



EMPLOYEE HANDBOOK

www.suttercounty.org

About Your Employee Handbook

This handbook will help to answer some of the many questions that you may have during your employment with Sutter County. It is general in nature and does not attempt to give details of all our policies and procedures. Employee benefits may vary with the different bargaining units.

This handbook is not intended to be an employment contract between the County and employees and does not create property or other rights in employment. Such rights are governed by the various labor agreements and, where applicable, the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions and the Sutter County Personnel Rules and Regulations. These rules encompass over 200 pages involving a myriad of personnel policies. Each department has a copy, which is available for your use and orientation. They are also available on the Sutter County web site, www.suttercounty.org. If you need additional assistance, you may contact the Human Resources Department.

(June 2017)

Table of Contents

OVERVIEW	Page
Welcome	1
County Board of Supervisors	2
Sutter County History	3
 WORKING CONDITIONS	
Equal Employment Opportunity	4
Selection/Promotion Procedures	4
Preplacement Medical Screening/Physical	4
Preplacement Drug Testing	5
Fingerprinting and Acquisition of Criminal History	5
Probationary Period	5
Performance Evaluations	5
Resolving Complaints, Conflicts or Grievances	5
Discriminatory Workplace Harassment Policy	6
Alcohol and Drug Abuse Policy	6
Nepotism	6
Prohibited Activities	6
Payment of Salaries	6
Work Week	6
Overtime	7
Safety	7
On-the-Job Injury	7
State Disability Insurance	7

Table of Contents

EMPLOYEE BENEFITS	Page
Summary of Benefits	8
Vacation	8
Sick Leave.....	8
Bereavement Leave.....	8
Holidays	9
Leave of Absence	10
Retirement.....	10
Social Security	10
Military Leave.....	10
Health Insurance Benefits	10
Cafeteria Plan – Health, Dental, Vision, Life Insurance.....	11
Health and Dependent Care Spending Accounts	11
Other Benefits	11
 APPENDICES	
Appendix A	
Sutter County’s Equal Employment Opportunity/Non-Discrimination on the Basis of Disability Policy Statement.....	A1-A2
Appendix B	
Discriminatory Workplace Harassment Policy.....	B1-B6
Appendix C	
Alcohol and Drug Abuse Policy	C1-C8
Appendix D	
Leave of Absence and Assignment of Leave Balances for Catastrophic Illness or Injury.....	D1-D15
Appendix E	
General Safe Work Practices	E1-E8

An Overview



County of Sutter

Office of the County Administrator

1160 Civic Center Boulevard
Yuba City, California 95993
Phone: (530) 822-7100 Fax: (530) 822-7103

Dear New Employee:

On behalf of the Board of Supervisors and the entire management team, congratulations and welcome to Sutter County! One of our organization's most important objectives is to recognize the value of services public employees provide to the community. As a County representative, it is imperative that you always respond with professionalism and excellence in your work.

You will be joining the work force of over 900 employees who share the commitment to provide quality public services. You are encouraged to get to know the many departments and dedicated employees who make Sutter County the special place it is.

If at any time you should wish to discuss any matter with me personally, I have an "open door" policy. I am happy to make time to discuss any issues or perceptions that an employee might have.

Again, congratulations! Thank you for choosing to work as part of the Sutter County team. You will do an excellent job and I look forward to meeting you personally.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. M. Smith", is written over a white background.

Steven M. Smith
County Administrative Officer

COUNTY OF SUTTER

1160 Civic Center Boulevard, Yuba City, CA 95993

Board of Supervisors

822-7106

1st District.....Nick Micheli

2nd District.....Dan Flores

3rd District.....Mike Ziegenmeyer

4th District.....Karm Bains

5th District.....Mat Conant

Interim County Administrative Officer

Steven Smith
822-7100

Director of Human Resources

Veronica Baumgardner
822-7113

Sutter County History

Sutter County derives its name from one of its first settlers, John Augustus Sutter. In 1841, after settling at Sutter's Fort, he established Hock Farm, named after the local Indian village, on the west bank of the Feather River. In so doing, he started the first important agriculture project in this part of the state. Sutter planted grapes, pomegranates, fig trees and the first peach orchard on his land at Hock Farm, as well as using it as a stock ranch.

One of the prominent features of the Sutter County landscape, as well as its history, is the "smallest mountain range in the world," the Sutter Buttes. The spiritual life of the native Maidu Indians centered on the Buttes. They called them "Histum Yani" the Middle Mountains. These mountains were first called "buttes" by French fur trappers who traveled through the Sacramento Valley trapping beaver in the 1830's. "Los Tres Pico," as they were called in Spanish, was part of the Mexican land grant, which John Sutter obtained, calling it New Helvetia after his native Switzerland. John Fremont and his expedition camped in the Buttes in 1846, just prior to their action on behalf of the U.S. government in the Bear Flag Rebellion, which brought California into statehood.

Sutter County was one of the original counties into which the state was divided in 1850. At that time it included a portion that was later given to create Placer County. The first county seat was at Oro, a town on paper, but with just one building actually built. When its tin roof caused the building to be too hot for the first meeting there, the seat was moved briefly to Nicolaus. In 1851, Auburn won the county seat, but later that year Placer County was created, so the seat moved to Vernon (now called Verona). A year later, it went to Nicolaus. The 1856 election settled the matter once and for all, with Yuba City remaining as county seat.

Yuba City was founded in 1849 by Sam Brannan, Pierson Reading and Henry Cheever upon the site of the Yuba Indian village. A year later, Yuba City was nearly abandoned as neighboring Marysville, on the east side of the Feather River, grew rapidly, becoming a supply point for the gold mines in the Sierra. Following the Gold Rush of 1849, settlers began moving into Sutter County to develop the rich agricultural land and Yuba City flourished again to eventually become the larger city.

Agriculture moved rapidly ahead during the last half of the 19th Century. Several famous varieties were developed in Sutter County, including Proper Wheat in 1868; the Thompson Seedless Grape in the 1870's, which led to a thriving raisin industry; and the Phillips Cling Peach in the 1880's, which paved the way for a surge in the canning industry with three local canneries established. Local crops included prunes, apricots, plums, nectarines, apples, cherries, pears, oranges, olives, peaches, almonds and walnuts.

During the 1870's and 1880's, valuable farm land in Sutter County was lost to the silting up of the rivers caused by hydraulic gold mining in the Sierra. Local farmers formed the Anti-Debris Association and in 1884 they won a landmark suit halting the practice of hydraulic mining.

The early part of the twentieth century saw a continued population growth as Sutter County was promoted for its rich agricultural land and its healthful climate. Recent arrivals are still finding Sutter County as pleasant a place to live as did those who journeyed from all parts of the globe to settle here in times past.

Working Conditions

Equal Employment Opportunity

Sutter County is an equal employment opportunity employer and is committed to an active nondiscrimination program. Sutter County stresses that all employees and applicants shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, promotions and other personnel actions will be administered regardless of race, religious creed, color, national origin, ancestry, mental or physical disability (including AIDS or HIV), medical condition, marital status, sex, age, sexual orientation, gender identity, gender expression, military or veteran status, pregnancy, or childbirth and related medical conditions color, or any other classification protected by federal, state or local laws or ordinance.

The Human Resources Director has been designated the County's Equal Employment Opportunity Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to him/her. A copy of Sutter County's Equal Employment Opportunity Program Policy Statement is included in this handbook as Appendix A.

Selection/Promotion Procedures

Sutter County believes in the merit system to help maintain a high level of proficiency and to offer opportunity and encouragement for career development within the County service. The merit system provides that appointments and promotions be made according to the ability of the individual to fill the position and that the ability be determined by competitive examination to appraise knowledge, skills, and ability to perform in a particular position. After passing the examination process, successful applicants are placed on an eligible list arranged in order from the highest to lowest scores on that particular examination.

When a vacancy occurs, and authorization is received to fill such vacancy, the department head may request certification of individuals from the top three to ten ranks. From among those certified individuals, the department selects the person who they feel is the best qualified and who best meets the needs of the department.

Preplacement Medical Screening/Physical

All new employees are required to participate in preplacement medical screening or physical depending upon the job classification. The purpose of the preplacement medical screening is to:

- Identify medical conditions and any related physical limitations of prospective employees in order to ensure their placement in jobs which they can perform safely without risk of injury to themselves, fellow employees and the public.
- Allow disabled individuals to be placed in jobs they can safely perform and to provide reasonable accommodations for disabled individuals.
- Lessen the probability of injury, illness or aggravation of existing disorders.
- Comply with the letter and intent of the laws prohibiting discrimination.

All offers of employment are contingent upon successful completion of the preplacement medical screening.

Preplacement Drug Testing

In recognition of the public service responsibilities entrusted to the employees of the County, and that drug use can hinder a person's ability to perform duties, safely and effectively, all new employees, will be required to participate in the Preplacement Drug Testing Program. After all other employment screening has been completed and the successful job candidate has been identified, such candidate will be made a job offer contingent upon the successful completion of the drug testing process.

Fingerprinting and Acquisition of Criminal History

The County of Sutter wishes to ensure the greatest protection possible to residents and other persons served by Sutter County and to prevent fraudulent and other unauthorized payment of County funds. California law, including but not necessarily limited to sections 120 and 16501 of the Welfare and Institutions Code, 432.7 of the Labor Code, and 11105 and 13300 of the Penal Code authorize the County of Sutter to fingerprint and obtain criminal history information for all applicants for County positions.

Probationary Period

The probationary period is considered part of the examination process and allows a time period during which you and the County can determine if you are suitable for the position for which you were selected. You are encouraged to view the probationary period as an opportunity to demonstrate your knowledge, skills and abilities. Upon successful completion of the probationary period, you will obtain regular status.

The probationary period for employees in the General, Professional, Supervisory, Confidential, Fire Safety and Management Units, and Deputy County Counsels and Assistant County Counsel is one year (26 biweekly pay periods). Employees in the Law Enforcement Unit serve an 18-month (40 biweekly pay periods) probationary period.

Performance Evaluations

An appraisal of your performance will be made by the appointing authority after you have completed your first three months of employment and upon completion of your probationary period. Thereafter, performance evaluations will be completed on an annual basis prior to granting a merit increase.

For those employees who are not eligible for a merit increase, an annual performance review will be completed on the month and date of the employee's adjusted date of hire. Please refer to Section 17.0, *Employee Performance Evaluation Reports*, of the Personnel Rules and Regulations for specifics. Department heads shall have the option of completing performance evaluations at more frequent intervals.

