provided as required by law, unless specifically contradicted in a Memorandum of Understanding.

Section 3. Workers' Compensation Pay

- A. Law enforcement executive employees covered by Section 4850 of the Labor Code shall receive leave and benefits as provided by Section 4850.
- B. The performance evaluation date of any employee who receives workers' compensation benefits shall be extended by the length of time the employee receives such benefits, unless such time lasts less than fifteen (15) consecutive calendar days from the date of the injury.

- C. When an employee is no longer entitled to receive workers' compensation pay, the employee may, at his or her option, use sick/healthcare leave, compensatory time, and vacation, in that order, if the employee is compelled to be absent from duty as set forth in paragraph 2.B., above. If an employee uses such leave balances while receiving workers' compensation temporary disability benefits, only annual leave, sick/healthcare leave, compensatory time or vacation leave balances used shall be counted toward the calculation of County seniority and determination of sick leave and vacation earning rates. (A/C to review)

Section 4. Exposure to Contagious Diseases

Whenever an employee is compelled by direction of a County-designated physician to be absent from duty due to an on-the-job exposure to a contagious disease, the employee shall receive full compensation for a period not to exceed eighty (80) working hours for a full-time employee or fourteen (14) calendar days for a part-time employee. If the absence extends beyond the applicable period, sick/healthcare leave, compensatory time, vacation and/or annual leave may be used, at the employee's option, in that order.

Section 5. Injury to Reserve Deputy Sheriff

Whenever a Reserve Deputy Sheriff employed by the County is compelled to be absent from his or her regular employment due to injury arising out of and in the course of his or her employment as a Deputy Sheriff-Emergency Service, he or she shall receive temporary disability and/or permanent disability benefits as set forth under California Labor Code, Section 4458.2 as applicable.

ARTICLE V INSURANCE FOR VOLUNTARY SERVICES PERSONNEL

Reserve Deputy Sheriffs

The County will provide Accidental Death and Dismemberment benefits and Disability Income Protection benefits to persons appointed as Reserve Deputy Sheriffs if death and/or injuries are sustained in the line of duty.

ARTICLE VI SAFETY

Section 1. General Provisions

- A. No employee shall be required to work under conditions dangerous to the employee's health or safety.
- B. The County shall make every reasonable effort to provide and maintain a safe place of employment. Employees shall be alert to unsafe practices, equipment, and conditions and report any such unsafe practices, equipment or conditions to their immediate supervisors. Employees shall follow safe practices and obey reasonable safety rules during the hours of their employment.
- C. Any employee who either does not receive an answer to a safety-related question from his or her supervisor within three (3) days or receives an answer which the employee deems unsatisfactory may directly contact the County Safety Officer.
- D. Any employee who is directed to perform a task which the employee in good faith feels is unsafe may request an immediate investigation from the Safety Officer. During the period that the Safety Officer is conducting an investigation, the employee will be assigned to other work at no loss of earnings. If the Safety Officer concludes the task complained of is safe, the employee shall perform the work as instructed.
- E. The County shall furnish all equipment at County work locations for employees to perform their job in a safe manner.
- F. Wherever practicable, the County shall provide the necessary first aid kits in each County work location.
- G. Wherever practicable, the County shall provide first aid training for one (1) employee at each County work location.

Section 2. Abatement of Violations

In any instance in which the County is cited for a violation of CAL/OSHA, the County shall abate the cited hazard to health or safety within the abatement period required.

ARTICLE VII EDUCATIONAL AND PROFESSIONAL REIMBURSEMENT PROGRAM

Section 1. Objective

The Educational and Professional Reimbursement Program is designed to encourage employees to continue their professional development through a variety of opportunities. In order to qualify for the program, one or more of the following criteria must be met:

- Related to the work of the employee's position or occupation
- Prepares the employee to transition to an alternate County occupation
- Prepares the employee for advancement to positions of greater responsibility in the County

In addition, items eligible for reimbursement must have the reasonable potential for contributing to achieving County business objectives.

Section 2. Eligible Employees

All full time regular, part time regular, limited term, and probationary employees performing their jobs satisfactorily are eligible for reimbursement.

Section 3. Reimbursement Eligibility

The Department Head or designee shall determine whether any given course qualifies for reimbursement.

A. The following are eligible for reimbursement:

1. Courses related to obtaining a degree (AA, BA, BS, Masters, Ph.D.)
2. Accredited certificate programs
3. Vocational skills programs
4. Courses related to obtaining or maintaining a business-related certification, license, or accreditation
5. Courses related to preparing to take tests to obtain business-related certifications, licenses, or accreditation
6. Professional conferences, conventions, and seminars that are related to business objectives
7. Fees related to obtaining and/or renewing a license, including special driver's licenses

8. Fees related to certifications or accreditations
9. Fees related to taking professional examinations
10. Professional association membership fees
11. State Bar of California dues (if not provided for in a Memorandum of Understanding), section dues, and/or association fees

Employees in the Attorney classes may also request reimbursement for courses sponsored by a professional organization for Attorneys, such as, but not limited to Continuing Education of the Bar courses sponsored by the State Bar of California and University of California Extension. The Department Head shall determine whether any given course qualifies for reimbursement.

- B. In general, any courses taken through the program must be taken on employee time. However, at the discretion of the Department Head, a course may be taken on County time when it specifically meets a business need and is not available during the employee's non-work hours.
- C. Courses are not eligible for reimbursement if they:
 1. Are taken to bring unsatisfactory performance up to an acceptable level;
 2. Are taken to acquire skills or knowledge which the employee was deemed to have when appointed;
 3. Duplicate available in-service training;
 4. Duplicate training which the employee has already had.

Section 4. Nature of Reimbursement

- A. Reimbursement may be made for all required fees, registration, and other costs related directly to the approved educational or professional expense. This may include, but is not limited to books, class materials, lab fees, testing fees, parking, processing fees, etc.

Loan obligations and loan interest incurred by employees for payment of courses shall not be reimbursed.

- B. Expenses for travel, meals, and lodging are not reimbursable; however, the Department Head may authorize payment for these items when it meets their business needs and is budgeted in their travel expense budget.
- C. For degree programs, reimbursement shall be made to the employee upon completion of the course with a minimum final grade of C or its equivalent in an undergraduate course, or B or its equivalent in a graduate

level course.

- D. Reimbursement for non-graded courses shall be made upon completion of an approved course and proof of payment.
- E. If an employee is receiving reimbursement from another source that covers a portion of the cost, the County will only pay the remaining amount, after other reimbursements are exhausted.
- F. The maximum reimbursement that may be received by eligible employees in one fiscal year shall be \$2000 unless specified in a separate labor agreement.
- G. Reimbursement of Educational and Professional Reimbursement Program expenses shall be paid from the same fiscal year allocation when the coursework is completed or when the non-coursework payment is made.

Section 5. Request Procedure

- A. The employee shall apply for approval of reimbursement through normal supervisory channels on forms provided by CEO/Office of Human Resources.
- B. The employee's Department Head shall either approve the application or deny it based on the criteria set forth in this policy.
- C. Upon completion of an approved course, or payment of fees for approved memberships, licenses, certifications, or accreditations, the employee shall furnish proof of payment, and proof of grade (where applicable) to the Department Head as soon as possible.
- D. Claim forms shall be submitted to Department Head no later than one fiscal year following the completion date.
- E. Upon approval by the Department Head, claim forms shall be submitted to Auditor-Controller for review and processing.

PART 2

ARTICLE VIII MEMBERS OF THE BOARD OF SUPERVISORS, EXECUTIVE MANAGEMENT EMPLOYEES, BOS CHIEFS OF STAFF, EXECUTIVE AIDES AND EXECUTIVE ASSISTANTS TO MEMBERS OF THE BOARD OF SUPERVISORS, AND ELECTED OFFICIALS

The terms and conditions in Part 2 apply to the Members of the Board of Supervisors, Executive Management Employees, BOS Chiefs of Staff (effective May 5, 2023), Executive Aides and Executive Assistants to Members of the Board of Supervisors, and Elected Officials unless otherwise specified herein.

Section 1. General Provisions

Except as otherwise provided in this Article or by State law or action of the Board of Supervisors and except where the natural construction of a provision indicates otherwise, the wages, hours and terms and conditions of employment for members of the Board of Supervisors, Executive Management employees, BOS Chiefs of Staff, Executive Aides and Executive Assistants to members of the Board of Supervisors and elected officials shall be the same as adopted for employees in the Administrative Management Unit, or Law Enforcement Management Unit for Law Enforcement Executives. However, any provision requiring Department Head approval for Administrative Management or Law Enforcement Management employees shall be interpreted to require County Executive Officer approval in the case of nonelected Department Heads.

The Executive Management (ML-E), Executive Assistant/Executive Aide (ML-A), and BOS Chief of Staff (ML-B) salary ranges may be increased by the County Executive Officer consistent with the salary range increases approved by the Board of Supervisors for other bargaining units if required to maintain an appropriate salary differential. The increases may not be a greater/higher percentage as what was approved for the other bargaining units.

The County Executive Officer may also make necessary pay structure adjustments or increases to the salary ranges for critical executive level recruitment and retention purposes, based upon such factors such as external market data, position responsibilities and sound management principles. Increases to the salary ranges approved by the County Executive Officer that are unrelated to negotiated contracts shall not exceed 10%.

The County Executive Officer will provide administrative notification to the Board when such increases to the executive salary ranges occur.

Section 2. Approval of Positions

All new permanent Executive Manager positions, or positions permanently reallocated to Executive Manager, must be presented to the Board of Supervisors for approval.

Section 3. Pay for the Health Care Agency Director

The salary of the Health Care Agency Director may exceed the top of the Executive salary range (ML-E) in order to maintain a five and one half percent (5.5%) salary differential above the rate of the highest paid subordinate, provided the Director is a licensed physician.

Section 4. Pay for New Employees and Promotions

- A. The County Executive Officer may authorize that a particular position be filled at any rate within the Salary Range. Additionally, the County Executive Officer may authorize positions to be filled in the Reserved for Outstanding Performance Salary Range when there is a direct and measurable benefit to the County from such appointments and the Department makes a determination that the applicant's previous training and experience enables them to make a greater and more immediate contribution than a less experienced employee.
- B. The Board of Supervisors is responsible for setting the salaries of the following County Elected Officials: Assessor, Auditor-Controller, Treasurer-Tax Collector, Clerk Recorder, Sheriff-Coroner, District Attorney. Effective January 1, 2007, the aforementioned Elected Officials salary increases shall be linked to the Superior Court of the State of California Judges' salary increases.
- C. The salary for the Members of the Board of Supervisors shall be set at eighty percent (80%) of the regular annual salary of a judge of the Superior Court of the State of California.

Section 5. Peace Officer Standards and Training (P.O.S.T.) Pay

- A. A full-time, regular or limited term employee in the classifications of Assistant Sheriff, Undersheriff, or Sheriff-Coroner, who complies with the procedure in this Section, shall be paid nine and a half (9.5) percent of individual base pay for all regular hours paid for a P.O.S.T. Management Certificate. P.O.S.T. pay shall start the first day of the pay period following receipt by the Department of a valid P.O.S.T. Management Certificate.
- B. The employee shall submit a P.O.S.T. Management Certificate application to the Department, in a format determined by P.O.S.T., with the appropriate supporting documentation attached to the application.