Resolving Complaints, Conflicts or Grievances

From time to time, misunderstandings may occur in the work force. If this happens, you should discuss your concern with your immediate supervisor to settle the matter as simply and informally as possible. If the problem cannot be resolved at that level, you may pursue the matter through the County's Grievance Procedure, pursuant to section 20.0, *Grievance Procedures*, of the Personnel Rules and Regulations.

The grievance procedure is intended to deal with interpretations or misapplications of the County Personnel Rules and Regulations and Rules Governing Employee Compensation, Benefits and Working Conditions. It is intended to resolve problems at the lowest possible level and to provide an employee with an informal and formal system for dealing with problems.

Discriminatory Workplace Harassment Policy

It is the policy of Sutter County that employees have a working environment free of unlawful discrimination including sexual harassment. The work environment should be businesslike and ensure fair, courteous treatment for employees and the public we serve. Any incident of discriminatory harassment should be reported immediately to ensure that further incidents do not occur. You have a right to report such a complaint without fear of recrimination or reprisal. The County's Discriminatory Workplace Harassment Policy provides for a process for filing a discriminatory harassment complaint. Such policy may be found in Section 23.0 *Discriminatory Workplace Harassment Policy*, of the Personnel Rules and Regulations and is included in this handbook as Appendix B.

Alcohol and Drug Abuse Policy

It is the policy of Sutter County to eliminate substance abuse and its effects in the work place to ensure that employees are in a condition to perform their duties safely and efficiently. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the County's Mental Health Department or through the County's health plan. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers. Violations of the Alcohol and Drug Abuse Policy may result in discipline, up to and including termination. Such policy may be found in Section 24.0, *Alcohol and Drug Abuse Policy*, of the Personnel Rules and Regulations and is included in this handbook as Appendix C.

Nepotism

Sections 3.8 through 3.12 of the Personnel Rules and Regulations generally prohibit employment of any relative or in-law which involves a direct supervisor-subordinate relationship or which would create an adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest. It is the employee's responsibility to report in writing any such relationship to the appointing authority.

Prohibited Activities

Section 19.0, *Prohibited Activities*, of the Personnel Rules and Regulations, essentially provides that no employee shall engage in any employment activity of enterprise for compensation which is inconsistent, incompatible or in conflict with his or her duties as a County employee.

Payment of Salaries

Payday is every other Friday except when the payday falls on a holiday. When the Payday falls on a holiday, salaries are paid on the preceding workday.

Work Week

Normal working hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour for lunch; however, some departments and employees may work different hours because of the nature of their duties and/or based on their work schedule.

Overtime

It is the policy of Sutter County to avoid overtime work whenever possible. If overtime is necessary, it must be authorized in advance by the department head or his/her designated representative. The method of computing overtime and eligibility will vary depending upon job classification. Not all employees are eligible for overtime compensation. Please refer to Section 8.0, *Overtime*, of the Rules Governing Employee Compensation, Benefits and Working Conditions, for further information.

Safety

The County is dedicated to providing a safe and healthful work environment for every employee. You are responsible for obeying safety rules, reporting hazards, and suggesting improvements. Most importantly, you need to be mentally and physically alert and use common sense about working in a safe manner. Ask your supervisor about your department's safety regulations and emergency procedures. Refer to the *General Safe Work Practices* handout, which is included in this handbook as Appendix E, for more information.

On-the-Job Injury

Employees injured on the job are covered by Workers' Compensation Insurance. Injuries must be immediately reported to your supervisor and necessary medical attention obtained from an authorized physician.

Employee's Choice of Physician:

An employee may seek medical care for a work related illness or injury from the physician of his/her choice, if such physician has been pre-designated pursuant to the Labor Code. Time missed from work to seek initial medical care or necessary follow-up care shall be charged to the employee's appropriate leave balance, or unpaid status if appropriate leave balances are not available. To the extent that temporary disability indemnity is paid for any time off work to seek initial or follow-up medical care, it shall be integrated with leave pursuant to the Rules Governing Employee Compensation, Benefits and Working Conditions.

Occupational Health Clinic:

An employee may seek medical care from Rideout Occupational Health Clinic, or such other provider the County may designate. If an employee seeks initial and follow-up medical care with Rideout Occupational Health Clinic, or with any medical provider to whom the employee has been referred by Rideout Occupational Health Clinic for follow-up care, time missed from work to seek care shall be deemed time worked and no leave balance shall be charged. This provision shall not apply to medical care received during periods when the employee has been disabled from work and is not at work. It shall also not apply for any treatment received during hours when the employee is not scheduled to work.

State Disability Insurance

Employees are eligible to receive State Disability Insurance. The State Disability Insurance (SDI) plan provides low-cost disability protection if illness or injury, not caused by your job, prevents you from working.

Employee Benefits

Summary of Benefits

Full-time regular employees and part-time regular employees (working at least half time) receive the following benefits:

*Vacation	*Medical Insurance
*Sick Leave	*Dental Insurance
*Holidays	*Vision Insurance
*Retirement Plan	*Life Insurance
*Health Care Spending Account	*Deferred Compensation Plan
*Dependent Care Spending Account	*Health Savings Account

Employees' benefits vary by bargaining unit. Details on employee benefits may be found in the Rules Governing Employee Compensation, Benefits and Working Conditions. Extra-help employees are not eligible to receive County benefits, except as provided by law.

Vacation

Vacation time is accrued according to the schedule for your particular bargaining unit and is based upon the length of your service with the County. A request for vacation shall be submitted in advance to the appointing authority. Vacations shall be taken at such time as may be approved by the department head. Please refer to Section 11.0, *Vacation Leave*, of the Rules Governing Employee Compensation, Benefits and Working Conditions, for specifics.

Sick Leave

Sick leave is granted for necessary absences from work due to a legitimate personal illness or injury, personal medical/dental appointments for family illness or injury pursuant to Section 12.0, *Sick Leave*, of the Rules Governing Employee Compensation, Benefits and Working Conditions. Sick leave is not intended to provide a paid day off, like holidays and vacation, under the guise of "sickness." The appointing authority may require an employee to provide a physician's certificate to support the claim for use of the sick-leave benefit. It is the responsibility of the employee to notify the supervisor of the illness and to keep the immediate supervisor informed of his/her progress during the course of the illness.

Bereavement Leave

Bereavement leave is available for use pursuant to Sections 12.8 through 12.10 of the Rules Governing Employee Compensation, Benefits and Working Conditions.

Holidays

The following are established as holidays for most regular employees:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
Washington's Birthday	3rd Monday in February
César Chávez Day	March 31
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving	Thanksgiving Day and the Friday following Thanksgiving
Day before Christmas	December 24
Christmas Day	December 25

Either the day after the Christmas holiday or the day before the New Year's holiday*

*Some employees may be eligible to take either the next work day after the Christmas holiday or the work day before New Year's holiday as a holiday. The day to be taken as a holiday is subject to scheduling by the employee's department to ensure adequate staffing is available to provide coverage on both days.

Holiday eligibility may vary based on bargaining unit and shift assignment. Please refer to Section 13.0, ***Holidays and Holiday Pay***, the Rules Governing Employee Compensation, Benefits and Working Conditions, for specifics.

Leave of Absence

The County recognizes that there are times when you may need to request to be absent from work without pay. An employee may request a leave of absence subject to the provisions in Section 14.1, *Leave of Absence*, of the Rules Governing Employee Compensation, Benefits and Working Conditions, which includes Family and Medical Leave (FMLA), Family Rights Act Leave (FRA) and Pregnancy Disability Leave (PDL). Section 14.0 is included in its entirety in Appendix D for your convenience.

Retirement

Sutter County is a member of the Public Employee's Retirement System (PERS). The County pays the full-employer's cost of the retirement plan. The employer's contribution may only be collected upon retirement from the County. The employee's contribution is refundable and may be withdrawn upon termination of employment or received through retirement. Please refer to Section 15.0, *Retirement*, of the Rules Governing Employee Compensation, Benefits and Working Conditions, for specifics.

Social Security

Sutter County is a member of the Social Security Program. Employees are responsible for the payment of the employee's share of the Social Security contribution in accordance with appropriate federal laws and regulations.

Military Leave

Military leave shall be granted in accordance with the provisions of state law. All employees entitled to military leave shall give the Department Head an opportunity within the limits of military regulations to determine when such leave shall be taken. Please refer to Section 24.0, *Military Leave*, for continuation of benefits provided while on military leave.

Health Insurance Benefits

The County pays the major portion of medical, dental, vision and life insurance premiums through an IRC Section 125 cafeteria plan, pursuant to Section 25.0, *Health Insurance*, of the Rules Governing Employee Compensation, Benefits and Working Conditions. Health, dental, vision and life insurance benefits for eligible employees become effective the first day of the month following thirty (30) days of employment.

Once you are enrolled in any of the insurance plans, all new dependents (i.e., newborn baby, new spouse, eligible children) must be enrolled within 31 calendar days of eligibility. Failure to enroll within thirty-one days may lead to ineligibility. It is also the employee's responsibility to notify the Human Resources Department when a dependent is no longer eligible for insurance coverage (i.e. divorce, dependent child ceasing to be a dependent, or social security disability). In these circumstances, the dependent becomes a qualified beneficiary and may be eligible for COBRA benefits (continuation of coverage). Failure to notify Human Resources within thirty-one days may lead to ineligibility.

Cafeteria Plan – Medical, Dental, Vision, Life Insurance

Medical, dental, vision and life insurance that are available to you as a Sutter County employee are offered through an IRC Section 125 Cafeteria Plan. Under a Cafeteria Plan, the County makes contributions for some of the available benefits. You decide which benefits, if any, you wish to participate in and the County's contribution for each benefit is applied toward the cost of the benefit. If the benefit costs more than the amount contributed by the County, you pay the difference through a payroll deduction. Employees will authorize a deduction from their pay for the balance of the premium cost. Your contribution will be deducted from your pay on a pre-tax basis. The Cafeteria Plan will not contain any cash out provision and any employee electing not to enroll in a plan shall not receive any credit for the County's contribution. The employee's election during the plan year is irrevocable except as provided for by law.

Health and Dependent Care Spending Accounts

In addition to your health care plans and options, you can round out your health care protection program by contributing to the Health Care Spending Account (HCSA). You may also elect to participate in the Dependent Care Spending Account (DSCA) to pay for the costs of dependent care that enables you to work. Contributions to these accounts are pre-tax, resulting in a savings to you on your out-of-pocket health care and dependent day care expenses. Employees electing coverage in one of the above plans shall authorize a deduction from their pay for the balance of the premium cost. The employee's election during the plan year is irrevocable except as provided by law.