Section 6. Salary Adjustments

Except as otherwise provided by law, the County Executive Officer is authorized to increase or decrease the salaries of Group II and Group III Executive Managers based on consideration of such factors as position responsibilities, performance, external market data and internal salary relationships. Salaries shall not be greater than the maximum or

less than the minimum of the assigned salary range. Salary increases must be approved by the County Executive Officer prior to the effective date and can only be granted per the following:

- A. The employee must have served in the Executive Manager position for a minimum of one year prior to being considered for a discretionary salary increase, excluding increases resulting from general wage increases of a related bargaining unit or internal salary relationships/compaction.
- B. An Executive Manager may only be granted one salary increase within a twelve-month period while serving in the same job assignment. This twelve-month period limitation does not apply to salary increases that are approved as a result of compaction, general wage increases, or when an Executive Manager's responsibilities temporarily or permanently increase significantly. For example, an Executive Manager who absorbs a new functional responsibility outside of the normal scope of their job assignment would be eligible for a discretionary salary increase.

Section 7. Appointment of the County Probation Officer

The Board of Supervisors shall appoint the County Probation Officer. The position of County Probation Officer is At Will and serves at the pleasure of the Board subject to the conditions of applicable contracts, regulations, and law.

Section 8. Employees of the Board of Supervisors

- A. Employees in the classes of Executive Aide I, Executive Aide II, Executive Assistant, and BOS Chief of Staff shall be appointed and serve at the pleasure of the individual supervisors holding the offices to which such employees are assigned. They may be terminated at any time by the Supervisor holding that office and in such an event, shall have no right to any appeal or grievance procedure under any rule or regulation of the County.
- B. Each member of the Board of Supervisors shall determine the number of assistants for his or her office and the class and step or rate at which they will be employed, except that the salary for any individual Aide or Assistant shall not exceed the maximum rate of the applicable range. The classes to which they are assigned shall be one (1) of the following:

- Executive Aide I
- Executive Aide II
- Executive Assistant
- BOS Chief of Staff

The qualifications, testing and methods of selection of the above described employees shall be determined by and at the discretion of the Supervisor

appointing them. Each Supervisor shall promptly notify Human Resource Services in writing of the name and compensation for each person appointed by him or her hereunder prior to the person's start date. The Supervisor shall notify Human Resource Services of any change in the status of such persons as will affect their rate of compensation.

C. Salaries of Executive Aides, Executive Assistants and BOS Chiefs of Staff

Salaries of the employees in the classes of Executive Aide I, Executive Aide II, Executive Assistant and BOS Chief of Staff may be increased or decreased at any time at the discretion of the appointing Supervisor. The Board may, at any time, establish new salary ranges for such classes.

Section 9. Employees of Elected Department Heads

- A. Employees in the class of Executive Assistant shall be appointed by and serve exclusively at the pleasure of the elected Department Head holding the office to which such employee is appointed. Employees in this class may be terminated at any time by the elected Department Head holding the office to which they were appointed without right of appeal under any rule or regulation of the County. Appointments ended under this provision are specifically excluded from the disciplinary grievance and appeals procedure.
- B. The number of positions authorized in the class of Executive Assistant for elected Department Heads shall be established by the Board of Supervisors.
- C. Each elected Department Head shall recommend for approval, by the County Executive Officer, the salary-range step or rate at which an employee will be compensated, except that the salary for any Executive Assistant shall not exceed the maximum rate of the range established by the Board of Supervisors for the class. The determination of the qualifications required, and the testing and methods of selection used to appoint employees under this provision are at the discretion of the elected official holding the office to which the employees are appointed.

Section 10. Non-Elected Department Heads (Executive Management - Group II)

- A. To the extent permitted by law, Department Heads shall serve at the pleasure of the County Executive Officer, (i.e. At Will). Prior to such an appointment, the Chief Human Resources Officer shall obtain written acknowledgement from the prospective appointee acknowledging his or her At Will status. Non-elected Department Heads will be required to sign At Will agreements as a condition of employment.
- B. The provisions of A. above shall not apply to executive management with an individual employment contract.

- C. To the extent permitted by law, the County Executive Officer may include a severance package, including pay and or health benefits in an At Will agreement for all Group II Executive Management employees as deemed necessary to recruit and retain qualified personnel. The severance package shall not exceed 90 calendar days from the date of termination of employment by the County. This severance provision shall not apply to any termination for cause.

Section 11. Senior Management Officials (Executive Management - Group III)

- A. All Executive Management employees, other than Department Heads, shall serve at the pleasure of the Department Head (i.e. At Will), unless otherwise specified in the Personnel and Salary Resolution. Prior to and as a condition of such appointment, the Chief Human Resources Officer shall obtain a written agreement from the prospective appointee acknowledging his or her At Will status.
- B. Except as provided for in D. of this Section and Section 15, Group III Executive Management employees may be released from County service at any time, without notice, cause or rights of appeal or right to reduce to a lower level position, by the Department Head.
- C. The County Executive Officer may include a severance package, including pay and or health benefits in an At Will Agreement for Group III Executive Management employees serving At Will as deemed necessary to recruit and retain qualified personnel. The severance package shall not exceed 90 calendar days from the date of termination of employment by the County. This severance provision shall not apply to any termination for cause.
- D. Group III Executive Management employees in the Social Services Agency who do not share overall responsibility for all major department functions and who serve At Will may be removed from their position at any time without notice, cause or rights of appeal. Upon removal, such employees have the right to return to a non-executive management position in which they passed probation prior to becoming At Will employees.