Other Benefits

Listed below are other County benefits that *may* be available. Such benefits are generally based on bargaining unit, job classification and other specific requirements. Also, listed below is the Section of the Rules Governing Employee Compensation, Benefits and Working Conditions, relevant to the benefit.

Shift Differential Pay	Section 17.0
Mileage Reimbursement	Section 18.0
Uniform Allowance	Section 19.0
Bilingual Pay.....	Section 20.0
Jury Duty.....	Section 21.0
Education, Training, Certification and Professional License Fees	Section 30.0

Appendices

SUTTER COUNTY'S EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION ON THE BASIS OF DISABILITY POLICY STATEMENT

Equal Employment Opportunity/Non-Discrimination on the Basis of Disability Policy Statement

Sutter County is an equal employment opportunity (EEO) employer and is committed to an active non-discrimination program. It is the stated policy of Sutter County that all employees, and applicants, shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, and promotions will be on the basis of qualifications of the individual for the positions being filled regardless of race, color, religious creed, sex, marital status, age, national origin, medical condition (cancer or genetic characteristics/information), mental or physical disability (including AIDS or HIV), ancestry, sexual orientation, gender identity, gender expression, military and veteran status, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state or local laws or ordinance. All other personnel actions such as compensation, benefits (including Family and Medical Care Leave and Pregnancy Disability Leave), layoffs, returns from layoffs, terminations, training, and social and recreational programs are also administered regardless of race, color, religious creed, sex, marital status, age, national origin, medical condition (cancer or genetic characteristics/information), mental or physical disability (including AIDS or HIV), ancestry, sexual orientation, gender identity, gender expression, military and veteran status, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state or local laws or ordinance.

The object of Sutter County's Equal Employment Opportunity Program is to, wherever possible, actively recruit and include for consideration for employment qualified applicants including members of minority groups, females and persons with disabilities. All decisions on employment and promotions must be made solely on an individual's qualifications (merit) and bona fide occupational qualifications for the job in question, and the reasonableness of any necessary job accommodations.

The County of Sutter will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Human Resources Department and request such an accommodation. The individual with the disability should specify what accommodation(s) he or she needs to perform the job. The County of Sutter will then conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform the job. The County of Sutter will identify the possible accommodations, if any, that will help eliminate the barrier. If the accommodation(s) is reasonable and will not impose an undue hardship, the County of Sutter will make the accommodation(s).

Equal Employment Opportunity (EEO) Coordinator

The Human Resources Director has been designated the EEO Coordinator to coordinate compliance with the non-discrimination requirements relating to employment pursuant to section 35.107 of the Department of Justice regulations and is responsible for implementation of Sutter County's non-discrimination program as outlined in Attachment A. Inquiries concerning the

application of federal and state laws and regulations regarding Employment should be referred to the Human Resources Director.

To achieve the goals of our non-discrimination program, it is necessary that each member of this County understand the importance of the program and his or her individual responsibility to contribute toward its maximum fulfillment.

Sutter County will reaffirm this Equal Employment Opportunity/Non-Discrimination on the Basis of Disability Policy Statement annually.

Responsibility of the EEO Coordinator for Implementation and Administration of Sutter County's Non-Discrimination Program

The responsibilities and duties of the Equal Employment Opportunity (EEO) Coordinator in administering Sutter County's non-discrimination program relating to employment are as follows:

1. To administer and monitor program progress and initiate corrective action when appropriate. All personnel actions will be monitored and analyzed to ensure the adherence of this policy. Regular annual reports are submitted to the County Administrative Officer for review and evaluation of progress.
2. To serve as liaison between Sutter County and minority organizations, women's organizations, organizations representing individuals with disabilities and community action groups concerned with employment opportunities for minorities, the disabled and women.
3. To keep management and supervisors informed of the latest development in applicable laws and regulations relating to employment and to inform management of changes which may affect the non-discrimination program and to review the program as necessary.
4. To inform employees of available opportunities for advancement and to assist in maintaining open lines of communications throughout the work force.
5. To periodically audit Sutter County's orientation program, and its hiring, promotion and termination practices.
6. To ensure that EEO and non-discrimination statements are properly displayed and that minorities, the disabled and women are encouraged to participate in County sponsored activities.
7. To ensure that supervisors understand that their responsibilities include carrying out Sutter County's commitment to equal employment opportunity and non-discrimination.
8. To assume any contingent responsibilities necessary to ensure effective implementation of the County's non-discrimination program.

SECTION 23.0

DISCRIMINATORY WORKPLACE HARASSMENT POLICY23.1 Policy Statement

It is the policy of the County of Sutter that employees have a working environment free of unlawful and improper discriminatory harassment. The work environment should be businesslike and assure fair, courteous treatment for employees and the public we serve. All employees should treat each other with dignity and respect. It is the responsibility of every employee, supervisor and manager to make sure there is no discriminatorily harassing behavior in the work place. Discriminatory harassment may constitute illegal discrimination and may violate both state and federal law. This policy is intended to address such conduct.

All employees should be informed of the discrimination complaint process and be assured of their right to file complaints without fear of reprisal. All employees, including supervisors and managers should be trained regarding behavior that constitutes discriminatory harassment. Employees should also understand the importance of reporting incidents promptly to assure that further incidents do not occur.

The Board of Supervisors expects County department heads to convey to their employees strong disapproval of discriminatory harassment. All employees including supervisors and managers should be informed, clearly, regarding behavior that constitutes discriminatory harassment and the consequences of such actions. They should be aware that discriminatory harassment of another employee may be grounds for disciplinary action up to and including termination.

Definition of Discriminatory Harassment

1. Verbal Harassment – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, mental or physical disability (including AIDS or HIV), medical condition, marital status, sex, age, sexual orientation, gender identity, gender expression, military or veteran status, pregnancy, or childbirth and related medical conditions whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually orientated comments on appearance, including dress or physical features, sexual rumors, and race oriented stories.
2. Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, mental or physical disability (including AIDS or HIV), medical condition, marital status, sex, age, sexual orientation, gender identity, gender expression, military or veteran status, pregnancy, or

- childbirth and related medical conditions. This includes pinching, patting, grabbing, or making explicit or implied threats or promises in return for submission to physical acts.
3. Visual Forms of Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, mental or physical disability (including AIDS or HIV), medical condition, marital status, sex, age, sexual orientation, gender identity, gender expression, military or veteran status, pregnancy, or childbirth and related medical conditions. This applies to both posted material, or material maintained in or on County equipment or personal property in the workplace.
 4. Sexual Harassment – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.
 5. This policy is intended not only to address and correct acts of discriminatory harassment, but to prevent them. Therefore, the County, as part of the implementation of this policy, may act to correct what is viewed as discriminatory harassment prior to the behavior reaching the level that would constitute “discriminatory harassment” as defined in law.

(Amended 02/10/15, General, Supervisory & Professional Units MOU)

(Amended 02/10/15, Confidential Unit Agreement)

(Amended 02/10/15, Resolution 15-008, Management Unit)

(Amended 02/10/15, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 03/10/15, Law Enforcement Unit MOU)

(Amended 03/28/17, Fire Safety Unit MOU)

23.2 Department Obligation and Responsibility

Every department has an obligation to assure that the work environment is free from all types of unlawful discrimination. Prevention is the best tool. Prompt, appropriate action may help to avoid, or at least minimize, the incidence of discriminatory harassment.

By law, department heads, other managers and supervisors are responsible to ensure that employees, supervisors and managers are aware of the County's policy. Supervisors' training should include information about the County's Discriminatory Workplace Harassment Policy.

(Amended 01/11/00, General, Supervisory, Professional Units MOU)

(Amended 02/01/00, Confidential Unit Agreement)

(Amended 02/01/00, Resolution 2000-06, Management Unit)

(Amended 02/01/00, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 01/09/01, Fire Safety Unit MOU)

(Amended 01/08/02, Law Enforcement Unit MOU)

23.3 Employee Action

Some people are not aware that their behavior is offensive or potentially harassment. Often simply advising someone of the offensive nature of their behavior can resolve the problem. Whenever possible, employees should inform the harassing party that his or her behavior is unwelcome, offensive, in poor taste or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, informal assistance or counseling should be sought from any supervisor, manager, department head or the County Human Resources Director.

(Amended 06/27/89, General, Supervisory, Professional Units MOU)

(Amended 07/18/89, Confidential Unit Agreement)

(Amended 08/01/89, Resolution 89-69, Management Unit)

(Amended 08/08/89, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 07/18/89, Fire Safety Unit MOU)

(Adopted 09/18/89, Letter of Approval, Law Enforcement Unit)

23.4 Investigative Procedure

Any complaint which cannot be satisfactorily resolved through a discussion between the aggrieved person and the harassing party should be referred to either (1) the department head or (2) the County Human Resources Director. Either person will have full authority to investigate all aspects of the complaint. The investigatory authority includes accessibility to records and cooperation of any involved employees. No influence will be used to suppress any complaint, and no one will be subject to any recrimination or reprisal for filing a complaint.

(Amended 06/27/89, General, Supervisory, Professional Units MOU)

(Amended 07/18/89, Confidential Unit Agreement)

(Amended 08/01/89, Resolution 89-69, Management Unit)

(Amended 08/08/89, Deputy County Counsels & Asst. County Counsel Agreement)

(Amended 07/18/89, Fire Safety Unit MOU)

(Adopted 09/18/89, Letter of Approval, Law Enforcement Unit)

23.5 Informal Resolution

If an employee desires primarily to discuss personal thoughts and feelings or consider meetings in which to deal individually with the incident(s) the department head or the County Human Resources Director will offer consultation and advice.

When any complaint is received, the department head or the County Human Resources Director will ask the complainant to define his or her perception of the problem and the desired solution. The department head or County Human Resources Director will explain the rights involved and discuss potential solutions. The department head or County Human Resources Director may conduct a brief informal investigation and make every effort to resolve the problem on a very informal basis.

(Amended 11/14/00, General, Supervisory, Professional Units MOU)
(Amended 11/21/00, Confidential Unit Agreement)
(Amended 11/21/00, Resolution 2000-088, Management Unit)
(Amended 11/21/00, Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 01/09/01, Fire Safety Unit MOU)
(Amended 01/08/02, Law Enforcement Unit MOU)

23.6 Formal Investigation

If any informal investigation does not successfully resolve the issue, with the filing of a written complaint by the employee to the department head (with a copy to the Human Resources Director) or to the County Human Resources Director, or if in the opinion of the Human Resources Director and/or County Administrative Officer a formal investigation is warranted, a formal investigation will be initiated. As appropriate, the formal investigation may include, but not necessarily be limited to, the following:

- a. Obtaining the date and place of the alleged act and the names of persons alleged to be involved or to have relevant knowledge.
- b. Interviewing the persons named above and any other persons determined to possibly have relevant knowledge concerning the complaint. Providing a copy of the formal complaint to the employee or employees being accused of harassment insofar as it relates to them at the onset of the investigation.
- c. Reviewing any pertinent documents or records. Making a survey of action in similar situations involving other employees or applicants for employment.
- d. A written report, including a proposed resolution of the matter will be made. The report will be forwarded to and reviewed by the department head who will determine the appropriate resolution, including the possibility of formal disciplinary action.
- e. The department head will provide a confidential written response to the employee who filed the complaint advising the employee of the resolution to the extent legally permitted. A copy of this response will be provided to the alleged harassing party.

(Amended 08/31/04 General, Supervisory & Professional Units MOU)
(Amended 08/26/08, Fire Safety Unit MOU)
(Amended 01/30/07, Confidential Unit Agreement)
(Amended 01/30/07, Resolution 07-006, Management Unit)
(Amended 01/30/07, Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 01/30/07, Law Enforcement Unit MOU)

23.7 Retaliation

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The Human Resources Director will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint. This section will not prohibit the County from disciplining an employee pursuant to section 18.5(v), *Sutter County Personnel Rules and Regulations*.

(Amended 01/11/00, General, Supervisory, Professional Units MOU)

(Amended 02/01/00, Confidential Unit Agreement)

(Amended 02/01/00, Resolution 2000-06, Management Unit)

(Amended 02/01/00, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 01/09/01, Fire Safety Unit MOU)

(Adopted 01/08/02, Law Enforcement Unit MOU)

23.8 FEHC/EEOC Complaints

The filing of a complaint pursuant to this policy or the decision of the department head does not prevent the employee from filing a complaint with the Fair Employment and Housing Commission (FEHC) or the Equal Employment Opportunity Commission (EEOC) or from filing any action in the courts.

(Amended 06/27/89, General, Supervisory, Professional Units MOU)

(Amended 07/18/89, Confidential Unit Agreement)

(Amended 08/01/89, Resolution 89-69, Management Unit)

(Amended 08/08/89, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 07/18/89, Fire Safety Unit MOU)

(Adopted 09/18/89, Letter of Approval, Law Enforcement Unit)

23.9 Confidentiality

A. General, Supervisory, Professional, Confidential, Management and Law Enforcement Units, Deputy County Counsels and Assistant County Counsel

To the extent feasible, proceedings under this policy and all reports and records filed shall be confidential to the parties involved, and reasonable effort shall be made to protect the privacy interests of the parties. Confidentiality may not be feasible under certain circumstances, including, but not limited to: (1) disclosure of any fact is necessary to the appropriate investigation of or response to a harassment or discrimination incident; (2) disclosure of any fact is necessary to assure due process to any person accused of harassment or discrimination if that person may be subject to disciplinary action; or (3)

disclosure of any fact is necessary to comply with lawful orders or rules governing any court proceeding.

(Amended 08/31/04 General, Supervisory & Professional Units MOU)
(Amended 01/30/07 Confidential Unit Agreement)
(Amended 01/30/07 Resolution 07-006, Management Unit)
(Amended 01/30/07 Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 01/30/07 Law Enforcement Unit MOU)

B. Fire Safety Unit

To the extent feasible, proceedings under this policy and all reports and records filed shall be confidential to the parties involved, and reasonable effort shall be made to protect the privacy interests of the parties.

(Amended 07/18/89, Fire Safety Unit MOU)

23.10 Distribution

This policy and any revisions thereof, shall be distributed to all, County officers and employees.

(Amended 06/27/89, General, Supervisory, Professional Units MOU)
(Amended 07/18/89, Confidential Unit Agreement)
(Amended 08/01/89, Resolution 89-69, Management Unit)
(Amended 08/08/89, Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 07/18/89, Fire Safety Unit MOU)
(Adopted 09/18/89, Letter of Approval, Law Enforcement Unit)

SECTION 24.0

ALCOHOL AND DRUG ABUSE POLICY24.1 Purpose

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While Sutter County has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the County's Mental Health Department or under the County's health plan. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers.

Supervisors will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of County managers and employees. To that end the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by Sutter County.

(Adopted by the Sutter County Board of Supervisors 10/10/89)

(Adopted 10/01/91 Law Unit MOU)

24.2 Policy

It is Sutter County's policy to provide a drug free workplace for Sutter County employees and that employees shall not be under the influence of or in possession of alcohol or drugs while on County property, at work locations, or while on duty. Furthermore, employees shall not use or be under the influence of alcohol or drugs, nor have their ability to work impaired as of the result of the use of alcohol or drugs while subject to being called to duty. Sutter County employees shall not manufacture, sell or otherwise provide drugs or alcohol to any other person, including a county employee, on duty or on standby.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of County equipment can result in discipline, up to and including termination. It is the intent of the County that this requirement is solely for the purpose of identifying physical or mental limitations that could impact the employee's performance or safety. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required.

The County reserves the right to search upon reasonable suspicion without employee consent, all areas and property in which the County maintains control or joint control with the employee, except as provided by law. Otherwise, the County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be assigned no duty for a reasonable time until he or she can be safely transported from the work site.

The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.

The County's health plan provides medical care for employees with alcohol or drug problems. The County's Mental Health department is also available with counselors trained in alcohol or drug abuse problems.

(Amended 01/11/00, General, Supervisory and Professional Units MOU)

(Amended 02/01/00, Confidential Unit Agreement)

(Amended 02/01/00, Resolution 2000-06, Management Unit)

(Amended 02/01/00, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 01/09/01, Fire Safety Unit MOU)

(Amended 01/08/02, Law Enforcement MOU)

24.3 Application

This policy applies to all employees of and to all applicants for positions with the County. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

(Adopted by the Sutter County Board of Supervisors 10/10/89)

(Adopted 10/01/91, Law Unit MOU)

24.4 Employee Responsibilities

An employee must:

- A. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- B. Not manufacture, possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on standby, on breaks, during meal periods or at anytime while on County property;
- C. Not directly or through a third party manufacture, sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to being called;
- D. Notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of County equipment;
- E. Provide within 24 hours of request bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name; and
- F. Notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after conviction.

(Amended by the Sutter County Board of Supervisors 11/29/94)

24.5 Management Responsibilities and Guidelines

- A. Managers and supervisors are responsible for reasonable enforcement of this policy. Managers and Supervisors are also responsible for communicating this policy to employees and volunteers and for participating in substance abuse training.
- B. Managers and supervisors, after consultation with the County Personnel Department, may require that an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs and/or alcohol while on the job or on standby or call back status.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent manager or supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

In conducting a reasonable suspicion inquiry management and/or supervisors should evaluate the following, documenting the presence of any of the listed indicators:

1. Speech: Incoherent, confused, slurred, rapid, loud or rambling speech;

2. Balance: Staggering, swaying or falling;
3. Walking or movement: unsteady, staggering, swaying, stumbling, falling, pacing or rapid;
4. Mental state or physical behavior: sleepy/stupor, confused, lack of concentration, paranoid, excessive yawning, fatigue, withdrawn, nervousness;
5. Abilities: Lack of coordination, confused thinking, slow movements, fidgeting, unable to sit still, rapid movements, cannot operate/control machinery or equipment;
6. Appearance: red eyes, droopy eyelids, dilated or constricted pupils, weight loss/malnutrition, disheveled/unkept appearance, smell of alcohol, wearing sunglasses at inappropriate times, dry mouth, flushed or pale face, frequent sniffing.

The following factors, in combination with a reasonable number of the above, may constitute reasonable suspicion:

1. Experiences or causes an accident, injury or property damage, near-miss of serious accident, dangerous operation of equipment or vehicle;
 2. Verbal or physical abuse or altercation, inability to get along with others;
 3. Poor attendance or observation of work hours;
 4. Poor job performance including excessive mistakes, not following directions, lack of motivation;
 5. Possession of alcohol or drugs;
 6. Information obtained from a reliable person with personal knowledge.
- C. Any manager or supervisor requesting an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs and/or alcohol. It shall then be routed to the Personnel Department for consultation and advice prior to requiring any testing.
- D. Managers and supervisors shall not physically search the person or employees, nor shall they search the personal possession of employees without the freely given consent of, and in the presence of, the employee. Note: all searches must be cleared with the Personnel Department.
- E. Managers and supervisors shall notify their Department Head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.
- F. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should assign the employee to no duty for a reasonable time until the employee can be safely transported home.

(Amended 01/11/00, General, Supervisory and Professional Units MOU)
 (Amended 02/01/00, Confidential Unit Agreement)

(Amended 02/01/00, Resolution 2000-06, Management Unit)
(Amended 02/01/00, Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 01/09/01, Fire Safety Unit MOU)
(Amended 01/08/02, Law Enforcement MOU)

24.6 Refusal of or Tampering with a Drug or Alcohol Test

Any manager or supervisor encountering an employee who refuses a request to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Absent justification satisfactory to management and/or supervision, in their sole discretion, an employee's refusal to submit to an alcohol or drug test required by this policy will be treated in the same manner as an employee who tested positive for alcohol and/or drugs. Tampering with or attempting to adulterate a specimen or violation of the collection procedure will result in termination of employment pursuant to Section 18.0, Discharge, Dismissal, Suspension, Reprimand, Reduction in Rank and Right of Appeal.

(Amended 01/11/00, General, Supervisory and Professional Units MOU)
(Amended 02/01/00, Confidential Unit Agreement)
(Amended 02/01/00, Resolution 2000-06, Management Unit)
(Amended 02/01/00, Deputy County Counsels & Assistant County Counsel Agreement)
(Amended 01/09/01, Fire Safety Unit MOU)
(Amended 01/08/02, Law Enforcement MOU)

24.7 Confidentiality

Laboratory reports of test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Director. The reports or test results may be disclosed to County management on a strictly need-to-know basis as provided by law and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

(Adopted by the Sutter County Board of Supervisors 10/01/89)
(Adopted 10/01/91, Law Unit MOU)

24.8 Privacy

Nothing herein shall be construed to constitute a waiver by any County employee of his or her right to privacy as secured in the State and/or Federal Constitution and any other privacy-related rights that the employee may have under State and/or Federal law.