Upon return to a non-executive management position, the employee will receive the compensation and benefits associated with that classification and be subject to the terms and conditions of the governing MOU.

Employees entering Group III Executive Management positions from outside County service shall have no rights to a lower-level position.

- E. Group III Executive Management employees in the Office of the District Attorney and the Office of the Public Defender serve At Will and may be removed from their position at any time without notice, cause or rights of appeal. At least three business days prior to removal, Department shall consult and seek advice from CHRO.

Upon removal, employees other than Senior Assistant District Attorneys, Senior Assistant Public Defenders, Chief Assistant District Attorney, Chief Deputy Public Defender and Chief of the Bureau of Investigations, have the right to return to a non-executive management position in which they have passed probation prior to becoming At Will employees.

Upon return to a non-executive management position, the employee will receive the compensation and benefits associated with that classification and be subject to the terms and conditions of the governing MOU.

Employees entering Group III Executive Management positions from outside County service shall have no rights to a lower-level position.

This provision shall not preclude an Executive Management employee from entering into a new At Will agreement pursuant to this Section.

Section 12. Tier I Sick Leave Payoff - Elected County Officers

Upon death or paid retirement of an elected County officer who was a County employee immediately preceding his or her term of office, the officer or his or her estate shall be entitled to be paid for a portion of the unused Sick Leave accumulated during that time the County official was a County employee, on the same basis as provided for the Administrative Management Unit at the time of said death or retirement; provided, however, that the percent of unused Sick Leave paid for shall be based upon the years of service the officer was a regular County employee and at a rate determined by his or her final salary as a County employee. If the official elects to take deferred retirement, he or she shall not be eligible for the benefits set forth by this Section.

Section 13. Vacation – Executive Management, Executive Aides, Executive Assistants, and BOS Chiefs of Staff

A. Accumulation of Vacation

The maximum allowable vacation credit an employee may accrue at any one (1) time for a full-time employee with less than ten (10) years of full-time continuous service shall be three hundred sixty (360) hours or a prorated amount equal to nine (9) weeks of vacation for part-time employees. The maximum allowable vacation credit an employee may accrue at any one (1) time for a full-time employee with ten (10) or more years of full-time continuous service shall be five hundred eighty (580) hours and a prorated amount equal to fifteen (15) weeks of vacation for part-time employees. An employee who has accrued the maximum allowable vacation credit will not accrue additional credit until the employee's vacation credit drops below the maximum allowed.

B. General Provisions

Except as set forth below, during each fiscal year an employee may request to cash out accrued vacation either in two separate increments of up to eighty-five (85) hours each or one (1) increment of one hundred and seventy (170) hours.

- 1) Except as set forth in subsection “b” below, an employee may not cash-out vacation time if he/she has at the time of the request a balance of accrued unused annual leave.
- 2) An employee with an annual leave balance may cash-out vacation time under the following limited circumstances:
 - a) The employee’s accrued vacation bank is such that s/he will reach the applicable cap (as set forth in A. above) sometime during the fiscal year unless the employee is able to cash-out vacation time.
 - b) If subsection “a” is satisfied, the employee may cash-out vacation time or a combination of annual leave and vacation time twice during the fiscal year up to an aggregate of 170 hours. Notwithstanding subsection “a” above, an employee with less than 170 hours of accrued annual leave, may cash-out their remaining annual leave balance and accrued vacation time necessary to reach the combined annual cash-out cap of 170 hours, irrespective of an employee reaching their maximum vacation accrual cap during the same fiscal year.

Section 14. Annual Leave Plan - Executive Management, Executive Aides, Executive Assistants, and BOS Chiefs of Staff

Payoff of Unused Annual Leave

- A. During each fiscal year, an employee may request to be paid for accrued annual leave in either two (2) separate increments of up to eighty-five (85) hours each or one (1) increment of up to one hundred seventy (170) hours.
- B. An employee separating from County service shall be paid in a lump sum payment for 100% of all unused annual leave and vacation balances.
- C. Years of service as used herein shall be the equivalent of full-time continuous service hours in a regular position. Partial years of service shall be prorated.
- D. An employee who is separating from County service by way of paid County retirement

may elect either to take annual leave as time off, or be paid for his or her annual leave in a lump sum payment. The amount of annual leave which can be taken as time off shall be limited to the amount of hours the employee is eligible to receive at 100%. The remaining balance, to a maximum of 1600 hours (less maximum number of hours paid at 100%) shall be paid in accordance with the annual leave payoff provisions. Maximum annual leave hours which may be used prior to retirement may be increased at the discretion of the CEO.

Section 15. Members of the Board of Supervisors and Elected Officials Leave Provisions

Members of the Board of Supervisors and Elected Officials are not eligible for the benefits provided in Article III Leave Provisions, Section 1 Sick Leave; Article IV Vacation; and Article V Annual Leave for the Administrative Management Unit.

Section 16. Disciplinary Action and Appeals

The Disciplinary Action and the Grievance Procedure and Disciplinary Appeals articles for the Administrative Management Unit shall not apply to members of the Board of Supervisors, Executive Management employees (except as reflected in Section 10), Executive Aides, Executive Assistants and BOS Chiefs of Staff to members of the Board of Supervisors and elected officials.

Section 17. Issuance of Vehicles and Transportation Allowance

Elected Officials and Executive Managers (Groups I/A, II, and III/B) are eligible for a monthly automobile allowance of \$765 in lieu of mileage reimbursement effective the first day of their appointment. Elected Officials may select a leased vehicle instead of the monthly transportation allowance.

Executive Managers and Elected Officials are required to sign a proof of insurance memo attesting they will comply with the personal auto insurance requirements of the program.

The allowance is paid in arrears, on a monthly basis on the first paycheck of the month. Executive Managers and Elected Officials subject to mid-month promotions/appointments and/or partial month service will have the monthly rate pro-rated at an amount calculated by the Auditor-Controller.

Section 18. Optional Benefit Plan

- A. Each eligible full-time Member of the Board of Supervisors, Elected Official, and Executive Management (Groups II and III) employee shall be entitled to an amount of one thousand dollars (\$1,000) more than the Administrative Management Unit. Eligible part-time Executive Management employees shall be reimbursed for eligible expenses in an amount not to exceed one-half of the Optional Benefit Plan (OBP) for full-time Executive Management employees.

- B. Each eligible full-time BOS Chief of Staff/Executive Assistant/Aide employee shall be entitled to the same OBP as the Administrative Management Unit.

Section 19. Insurance

A. Health Plans and Premium Contributions

The County may consider potential modifications/cost containment of health insurance plans.

B. Health Plan Enrollment – Law Enforcement / Sworn Executive Management and the Sheriff-Coroner

1. Group I/A – Elected Officials – The Sheriff-Coroner, if eligible to participate in the Association of Orange County Deputy Sheriffs Medical Trust, shall follow the Medical Insurance terms and conditions of the Law Enforcement Management Unit Memorandum of Understanding.
2. Group III – Department Principal Assistants in the Departments of Sheriff and District Attorney (designated with the title code EB) shall follow the Medical Insurance terms and conditions of the Law Enforcement Management Unit Memorandum of Understanding.
3. Group II – Appointed Department Heads and Group III – Department Principal Assistants (designated with the title codes E4 and E8) shall follow the Medical Insurance terms and conditions of the Sworn Public Safety Managers in the Administrative Management Unit Memorandum of Understanding.

C. Other Insurance Coverage

1. Life Insurance and Accidental Death and Dismemberment Insurance:

- a. Elected Officials and Executive Management (Groups II and III) employees shall receive life and accidental death and dismemberment insurance in the amount of one hundred twenty five percent (125%) of the Administrative Management Unit, regardless of age, with the option to purchase additional coverage including dependent coverage.
- b. Basic Life insurance and accidental death and dismemberment insurance will be provided in the same amount as the Administrative Management Unit for all full-time BOS Chief of Staff/Executive Assistant/Aide employees without proof of insurability. Such insurance will be subject to the limitations of liability contained in those insurance policies. Benefits are subject to Imputed Income requirements as required by law.

2. Short-term Disability Insurance and Long-term Disability Insurance Benefits

Elected Officials are not eligible for the Short-term Disability or Long-term Disability benefit plans provided by the County.

Section 20. Defined Contribution

County 401(a) Defined Contribution Plan

- A. The County shall contribute an amount equal to 8% of bi-weekly salary to the County Section 401(a) Plan on behalf of Board Members and Group I/A-Elected Officials. The County shall contribute an amount equal 6% of bi-weekly salary to the County Section 401(a) Plan on behalf of the County Executive Officer, the Chief Financial Officer, the Chief Information Officer, Chief Human Resources Officer, Chief Real Estate Officer, Deputy County Executive Officer, Director of Internal Audit and County Counsel. The County shall contribute an amount equal to 5% of bi-weekly salary to the County Section 401(a) Plan on behalf of all other Group II-Appointed Department Heads. The County shall contribute an amount equal to 4% of bi-weekly salary to the County Section 401(a) Plan on behalf of all Group III/B Department Principal Assistants.
- B. The Chief Human Resources Officer or his/her designee shall administer the plan in accordance with the stated purpose. Each employee to be eligible for this plan will be notified of his/her investment options under the plan. The eligible employee will be able to make investment changes to his/her plan through the 401(a) provider. The Chief Human Resources Officer or his/her designee shall setup each eligible employee in the County's system in accordance with plan provisions so that a specified percentage of his/her biweekly salary is transferred by the Auditor-Controller directly to the Plan provider on his/her behalf.
- C. Eligibility - Each employee as specified in the classifications listed in (A) above are eligible for this benefit. Eligible employees will be eligible for the 401(a) benefit upon his/her hire, appointment or promotion date. County contributions to the plan will be based on an 80 hour pay period and dollars paid.
- D. If an eligible employee subsequently transfers to an ineligible job classification, he/she will receive the County contribution through the last day of the pay period in which he/she remained eligible. The employee must leave his/her assets in the County 401(a) Plan until either death, total & permanent disability, retirement or separation from the County of Orange.
- E. The County 401(a) Plan may also serve as a qualified retirement plan for Board Members and Group I/A-Elected Officials who elect at the beginning of his/her term not to participate in the Orange County Employees Retirement System ("OCERS"). An additional 1.5% of salary contribution will be added onto the 8% salary contribution as mentioned above for those Board Members and Group I/A-

Elected Officials who irrevocably elect not to participate in the OCERS during their term.

Section 21. Retirement

A. Retirement Formulas

1. Effective June 28, 2002, the retirement benefit formula for safety members in the Sheriff-Coroner Department and District Attorney's Office is provided for in Government Code Section 31664.1. Effective June 28, 2002 and continuing through October 16, 2003, Law Enforcement Management employees shall pay an amount equal to 1.78% of their basic hourly rate for each hour paid in each pay period.
2. Effective June 28, 2013, the County will no longer pay the employee retirement contributions normally required of general and safety members pursuant to Section 31581.1 and Section 31581.2 for Executive Managers in Group II and Group III, and for Executive Aides I and II, Executive Assistants, and BOS Chiefs of Staff. Effective June 28, 2013, no contract entered into by the County may permit the County to pay the employee retirement contributions normally required of general and safety members pursuant to Section 31581.1 and Section 31581.2
3. The County will no longer pay the employee retirement contributions normally required of general and safety members pursuant to Section 31581.1 and Section 31581.2 for elected, appointed, or reelected Members of the Board of Supervisors or other Elected County officials who begin a term on or after January 1, 2015.