(Amended by the Sutter County Board of Supervisors on 10/01/89)

24.9 Testing Pursuant to U. S. Department of Transportation Regulations – General, Supervisory, Professional and Management Units

Employees who operate “Commercial Motor Vehicles”, as defined by the U. S. Department of Transportation Regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991, shall be subject to drug and alcohol testing in accordance with the provisions of those regulations and the County policy developed in response to those regulations. The County shall determine which employees are covered by the regulations and County policy and shall inform those employees of their rights and responsibilities thereunder. Any employee who violates one or more of the prohibitions outlined in the regulations and County policy may be subject to discipline, up to and including termination. However, an employee removed from work as a result of violating one or more of the prohibitions shall be placed on Leave of Absence With Pay pursuant to subsection 14.16 of the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions until they return to work pursuant to the regulations and County policy or discipline is imposed which would remove them from a paid status. The cost of all drug and alcohol testing and the cost of the services of a Substance Abuse Professional required pursuant to the regulations and County policy shall be paid by the County. The cost of any rehabilitation program the employee may be required to undergo upon a determination of a Substance Abuse Professional shall be paid by the affected employee.

(Amended 03/01/11, General, Supervisory and Professional Units MOU)

(Amended 04/19/11, Resolution 11-037, Management Unit)

24.10 Testing of Employees Not Covered by U.S. Department of Transportation Regulations

A. General, Supervisory, Professional and Management Units

Effective July 1, 2000, the County of Sutter Drug and Alcohol Policy Pursuant to the Department of Transportation (DOT) Regulations shall apply to all regular and hourly employees in classifications that contain “safety-sensitive function(s)” who are not covered by the DOT regulations as required by law. A listing of classifications that contain “safety-sensitive function(s)” is available at the Personnel Department and on the intranet. Employees subject to testing will be provided a copy of the policy.

Employees in classifications that contain “safety-sensitive function(s)” shall be covered regardless of driving and/or licensing requirement(s). “Safety sensitive function” shall be defined as follows:

- Operating a vehicle or power driven equipment.
- Handling hazardous or controlled substances.
- Carrying a firearm.
- Working in an environment that is inherently dangerous as defined by the department head.

The County shall inform those employees of their rights and responsibilities thereunder. Any employee who violates one or more of the prohibitions outlined in the regulations and County policy may be subject to discipline, up to and including termination. However, an employee removed from work as a result of violating one or more of the

prohibitions shall be placed on Leave of Absence With Pay pursuant to subsection 14.16 of the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions until they return to work pursuant to the regulations and County policy or discipline is imposed which would remove them from a paid status. The cost of all drug and alcohol testing and the cost of the services of a Substance Abuse Professional required pursuant to the regulations and County policy shall be paid by the County. The cost of any rehabilitation program the employee may be required to undergo upon a determination of a Substance Abuse Professional shall be paid by the affected employee.

(Amended 03/01/11, General, Supervisory and Professional Units MOU)
(Amended 04/19/11, Resolution 11-037, Management Unit)

B. Drug and Alcohol Testing - Fire Safety Unit

Effective January 3, 1998, the County of Sutter Drug and Alcohol Policy Pursuant to the Department of Transportation Regulations shall apply to all employees in the Fire Safety Unit. All employees shall be covered regardless of driving and/or licensing requirement(s). For purposes of the Fire Safety Unit "safety sensitive function" shall be defined as any and all time worked. The County shall inform those employees of their rights and responsibilities thereunder. Any employee who violates one or more of the prohibitions outlined in the regulations and County policy may be subject to discipline, up to and including termination. However, an employee removed from work as a result of violating one or more of the prohibitions shall be placed on Leave of Absence With Pay pursuant to subsection 14.16 of the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions until they return to work pursuant to the regulations and County policy or discipline is imposed which would remove them from a paid status. The cost of all drug and alcohol testing and the cost of the services of a Substance Abuse Professional required pursuant to the regulations and County policy shall be paid by the County. The cost of any rehabilitation program the employee may be required to undergo upon a determination of a Substance Abuse Professional shall be paid by the affected employee.

(Amended 01/04/11, Fire Safety Unit MOU)

C. Law Enforcement Unit

Effective July 1, 2002, the County of Sutter Drug and Alcohol Policy Pursuant to the Department of Transportation (DOT) Regulations shall apply to all regular and hourly employees in classifications that contain "safety-sensitive function(s)" who are not covered by the DOT regulations as required by law. A listing of classifications that contain "safety sensitive function(s)" is available at the Human Resources Department and on the intranet. Employees subject to testing will be provided a copy of the policy.

Employees in classifications that contain "safety-sensitive function(s)" shall be covered regardless of driving and/or licensing requirement(s). "Safety sensitive function" shall be defined as follows:

- Operating a vehicle or power driven equipment.

- Handling hazardous or controlled substances.
- Carrying a firearm.
- Working in an environment that is inherently dangerous as defined by the department head.

The County shall inform those employees of their rights and responsibilities hereunder. Any employee who violates one or more of the prohibitions outlined in the regulations and County policy may be subject to discipline, up to and including termination. Any employee who tests positive for drugs and/or alcohol, or any employee who is being treated in the same manner as an employee who tests positive for drugs and/or alcohol pursuant to Section 24.6, Refusal of or Tampering with a Drug or Alcohol Test, shall be terminated pursuant to Section 18.0, Discharge, Dismissal, Suspension, Reprimand, Reduction in Rank, and Right of Appeal. Notwithstanding the forgoing, the first time an employee tests positive for alcohol or any positive drug test that is the result of using prescription or over-the-counter medication, such employee may be eligible for a last chance agreement at the discretion of the appointing authority.

However, an employee removed from work as a result of violating one or more of the prohibitions shall be placed on Leave of Absence With Pay pursuant to subsection 14.16 of the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions until they return to work pursuant to the regulations and County policy or discipline is imposed which would remove them from a paid status. The cost of all drug and alcohol testing and the cost of the services of a Substance Abuse Professional required pursuant to the regulations and County policy shall be paid by the County. The cost of any rehabilitation program the employee may be required to undergo upon a determination of a Substance Abuse Professional shall be paid by the affected employee.

(Amended 11/26/13, Law Enforcement Unit MOU)

SECTION 14.0

LEAVE OF ABSENCE AND ASSIGNMENT OF LEAVE BALANCES
FOR CATASTROPHIC ILLNESS OR INJURY

14.1 Leave of AbsenceA. General, Professional, Supervisory, Confidential, Management and Law Enforcement Units, Deputy County Counsels and Assistant County Counsel

Any employee in the classified service may be granted a leave of absence subject to the provisions of these rules. Employees shall not be entitled to leaves of absence as a matter of right, except as provided by law. A leave of absence may be granted for any of the following reasons:

1. Illness, injury or disability.
2. Pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.
3. To take a course of study which will increase the employee's usefulness on return to his or her position.
4. For other reasons acceptable to the department head and/or the Board of Supervisors as applicable.
5. Military leaves of absence. The provisions of the Military and Veterans Code of the State of California shall govern military leave of County employees.

(Amended 03/10/15, Law Enforcement Unit MOU)

(Amended 02/10/15, General, Supervisory and Professional Units MOU)

(Amended 02/10/15, Confidential Unit Agreement)

(Amended 02/10/15, Resolution 15-008, Management Unit)

(Amended 02/10/15, Deputy County Counsel & Assistant County Counsel Agreement)

(Amended 03/28/17, Fire Safety Unit MOU)

B. Health Insurance Premiums

An employee who is granted a leave of absence for reasons of the employee's illness, accident or pregnancy may upon compliance with the provisions of these rules be entitled to have one month of the County's portion of his/her standard County paid health, dental, vision and life insurance premiums paid by the County for each year of County service, or major fraction thereof, provided, however, that such employee agrees in writing to repay the County for such health insurance premiums paid if said employee does not return to work for the County for a period of time equal to or greater than the approved leave of absence. The foregoing provisions do not in any way relieve the employee from paying his or her portion of any insurance premiums which must be paid to Human Resources prior to the first day of the month for which the employee wishes to be covered by the County insurance plans. Employees may receive up to a maximum of

twelve (12) months payment of premiums. Credit for each year of service may only be used once and may not be counted again for a subsequent leave of absence. This twelve-month maximum shall include any monthly premiums paid pursuant to the Family Medical Leave Act, the California Family Rights Act, and California Pregnancy Disability Leave.

C. Use of Leave Balances

Employees shall be required to use sick leave, as provided in Section 12.0, Sick Leave, of the *Rules Governing Employee Compensation, Benefits and Working Conditions*. Employees shall be required to use all sick leave, holiday bank, admin leave and comp time, except vacation, balances concurrent with all leaves of absence prior to going on an unpaid status. Employees may but are not required to use Family Sick Leave concurrent with FMLA/CFRA or Departmental Leave for the purpose of caring for an ill family member. Employees may but are not required to use vacation time concurrent with FMLA or other leave. This section shall be implemented as soon as administratively possible, but no later than May 3, 2014.

(Amended 11/26/13, Law Enforcement Unit MOU)

(Amended 02/25/14, Fire Safety Unit MOU)

(Amended 03/11/14, General, Supervisory and Professional Units MOU)

(Amended 03/11/14, Confidential Unit Agreement)

(Amended 03/11/14, Resolution 14-018 Management Unit)

(Amended 03/11/14, Deputy County Counsel & Assistant County Counsel Agreement)

(Amended 02/25/14, Fire Safety Unit MOU)

Eligibility for County Paid Health Insurance Premiums – Fire Safety Unit

To be eligible for payment of County's portion of health insurance premiums as described above, an employee shall have five (5) years of continuous County service and have a balance of at least two hundred (200) hours of sick leave prior to the current medical event that exhausted such leave.

(Amended 02/25/14, Fire Safety Unit MOU)

14.2 Leave for Political Purposes

Notwithstanding the provisions of Section 14.4 below, any request for leave of absence without pay to campaign on behalf of another or against another for partisan or nonpartisan State or local office, or for the purpose of promoting or urging the defeat of any State or local ballot measure shall be made to the Board of Supervisors.

(Amended 01/06/04, Fire Safety Unit MOU)

(Amended 01/06/04, Resolution 04-002 Management Unit)

(Amended 01/06/04, Deputy County Counsel & Asst County Counsel Agreement)

(Amended 01/06/04, Confidential Unit Agreement)

(Amended 08/31/04, General, Supervisory and Professional Units MOU)

(Amended 01/30/07, Law Enforcement Unit MOU)

14.3 Departmental Leave Not Qualifying for the Family and Medical Leave Act, the California Family Rights Act or California Pregnancy Disability Leave

A department head may authorize a departmental leave for an employee for a period of time not to exceed a total of 12 workweeks of leave during any 12 month period for any reason as provided in Section 14.1, A, Leave of Absence, for which the employee is not eligible for under the Family and Medical Leave Act, the California Family Rights Act or California Pregnancy Leave. The twelve-month period shall be measured forward from the date an employee's first leave under this section began, however, upon approval of all bargaining units, and to be effective May 3, 2014, the measurement period will change to a rolling 12 month period measured backward from when the leave is taken and continuous with each additional leave day taken.