B. Reduction in Reverse Pickup – Executive Aides, Executive Assistants

1. Effective November 8, 2019, the annual reverse pickup contribution rate for employees in the PEPRA and 1.62% at 65 Classic benefit formulas will be frozen at the fiscal year 2019-2020 rate. The reverse pickup contribution rate for employees in the 2.7% at 55 benefit formula shall continue to be calculated pursuant to the Administrative Management Unit.
2. Effective November 8, 2019, the County will assume responsibility for a fixed 1.2% reduction of the employee's paid reverse pickup.
3. Effective July 3, 2020, the County will assume responsibility for an additional 1.2% for a total fixed 2.4% reduction of the employee's paid reverse pickup.
4. Effective July 2, 2021, the County will assume responsibility for an additional 1.2% for a total fixed 3.6% reduction of the employee's paid reverse pickup.

5. Effective July 1, 2022, the County will assume responsibility for an additional .5% for total fixed ongoing 4.1% reduction of the employee's paid reverse pickup.
6. By July 1, 2022, the entire Reverse Pickup for employees in the PEPRA and 1.62% and 65 Classic benefit formulas shall be eliminated. It is the intent of the parties that the reverse pickup amount for Legacy employees will continue to be reduced by 4.1% from July 1, 2022 into the future.

C. Reduction in Reverse Pickup – Group II & III, Executive Management

1. Effective November 8, 2019, the annual reverse pickup contribution rate for employees in the PEPRA and 1.62% at 65 Classic benefit formulas will be frozen at the fiscal year 2019-2020 rate. The reverse pickup contribution rate for employees in the 2.7% at 55 benefit formula shall continue to be calculated pursuant to the Administrative Management Unit.
2. Effective November 8, 2019, the County will assume responsibility for a fixed 1.2% reduction of the employee's paid reverse pickup.
3. Effective July 3, 2020, the County will assume responsibility for an additional 1.2% for a total fixed 2.4% reduction of the employee's paid reverse pickup.
4. Effective July 2, 2021, the County will assume responsibility for an additional 1.2% for a total fixed 3.6% reduction of the employee's paid reverse pickup.
5. Effective July 1, 2022, the County will assume responsibility for an additional .76% for total fixed ongoing 4.36% reduction of the employee's paid reverse pickup.
6. By July 1, 2022, the entire Reverse Pickup for employees in the PEPRA and 1.62% and 65 Classic benefit formulas shall be eliminated. It is the intent of the parties that the reverse pickup amount for Legacy employees will continue to be reduced by 4.36% from July 1, 2022 into the future.

PART 3

ARTICLE IX EXTRA HELP AND WORKING RETIREE EMPLOYEES

The following terms and conditions of employment apply to both Extra Help and Working Retiree employees who work in extra help positions, except as specified below.

Working Retirees may serve in extra help positions consistent with the terms in this Article and as permitted by law.

Section 1. Extra Help Employees and Working Retirees Status

Extra Help and Working Retiree employees serve at the pleasure of the County and may be released at any time and in such an event, shall have no right to any appeal or grievance procedure under any rule or regulation of the County unless as required by law or contract.

Section 2. Reemployment of Working Retirees

Working Retirees receiving pension benefits from the Orange County Employees Retirement System (OCERS) may work in an extra help position if they meet the conditions of employment and method of hire subject to applicable law (e.g. Government Code 7522.56) and the County Working Retiree Reemployment Policy.

Section 3. Extra Help and Working Retiree Employees Premium Pay

Upon recommendation of the manager, the Department Head may authorize premium pay for an Extra Help or Working Retiree employee when the Department Head determines there is a direct and measurable benefit to the County for such premium pay. If authorized:

- The department must ensure the employee meets the requirements of the premium pay;
- The premium pay must be equivalent to the additional pay a regular employee is eligible for in the same classification; and
- The employee must be notified in writing of the parameters and rules of the pay.

Section 4. Workweek for Extra Help Employees/Working Retirees

- A. The official workweek for full-time employees shall be 40 hours. The workweek shall begin on each Friday at 12:01 a.m. and end with the following Thursday at 12:00 midnight except for employees working an alternate schedule, such as a 9/80. For these employees the beginning and end of the workweek shall be the midpoint of their eight (8) hour day. However, for employees on an alternate schedule that does not meet the parameters described above, a different workweek may be designated.

Work ordered and performed in excess of forty (40) hours actually worked in a workweek shall be overtime.

B. Employees shall receive compensation on a biweekly basis.

Section 5. Overtime for All Extra Help Employees/Working Retirees

A. Notification of Employees of Work Required Beyond Normal Schedule

If in the judgment of the department, work beyond the normal workday, workweek or work period is required, the department will notify any Extra Help employee or Working Retiree who may be asked to perform such overtime. If this additional work results in hours worked in excess of forty (40) in the employee's designated workweek the employee shall be compensated for these excess hours at the overtime rate as defined below.

B. Payment for Overtime

1. Overtime shall be compensated at one and one-half (1 1/2) times the regular rate.
2. Overtime hours worked shall be paid.

Section 6. Rest Periods and Cleanup Time for Extra Help Employees/Working Retirees

A. Employees shall be allowed rest periods of fifteen (15) minutes during each four (4) consecutive hours of work. Such rest periods shall be scheduled in accordance with the requirements of the department, but in no case shall rest periods be scheduled within one (1) hour of the beginning or the ending of a work shift or lunch period. The County may designate the location or locations at which rest periods may be taken.

Rest periods shall be considered hours worked and employees may be required to perform duties, if necessary.

Section 7. Pay for New Extra Help Employees/Working Retirees

A. Extra Help Employees/Working Retirees on a Salary Step System

A new employee shall be paid at the recruiting step of the salary range in effect for the particular class or position in which the Extra Help or Working Retiree employee is hired except as provided in Sections 1. and 2., below.

1. The department head may authorize the appointment of employees at any of the first eight (8) steps of the salary range. Such appointments shall be made

only when the department head makes a determination that there is a direct and measurable benefit to the County from such appointments and makes a determination that the applicant's previous training and experience enables him or her to make a greater contribution than a less experienced employee.

2. Upon recommendation of the department head, the County Executive Officer may authorize the appointment of employees beyond step eight (8) of the salary range when there is a direct and measurable benefit to the County for such appointment.

B. Extra Help Employees/Working Retirees on a Salary Range

1. The salary for new employees shall normally be at the minimum of the salary range in effect for the particular class or position in which the new employee is hired except as provided in Section 2. below.

The outstanding performance component of the Administrative Management salary ranges shall not be used for the purposes of recruiting, market adjustments or other non-performance related reasons.

In limited circumstances and upon recommendation of a Department Head, the County Executive Officer may authorize salary placement in the "Reserved for Outstanding Performance" salary range for any of the reasons described in the criteria in Section 2. below, when there is a direct and measurable benefit to the County from such salary placement.

2. A Department Head may authorize that a particular position be filled at any rate within the salary range, up to the top of the advertised maximum rate of the range. In determining the salary offer, the Department Head shall consider the following:
 - a. The market demands a greater salary offer;
 - b. The candidate's previous education, training, experience and employment references enable the candidate to make an immediate greater contribution to the County;
 - c. The offer does not negatively impact the department's budget or internal salary relationships within the Department or Countywide.

Section 8. Salary Increases, Merit Increase Within Range, and Performance Evaluations for Extra Help Employees/Working Retirees

- A. Working Retiree employees shall not be eligible for general salary increases without approval from the County Executive Officer.
- B. Extra Help and Working Retiree employees shall not be eligible for merit increases within range.

- C. Extra Help and Working Retiree employees shall not receive performance evaluations.

Section 9. Sick Leave - Accrual of Sick Leave for Extra Help Employees

For those extra help employees who qualify for paid Sick Leave under Labor Code section 246, the first three days or 24 hours, whichever is greater, taken each 12 month period will be considered Sick Leave used pursuant to the Healthy Workplaces, Healthy Families Act of 2014. The 12 month period is January 1 through December 31 for employees.

Beginning on January 1, 2024, for those extra help employees who qualify for paid Sick Leave under Labor Code section 246, the first 40 hours, taken each 12 month period will be considered Sick Leave used pursuant to the Healthy Workplaces, Healthy Families Act of 2014. The 12 month period is January 1 through December 31 for employees.

Section 10. Holidays for Extra Help Employees/Working Retirees

Extra Help and Working Retirees employees are not eligible for additional compensation or benefits for working on a holiday, except as provided for in Section 5 above.

Section 11. Mileage Reimbursement for Extra Help Employees/Working Retirees

An Extra Help or Working Retiree employee who is authorized to use a private automobile in the performance of necessary work duties, which excludes normal commuting, shall be reimbursed for each mile driven in the performance of such duties at the rate established by the Internal Revenue Service Standard Mileage Rate for the Business Use of a Car. A Department Head may authorize a higher reimbursement equivalent to the rate that a regular employee in the same classification receives.

Section 12. Health Benefits for Extra Help Employees/Working Retirees

Extra Help employees who qualify for medical coverage under the Affordable Care Act (ACA) and are scheduled to work on an ongoing basis of 60 hours or more per pay period are eligible to enroll in health benefits as a new employee. Extra Help employees who are considered "seasonal" meaning working for a limited period of time or those who are on a variable hour work schedule during the year and working retirees are not eligible for health benefits unless required under the ACA.

Section 13. Extra Help Employees/ Employees Over 60 Who Waive OCERS Membership Deferred Compensation Plan

Extra Help employees and employees over the age of 60 who waive OCERS membership are required to participate and contribute 7.5 percent of compensation to the Extra-Help Deferred Compensation Plan as required under 26 CFR §31.3121(b)(7)-2.

APPENDIX A

Classes designated as Executive Management/Unrepresented/At-Will as of May 5, 2023.

Group I/A - Elected Officials

0005E1 Assessor
0010EA Auditor-Controller
0010E1 Auditor-Controller
0182EA County Clerk/Recorder
0182E1 County Clerk/Recorder
0030E1 District Attorney
0030EA District Attorney
0055E1 Member, Board of Supervisors
0055EA Member, Board of Supervisors
0070E1 Sheriff-Coroner
0087E1 Treasurer-Tax Collector
0087EA Treasurer-Tax Collector

Group II – Executive Management Appointed Department Heads

8324E2 Airport Director
8013E2 Assistant County Executive Officer
8012E2 Chief Financial Officer
8525E2 Chief Human Resources Officer
8011E2 Chief Information Officer
7845E2 Chief Real Estate Officer
0642E2 Clerk of the Board of Supervisors
2325E2 County Counsel
8145E2 County Executive Officer
7421E4 County Probation Officer
8014E2 Deputy County Executive Officer
6560E2 Director, Child Support Services
4578E2 Director, Health Care Agency
7840E2 Director, Internal Audit
2131E2 Director, OC Community Resources
8120E2 Director, OC Waste & Recycling
8180E2 Director, Public Works
7039E2 Director, Social Services Agency
7844E2 Executive Director, Office of Campaign Finance & Ethics Commission