14.4 Disability Accommodation Leave

An employee who has a disability as defined by state or federal law but does not meet the eligibility criteria for a leave of absence provided by FMLA, CFRA, and CPDL, or has exhausted leave granted under Section 14.3 may request a leave of absence as an accommodation. Upon receipt of the request, an interactive accommodation process (IAP) meeting will be scheduled to determine whether the employee has a disability as defined by law and if an unpaid leave of absence can be granted as a reasonable accommodation. Disability Accommodation Leave may be unpaid or may run concurrently with the appropriate use of the employee's remaining paid leave balances.

(Amended 05/09/17, General, Supervisory and Professional Units MOU)

(Amended 03/28/17, Fire Safety Unit MOU)

(Amended 03/28/17, Confidential Unit Agreement)

(Amended 03/28/17, Resolution 14-026, Management Unit)

(Amended 03/28/17, Deputy County Counsels Agreement)

(Amended 03/28/17, Law Enforcement Unit MOU)

14.5 Extension

An employee who has a disability as defined by state or federal law may request an extension of their leave of absence beyond that which is provided by FMLA, CFRA, and CPDL, or other legally protected leave or has exhausted leave granted under Section 14.3. When possible, this request will be submitted at least ten (10) working days prior to the end of their originally authorized leave. Upon receipt of the request, an interactive accommodation process (IAP) meeting will be scheduled to determine whether an extension of their unpaid leave of absence can be granted as a reasonable accommodation.

14.6 Procedure for Requesting Leave

Employee requests for leave of absence shall be in writing and shall contain the following:

1. A statement that the request is made voluntarily.
2. A date on which the leave will commence.

3. A definite return to work date.
4. A statement of the nature of the leave.
5. If the request is medically related, a statement from a physician certifying to the nature, extent, and probable period of illness or disability.

The use of paid time off during a leave of absence must be in accordance with Section 14.1 C.

(Amended 11/26/13, Law Enforcement Unit MOU)

(Amended 02/25/14, Fire Safety Unit MOU)

(Amended 03/11/14, General, Supervisory and Professional Units MOU)

(Amended 03/11/14, Confidential Unit Agreement)

(Amended 03/11/14, Resolution 14-018 Management Unit)

(Amended 03/11/14, Deputy County Counsel & Assistant County Counsel Agreement)

14.7 Prohibition Against Accrual of Sick Leave or Vacation While on Leave

No employee who has been granted a leave without pay shall accrue any vacation or sick leave during the time of such leave.

14.8 Postponement of Anniversary Date and Probationary Period

The granting of any leave of absence without pay exceeding seven (7) calendar days shall cause the employee's salary anniversary date and/or probationary period date to be postponed a number of pay periods equal to the nearest whole number of pay periods for which the leave was taken. All such calculations shall be based on the number of calendar days of such leave. Any employee whose salary anniversary date and/or probationary period date is postponed pursuant to this section shall assume a new salary anniversary date and/or probationary period date which shall be the date to which his or her previous salary anniversary date and/or probationary period date has been postponed.

14.9 Return from Leave

An employee who wishes to return from an approved leave of absence prior to the expiration date shall make a request in writing to the appointing authority as soon as possible in advance of the return. The County shall have the sole authority to determine if the employee shall be allowed to return to work prior to the expiration date of such leave.

The Human Resources Director shall be promptly notified of the return of an employee from an official leave of absence.

14.10 Abandonment of Employment

Absence without leave, whether voluntary or involuntary, for three consecutive working days is an automatic resignation from County service, as of the last date on which the employee worked. This section shall not apply to illnesses documented by a physician's certificate or if a request for

leave with or without pay is pending determination by the appointing authority or the Board of Supervisors.

A permanent or probationary employee may within 30 days of the effective date of such separation, file a written request with the Board for reinstatement; provided, that if the appointing power has notified the employee of his/her automatic resignation, any request for reinstatement must be made in writing and filed within 15 days of the service of notice of separation. Service of notice shall be by mail, in a sealed envelope, addressed to the last known address of the person to be served, registered, with return receipt requested and with postage fully prepaid and is complete on mailing. Reinstatement may be granted only if the employee makes a satisfactory explanation to the Board as to cause of his/her absence and his/her failure to obtain leave therefore, and the Board finds that he/she is ready, able, and willing to resume the discharge of the duties of his/her position or, if not, that he/she has obtained the consent of his/her appointing authority to a leave of absence to commence upon reinstatement.

(Amended 02/25/97, Fire Safety Unit MOU)

(Amended 12/02/97, General, Supervisory and Professional Units MOU)

(Amended 12/09/97, Resolution 97-91 Management Unit)

(Amended 12/23/97, Confidential Unit Agreement)

(Amended 12/23/97, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 12/08/98, Law Enforcement Unit MOU)

14.11 Family and Medical Leave (FMLA Leave)

A. Entitlement to Leave and Time Periods

1. Any eligible employee may be granted a family and medical leave (FMLA leave) in accordance with applicable statutes, federal and state regulations, case law, ordinances and policies in effect at the time of the family and medical leave. An eligible employee shall be entitled to a total of 12 workweeks of leave during any 12 month period for one or more of the following:
 - a. Because of the birth of a son or daughter of the employee.
 - b. Because of the placement of a son or daughter with the employee for adoption or foster care.
 - c. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
 - d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
2. The 12 month period shall be measured forward from the date an employee's first leave began; however upon approval of all bargaining units, and to be effective May 3, 2014, the measurement period will change to a rolling 12 month period

measured backward from when the leave is taken and continuous with each additional leave day taken.

3. For eligible employees who work a part-time schedule or variable hours, the amount of leave shall be determined on a pro-rata basis under this section.

B. Definitions

The definition of terms used in conjunction with family and medical leave are as follows:

1. *Eligible employee* means an employee who has been employed:
 - a. for at least 12 months by Sutter County; and
 - b. for at least 1,250 hours of service with Sutter County during the previous 12 month period.
2. *Serious health condition* means an illness, injury, impairment, or physical or mental condition that involves:
 - a. inpatient care in a hospital, hospice or residential medical care facility; or
 - b. continuing treatment by a health care provider.
3. *Son or daughter* means a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is:
 - a. under 18 years of age; or
 - b. 18 years of age or older and incapable of self-care because of a mental or physical disability; an adult dependent child.
4. *Parent* means the biological, foster or adoptive parent, a step-parent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
5. *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
6. *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

C. Intermittent Leave

Intermittent leave or leave on a reduced leave schedule may be taken provided there is a medical need for leave and such medical need can be best accommodated through an intermittent or reduced leave schedule. Employees needing intermittent leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the employer's operations.

D. Advance Notice Requirements

Foreseeable Leave:

1. In any case in which the necessity for leave under section A. 1. a. or b. is foreseeable based on an expected birth or placement, the employee shall provide the employer with reasonable notice which shall be not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
2. In any case in which the necessity for leave under section A. 1. c. or d. is foreseeable based on planned medical treatment, the employee:
 - a. shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and
 - b. shall provide the employer with reasonable notice which shall be not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such section, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

E. FMLA, Pregnancy Disability Leave and California Family Rights Act Leave

Except for pregnancy disability leave, leave taken under FMLA is considered to be leave taken under the CFRA. CFRA and FMLA leave may not be added to each other, and may not exceed a total of 12 weeks in a 12-month period.

F. Written Certification Requirements

1. Certification by health care provider:

- a. A request for leave under section A. 1. c. or d. shall be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer. Such certification shall contain:
 - 1) the date on which the serious health condition commenced;
 - 2) the probable duration of the condition;
 - 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
 - 4) for purposes of leave under section A. 1. c., a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent;
 - 5) for purposes of leave under section A. 1. d., a statement that the employee is unable to perform the functions of the position of the employee;
 - 6) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;
 - 7) in the case of certification for intermittent leave, or leave on a reduced leave schedule, under section A. 1. c., a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.
- b. The employee shall receive certification from the health care provider of the employee that the employee is fit for duty or to return to duty, including restrictions, if any, when the absence was caused by the employee's serious health condition.
Failure to comply with these requirements may result in the denial of FMLA leave.

G. Coordination of Leave by Parents Working For Same Employer

Parents who are eligible for FMLA leave and are both employed by Sutter County are permitted to take only a combined total of 12 weeks of leave during any 12-month period if the leave is taken:

1. for birth of a son or daughter or to care for the child after birth;
2. for placement of a son or daughter for adoption or foster care, or to care for the child after placement; or
3. to care for a parent (but not a parent "in-law") with a serious health condition.

Where parents both use a portion of the total 12-week FMLA leave entitlement for one of the purposes in G. 1., 2., or 3. above, the parents shall each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for a purpose other than those contained in Section G. 1., 2. or 3 above.

H. Benefits

1. Except as provided in paragraph 2. below, during any period that an eligible employee takes leave under section A., Sutter County shall maintain coverage under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employee shall continue to pay their share of premiums during the leave period.
2. Failure to return from leave: the employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section A. if:
 - a. the employee fails to return from leave under section A. after the period of leave to which the employee is entitled has expired; and
 - b. the employee fails to return to work for a reason other than:
 - 1) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under section A. c. or d.; or
 - 2) other circumstances beyond the control of the employee.

An employee who returns to work for at least 30 calendar days is considered to have "returned" to work.

3. Certification: Sutter County may require that a claim that an employee is unable to return to work because of the continuation, recurrence or onset of the serious health condition described in H. 2. b. (1) be supported by:
 - a. A certification issued by the health care provider of the son, daughter, spouse or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in section A. 1. c.; or

- b. A certification issued by the health care provider of the eligible employee in the case of an employee unable to return to work because of a condition specified in section A. 1. d.

The employee shall provide, in a timely manner, a copy of such certification to Sutter County.

14.12 California Family Rights Act (CFRA)

A. Terms, Conditions, Benefits and Entitlement to Leave

Any eligible employee may be granted a California Family Rights Act leave in accordance with applicable statutes, federal and state regulations, case law, ordinances and policies in effect at the time of the California Family Rights Act leave. Terms, conditions, benefits and entitlement shall be the same as provided for by FMLA leave as described in Section 14.11, above, except that CFRA leave cannot be used for a disability related to pregnancy, childbirth, or related medical condition.

B. CFRA Leave, FMLA and Pregnancy Disability Leave

Except for pregnancy disability leave, leave taken under FMLA is considered to be leave taken under the CFRA. CFRA and FMLA leave may not be added to each other, and may not exceed a total of 12 weeks in a 12-month period.

14.13 California Pregnancy Disability Leave (CPDL)

A. Entitlement to Leave

Any eligible employee may be granted a California Pregnancy Disability Leave in accordance with applicable statutes, federal and state regulations, case law, ordinances and policies in effect at the time of the California Pregnancy Disability Leave. Any employee, full or part-time, may take up to four months (or 88 work days for a full time employee) of leave per pregnancy for a disability related to pregnancy, childbirth or related medical condition. The CPDL does not need to be taken in one continuous period of time but can be taken on an as needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth and recovery from childbirth are covered by CPDL.

B. CFRA Leave, FMLA and Pregnancy Disability Leave

Employees are entitled to take pregnancy disability leave in addition to any entitlement they might have to CFRA leave. An employee may take up to four months of pregnancy disability leave during the period of her disability and be entitled to an additional 12 weeks CFRA leave for the birth of the child.

C. Notification and Written Certification Requirements

1. In any case in which the necessity for leave is foreseeable, the employee shall provide the employer with reasonable notice before the date the leave is to begin. In the event the leave is based on planned medical care, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee. If the leave is not foreseeable, the employee shall provide such notice as is practicable.
2. A request for California Pregnancy Disability Leave shall be supported by a certification issued by the health care provider of the employee. Such certification shall contain:
 - a. the date on which you become disabled due to pregnancy;
 - b. the probable duration of the period(s) of disability;
 - c. a statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy or to other persons;
 - d. in the case of certification for planned medical care, a statement of the expected schedule and duration and that the employee's leave is necessary.

Failure to comply with these requirements may result in the denial of CPDL.

3. At the end of the period of disability the employee shall receive certification from the health care provider that the employee is fit for duty or to return to duty, including restrictions, if any.

D. Benefits

The County shall continue health insurance under the pregnancy disability leave in accordance with State Law.

(Amended 11/26/13, Law Enforcement Unit MOU)

(Amended 02/25/14, Fire Safety Unit MOU)

(Amended 03/11/14, General, Supervisory and Professional Units MOU)

(Amended 03/11/14, Confidential Unit Agreement)

(Amended 03/11/14, Resolution 14-018 Management Unit)

(Amended 03/11/14, Deputy County Counsels & Assistant County Counsel Agreement)

14.14 Guarantee of Employment

An employee taking FMLA, FRA and/or PDL leave generally will be returned to the same position the employee held when the leave commenced or to an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

14.15 Anniversary Date

Postponement of the employee's anniversary date and calculation of probationary period due to leave of absence without pay while on FMLA, FRA and/or PDL leave shall be as provided for in Section 14.8 of the Rules Governing Employee Compensation, Benefits and Working Conditions.

14.16 Leave of Absence With Pay

A department head may authorize a regular employee to be absent with pay for a period not to exceed 120 regularly scheduled working hours, if the department head finds that such absence is necessary to either complete an investigation of alleged violation of County rules or policies by an employee or to place an employee on such leave until such time as the County can determine whether or not to bring action against an employee pursuant to section 18.0 of the Personnel Rules and Regulations.

Prior to such leave being approved, the department head shall have concurrence of the Human Resources Director or the County Administrative Officer.

An employee's leave of absence may be extended for an additional 120 regularly scheduled work hours, or longer, upon a request by the department head if the Human Resources Director or the County Administrative Officer determine it is necessary to either complete an investigation of alleged violation of the County's rules or policies by the employee or to place an employee on such leave until such time as the County can determine whether or not to bring action against an employee pursuant to Section 18.0 of the Personnel Rules and Regulations. If the employee is represented, a copy of the notice extending the employee's leave will be provided to his/her representative. If the leave is to be extended beyond a cumulative total of more than 240 hours, the Human Resources Director will review the circumstances necessitating the additional leave at least every 80 hours to determine whether the leave should be terminated and the employee returned to work or whether other action would be appropriate. Forms for requesting an absence shall be prescribed by the Human Resources Director and shall state specifically the reason for the request and the beginning and ending dates of the absence.

(Amended 05/09/17, General, Supervisory and Professional Units MOU)

(Amended 03/28/17, Fire Safety Unit MOU)

(Amended 03/28/17, Confidential Unit Agreement)

(Amended 03/28/17, Resolution 14-026, Management Unit)

(Amended 03/28/17, Deputy County Counsels Agreement)

(Amended 03/28/17, Law Enforcement Unit MOU)

14.17 Assignment of Leave Balances for Catastrophic Illness or Injury

A. Purpose

To provide a mechanism for regular County employees to assign the monetary value of their vacation, compensatory time, holiday time bank, or administrative leave balances, if applicable, to another regular County employee who is facing financial hardship due to a catastrophic illness or injury.

B. Employee Eligibility for Assigned Leave

To be eligible to receive the monetary value of assigned leave an employee must:

1. be a regular employee with the County of Sutter and have completed new employee probation,
2. have exhausted all available leave balances,
3. personally have or have an immediate family member (as defined by FMLA/CFRA in 2013) with a verifiable long-term illness or injury, i.e., cancer, heart attack, stroke, serious injury, etc.,
4. follow all applicable leave of absence procedures as set forth in Section 14.0 of these rules and be on an authorized, unpaid leave of absence that will last or is anticipated to last thirty (30) calendar days or more,
5. provide a written request to be considered for the assignment of leave balances which states that the request is made voluntarily, the nature of the event for which the assignment of leave balances is requested and the probable duration of the leave of absence.

C. Procedure for Requesting Leave

The written request shall be submitted by the proposed assignee to the respective Department Head for recommendation and then forwarded to the Human Resources Department for final approval by the Human Resources Director who shall review the request for consistency with the intent of this policy and application of appropriate rules and regulations.

D. Employee Eligibility to Assign Leave Balances

The employee assigning leave balances must be a regular County employee and have completed new employee probation.

Only existing vacation, compensatory time, holiday time bank, or administrative leave balances, if applicable, may be assigned. Assignment of leave balances must be in eight (8) hour increments.

Assignment of leave balances must be made to a specific individual only. Assigned leave balances actually received by the assignee cannot be reclaimed by the assignor.

E. Assignment of Leave Balances

The assigned leave balances shall be converted to a gross wage amount based upon the assignor's hourly rate of pay at the time of conversion.

All appropriate income and other employment taxes, state and federal, shall be withheld from all payments to the assignee pursuant to this rule. Such assigned leave shall not apply toward retirement credits for either the employee assigning the leave or the employee receiving the monetary value of the leave, nor is a retirement deduction taken from the assigned leave. The receipt of monies from assigned leave balances shall in no way affect or modify the assignee's employment status with the County and shall not be treated as hours worked or hours on a paid leave for purposes of adjustment of employee's anniversary date, sick leave and vacation accruals, eligibility for holiday pay or health related benefits.

F. Procedure for Assigning Leave Balances

After initial approval of transfers by the Human Resources Director, eligible employees may indicate their intent to assign vacation, compensatory time, holiday time bank, or administrative leave balances by completing an Authorization to Assign Leave Balance Form and forwarding it to the Auditor-Controller's Office. Assigned leave balances shall be processed and applied in the order they are received and processed by the Auditor-Controller's office. Assigned vacation, compensatory time, holiday time bank, and administrative leave balances that are not converted to a monetary amount shall remain with the assignor. Only upon conversion to a dollar amount shall the assignor's leave balances be reduced.

Monies will be paid to the assignee on a regular biweekly payroll basis and shall not exceed the assignee's regular biweekly gross pay less any State Disability Benefit, Worker's Compensation Benefit, or Paid Family Leave Benefit amount the employee is receiving for that pay period. Monies shall only be paid to the assignee during those biweekly pay periods when assigned leave balances are available to the assignee.

Assignee must remain on an authorized leave of absence to receive assigned leave from other employees.

G. Solicitation of Leave Balances

No employee shall solicit for assignments of leave from any subordinate employee.

Department heads shall assure that no pressure, either implicit or explicit, shall be placed on any County employee by any other County employee to make an assignment. Any pressure to assign leave balances and/or any employment decision based on pressure to make an assignment shall be considered harassment.

No solicitation shall be made by any employee during work hours. Notices may be posted on bulletin boards in accordance with County and departmental policy and procedures.

H. Administration of Assignment of Leave Policy

Any dispute in interpretation or application, any grievance on these issues filed pursuant to Section 20.0, Grievance Procedures, of the *Personnel Rules and Regulations* shall be submitted at "Step IV" of the grievance procedure for a final and binding determination by the Human Resources Director and/or the County Administrative Officer.

The Employee(s) and County agree that this policy is to address extraordinary and unforeseen circumstances and shall not be used for any other purposes other than stated herein.

This policy shall be consistent with current or future state and federal laws.

(Amended 03/11/14, General, Supervisory and Professional Units MOU)

(Amended 03/11/14, Confidential Unit Agreement)

(Amended 03/11/14, Resolution 14-018, Management Unit)

(Amended 03/11/14, Deputy County Counsels & Assistant County Counsel Agreement)

(Amended 03/10/15, Law Enforcement Unit MOU)

(Amended 03/28/17, Fire Safety Unit MOU)

GENERAL SAFE WORK PRACTICES

This section contains general safe work practices, which are applicable to all departments and all employees. Each employee is responsible for performing their work in compliance with these practices.

Hazard Control: Correct any unsafe condition in your work area. Notify your supervisor promptly if you are unable to correct the hazard. Report any unsafe working habits on the part of others to your supervisor. You need not mention names but indicate the nature of the unsafe practice.

Safety Devices: Safeguards, safety devices or safety appliances must not be removed or made ineffective, except for the purpose of making repairs or adjustments.

Job Planning: Plan your job ahead of time. Acquire all of the correct tools for the job, including personal protective equipment. Work at a steady pace. Keep your work area orderly. Consult with your supervisor whenever undertaking a new assignment if you are unsure of the hazards or safety practices. Avoid using any equipment or tool you have not been properly trained to operate.

Safe Work Procedures: Always follow all work procedures developed by your department or supervisor. If you are unsure of any work procedure, consult your supervisor. Use reasonable care when performing your work to ensure maximum safety for yourself, other employees and the public. Do not engage in any distracting activity, which may result in injury to you or others.

Housekeeping: You are responsible for keeping your workspace orderly and free of hazards which may injure you or others.

- Store tools, equipment and materials in appropriate places when not in use.
- Keep doors and drawers on cabinets, desks and files closed when not in immediate use.
- Keep aisles and passageways clear of all obstructions.
- Dispose of waste and debris on a continual basis.
- Immediately clean up any spills you discover, even if you didn't cause the spill.
- Immediately report all building maintenance problems to your supervisor, such as torn carpeting, loose tiles, lighting failures, frayed electrical cords, etc.
- Inspect your work areas on a daily basis to identify and correct hazards.
- Use only appropriate step stools or ladders when access to overhead areas is required. Never use a chair or any other piece of furniture as a ladder.