Group II – Executive Management Appointed Department Heads (Continued)

7846E2 Executive Director, Office of Independent Review
8010E2 Executive Manager
7843E2 Performance Audit Director
2373E2 Public Defender
0656E2 Registrar of Voters

Group III/B Executive Management Department Principal Assistants

8325E3 Assistant Airport Director
2342E3 Assistant District Attorney
6146EB Assistant Sheriff
7848E3 Assistant Treasurer-Tax Collector
2322E3 Chief Assistant County Counsel*
2344E3 Chief Assistant District Attorney
6539EB Chief, Bureau of Investigation, District Attorney
7823E3 Chief Deputy Auditor-Controller*
7038E3 Chief Deputy Director, SSA*
7420E8 Chief Deputy Probation Officer
2372E3 Chief Deputy Public Defender*
2547E3 County Librarian
8173E3 Deputy Director/Chief Engineer, OCPW
7033E3 Director of Adult and Employment Services
7032E3 Director of Agency Financial Assistance
7031E3 Director of Children and Family Services
4575E3 Director of Medical Services
4563E3 Director of Mental Health
4579E3 Director of Public Health
8010E3 Executive Manager
6145EB Undersheriff*

* Share with Department Heads authority over all major department functions.

Staff of the Board of Supervisors

8107MB Executive Aide I
8108MB Executive Aide II
8362MB Executive Assistant
8363MB BOS Chief of Staff

APPENDIX B – Board of Supervisors Appointed Positions

The following positions are appointed by the Board of Supervisors:

Position Title/Classification	Appointment Authority
County Executive Officer	Government Code § 24000(t), Orange County Codified Ordinances 1-2-63
Clerk of the Board	Government Code § 25100.5, Orange County Codified Ordinances 1-2-292
County Counsel	Government Code § 27640
Internal Auditor	Orange County Codified Ordinances 1-2-64(d), Government Code sections 25208 and 25300
Public Defender	Government Code § 27703
Public Guardian	Government Code § 27431, Orange County Codified Ordinances 1-2-172
Director, Child Support Services	Family Code § 17304, Orange County Codified Ordinances 1-2-70
Director, John Wayne Airport	Orange County Codified Ordinances 2-1-12
Director, Social Services Agency	Welfare & Institutions Code § 10801, Orange County Codified Ordinances 1-2-129
HCA - County Health Officer	Health & Safety Code § 101000
HCA - County Mental Health Officer	Welfare & Institutions Code - WIC § 5607
OCCR - County Librarian	Education Code § 19140
OCCR - County Veterinarian	Food & Agricultural Code § 2301, Orange County Codified Ordinances 4-1-156
OCCR - Veteran Services Officer	Military and Veterans § 970, Orange County Codified Ordinances 1-2-103
OCPW - Agricultural Commissioner	Food & Agricultural Code § 2121, Orange County Codified Ordinances 1-2-18
OCPW - Chief Engineer	Water Code Appendix § 36-4
OCPW - County Surveyor	Government Code § 27550, Orange County Codified Ordinances 1-2-52
County Probation Officer	Government Code § 27770, 2022 Personnel and Salary Resolution
Executive Director, Office of Independent Review	Orange County Codified Ordinances 1-2-226 [c]
Executive Director, Office of OC Campaign Finance Ethics Commission	Orange County Codified Ordinances 1-2-359

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Board-Adopted and Administrative Changes

PSR Art, Sec.	Amendment or Change	BOS Approval Date
Art II, Sec. 14.A.2	Increase authority from \$50,000 to \$100,000, effective 2/7/2025 (ASR 24-001054)	1/28/2025
Art VIII, Sec. 1	Provisions requiring Department Head approval for Administrative Management or Law Enforcement Management employees shall require CEO approval in the case of nonelected Department Heads, effective 2/7/2025 (ASR 24-001054)	1/28/2025
Art VIII, Sec. 1	Executive Manager salary ranges - CEO may make necessary adjustments to range structure and increase salary ranges beyond salary increases approved by BOS at any time for recruitment and retention purposes, based upon factors such as external market data and sound management principles (ASR 23-000766)	9/26/2023
Art VIII, Sec. 5	Peace Officer Standards and Training (P.O.S.T.) Pay – Eligible employees in the classifications of Assistant Sheriff, Undersheriff, or Sheriff-Coroner shall be paid nine and a half (9.5) percent of individual base pay for all regular hours paid for a P.O.S.T. Management Certificate as of 2/9/2024. (Supplemental Agenda Item #S26D)	2/6/2024
Art VIII, Sec. 6	Clarifies current practice that Exec Mgr increases resulting from related bargaining unit general wage increases or increases based on compaction/internal salary relationships do not require a year of service as Exec Mgr. Clarifies current practice that while an Exec Mgt may only be granted one increase within a 12 month period, the limitation does not apply to increases based on compaction, general wage increases, or when responsibilities increase significantly.	1/28/2025
Art VIII, Sec. 18.B.1	Health Plan Enrollment - Sheriff-Coroner - Group I/A - Elected Officials - Sheriff-Coroner, if eligible to participate in the AOCDS Trust, shall follow medical insurance terms and conditions of the Law Enforcement Mgt Unit MOU (Supplemental Agenda Item #S33C, Resolution 22-161)	12/20/2022
Article VIII, Appendix	BOS Chief of Staff - new classification approved by the BOS (ASR 23-000309)	4/25/2023
Art IX, Sec. 9	Update to Accrual of Sick Leave for Extra Help Employees to 40 hours based on Labor Code section 246 as of 1/1/2024	n/a