General Fire Safety: The best way to prevent fires is to identify possible fire hazards and to eliminate them before they start a fire. Know the location and type of fire extinguishers in your building. Fires are identified by different classes. The most common is Class A, B and C fires. Class A fires involve combustibles such as wood, paper, cloth, trash and other ordinary materials. Class B fires involves flammables such as gasoline, grease, oil, paint and other flammable liquids. Class C fires involve live electrical equipment. Fire extinguishers indicate which Class of fire they are intended for on the container. It is likely that your building will have multipurpose dry chemical (A,B,C) or (B,C) fire extinguishers. Never use a Class A Only fire extinguisher on a Class B or C fire.

When working with flammables, explosives and combustibles, the following safety procedures apply:

- Keep flammables, explosives and combustibles away from open flames or devices that create a spark.
- Obey all “NO SMOKING” areas.
- Do not refuel an engine while it is operating.
- Clean up flammable spills immediately. Put contaminated rags in a tightly covered metal container.
- Store flammables only in clearly marked containers. Store in well ventilated areas, away from heat and sparks.
- When transferring flammable liquids, bond the containers to each other and ground the one being dispensed from.

The following fire prevention safety procedures must be followed:

- Obey all “NO SMOKING” signs; smoke only in designated areas and dispose of smoking materials in appropriate ash trays.
- Never leave smoking materials burning unattended.
- Never place smoking materials in or on anything except an ash tray.
- Place rags soaked in oil, grease or flammables in a tightly covered metal container.
- Dispose of empty boxes and other waste combustibles on a daily basis to prevent accumulation.
- Keep fire doors, stairways, aisles and exits clear.
- Never use flammable liquids as a cleaning agent.
- Report fire extinguishers that have been discharged or require servicing to your supervisor.

General Electrical Safety: The most common cause of electrical accidents is ignoring standard maintenance, safe practices, and common sense. To prevent electrical accidents, the following safety procedures must be followed:

- Do not overload circuits, motors or other electrical equipment and machinery.
- Ground all electrical equipment and machinery properly.
- Be sure all circuits are dead before attempting to work on them. Follow all applicable Lock Out/Tag Out Program procedures.
- Keep all electrical wiring, cords, cables, and conduits secured and away from general traffic areas and anywhere people could trip over them, brush against them or otherwise inadvertently be exposed to them.
- Inspect all electrical cords for frays or broken wires before using equipment. Don't use if the cords are defective.
- Report all electrical maintenance defects, such as exposed wires, overheating motors, lamps or heating elements.
- Never use electrical equipment when working in a wet area or when clothing or shoes are wet.
- Motorized and other electrical equipment must be lubricated and maintained regularly to prevent electrical fires caused by overheating and misalignment.

General Vehicular Safety: The most common cause of vehicular accidents is driving too fast for the existing conditions. When driving on County business, you must always operate your vehicle within the posted speed limit. A slower speed than the posted limit is warranted when the road is slippery due to rain or snow, when the road has a lot of curves in it, and when vision is obstructed due to darkness, fog or physical obstructions. Even though a road is posted at a given speed limit, you must decide what the safe speed is for that road and then operate your vehicle accordingly. Don't let other drivers push you into higher speeds -- pull over and let them go around. If you are going to be late, call and let someone know, but don't rush and put yourself in a situation where you have to drive unsafely.

In addition to driving at a safe speed, follow these other safe driving procedures at all times:

- Always fasten your seatbelt before you put the vehicle in motion. Make sure any passengers are buckled as well.
- Check the vehicle for safety before operating it. Walk around the vehicle and check the tires, lights and reflectors. Check tools and equipment in side boxes to ensure they are secured and box doors closed and locked. Check anything in the truck bed to be sure it is neatly stacked and secured. Work the windshield wipers, headlights, flashers, turn signals, brake and tail lights and back-up lights/alarm. If any of these are not working, make immediate repairs or use another vehicle. Make sure all top rack loads are secured and, if you are carrying materials inside the passenger compartment, make sure they are secured and don't block your vision to the rear or sides.

- Practice defensive driving. “Look - ahead.” Eye the center of the lane. Always try to look at least one block ahead in city driving and 800 yards ahead on the highway. “Take it all in.” Instead of staring straight ahead all the time, take in the whole road and immediate vicinity in front, behind and to the sides. Look for pedestrians, children behind parked cars, vehicles entering traffic, animals, and signals. “Leave yourself an out.” Leave yourself plenty of room to escape a tight situation. Never drive too fast or too close. “Communicate.” Use the signals and the horn. Let others know when and where you are going.
- Practice courteous driving. The public expects more of you in a County vehicle. Always yield to pedestrians, bicyclists and joggers. Be alert at crossings and intersections. If you and other vehicles reached the intersection at the same time, yield the right of way to the other drivers.

Hazardous Materials Safety: Your department will have identified the hazardous materials present in your workplace. In addition to those materials, there may be other, everyday products in the workplace, which could cause you injury if used improperly. When handling any materials, follow the following safety precautions:

- Pay attention to all warning signs, read the label on every container you handle and use the material in accordance with the label directions. Check with your supervisor if you have any questions.
- Review the Material Safety Data sheet for each hazardous substance and take the precautions recommended, including use of personal protective equipment. A MSDS should be available on every hazardous material but not on common consumer materials. Follow label instructions on consumer materials.
- Follow established work procedures to the letter when handling and using hazardous materials.
- Never place hazardous materials in an unlabeled container unless you are the only one who will be handling the container. You must label the container with all applicable warnings and handling instructions if others will be handling the container.
- Clean up all spills immediately.
- Keep containers closed when not in use.
- Make sure all lids or caps are tightly closed before storing. Store all materials in appropriate locations with labels showing. Do not store flammable and combustible materials near a heat source.
- Dispose of all hazardous materials according to label instructions.
- Remove contaminated work clothing and do not wear it again until it has been cleaned.
- Wash carefully after handling chemical containers, before eating, or when leaving your work area.

Personal Protective Equipment: Personal protective equipment acts as a barrier between a hazard, which cannot be guarded, and you. You must always use the protective equipment provided whenever your job exposes you to an unguarded hazard. The following are general guidelines for the use of protective equipment:

- **Eye Protection:** Safety glasses must be worn whenever working with tools that generate flying particles such as grinders, saws and weed cutters; whenever working with chemical materials that could splash in the eyes; whenever working with equipment that kicks up ground materials of dust or rocks, such as mowers.
- **Face Shields or Hoods:** Face shields or hoods must be worn when injuries are likely to occur to any part of the eye, face or respiratory system as a result of flying wood or metal chips, toxic or irritating chemical fumes, excessive heat rays, or hazardous light.
- **Hard Hats:** Hard hats must be worn when working in a trench or other excavations or in any environment where head injury may occur as a result of falling objects or overhead protrusions.
- **Ear Protection:** Ear plugs or muffs must be worn in any work environment where noise levels are constantly high or when working with equipment which generates a high noise level while in operation.
- **Hand Protection:** Appropriate gloves or other hand protection must be worn whenever there is an exposure to cuts, puncture wounds, abrasions, friction burns, heat or chemical irritants, and blood or other body fluids.
- **Trunk Protection:** Aprons or other suitable materials must be worn in situations where there is an exposure to the body from sharp objects, chaffing, heat, liquid, and chemicals.
- **Safety Vests:** Orange or strong yellow-green warning garments must be worn whenever working on foot in an area where you are exposed to vehicular traffic.
- **Respiratory Protection:** Appropriate respirators must be worn whenever there is an exposure to harmful dusts, mists, chemical fumes or lack of oxygen.
- **Foot and Toe Protection:** Safety shoes, boots, or shield must be worn whenever there is a routine exposure to foot or toe injury from the use of equipment or the handling of materials.
- **Leg Protection:** Chaps or other appropriate leg protection must be worn whenever there is an exposure to leg injury from handling materials or from abrasions or lacerations as a result of using equipment or tools.
- **Safety Belts:** Life lines must be worn whenever working at heights and there is the possibility of falling or whenever working in an enclosed space where the worker's position is obscured or where air supply may become inadequate, with an attendant worker stationed outside tending the life line. (If in a qualified Confined Space, Confined Space requirements shall be followed).
- **Safety Seat Belts:** Seatbelts must be fastened on all passengers and the driver before placing any vehicle in motion.

Equipment and Machinery: Improper use of equipment, machinery or improper maintenance and condition of the equipment/machinery can result in serious, even fatal, injury. When using the equipment/machinery in your job, follow these basic safety guidelines:

- Never remove any safety guard, device, sign, or appliance from any piece of equipment/machinery.
- Frequently inspect the machinery/equipment to ensure that it is in safe operating condition.
- Operate only equipment that your supervisor has authorized you to use and only in areas in which you have been directed to work.
- Keep your hands and body clear of all moving parts of equipment/machinery. Report any unguarded equipment to your supervisor.
- Never have stationary equipment, which is in operation, unattended.
- When getting out of mobile equipment, either shut it down or make sure that it will not move by setting the emergency brake and placing it in the proper gear.
- When operating mobile equipment, check clearances forward, back and sides before placing the equipment in motion. Never operate mobile equipment where it may come into contact with electrical lines.
- When servicing equipment/machinery, make sure the power is off and the main switch or starter locked out and tagged.
- Don't wear loose clothing, long hair, or jewelry around machinery with moving parts.
- Always pay close attention to what you are doing when working on or around equipment/machinery.

Tools: Tools are intended to make your job easier and safer. Yet many injuries are caused because employees use tools which are in disrepair, improper for the job, or in which the employee is not properly trained. The following safety procedures apply to the use of tools:

- Frequently inspect tools and electrical cords to make sure they are in good condition and repair.
- Repair or replace tools which are defective, including worn saw blades, rounded hammer heads, tools with cracked or splintered handles, wedges and chisels with mushroomed heads, wrenches that are worn and allow slippage, and electric power tools with worn, deteriorated or inadequate insulation.
- Use the proper tool for the job.
- Do not remove any guard from a power tool. Report any defects or guards that have been removed to your supervisor.
- Do not operate electrical tools in an area where they may come into contact with water or other liquids. Make sure that electric power tools are double insulated or properly grounded.

- Never use a power cable to suspend an electric tool in either handling or storage.
- Return all tools to proper storage when not in use.

Falls, Trips, and Slips: Along with back injuries, falls, trips and slips are the most common accidents occurring to County employees. To prevent these types of accidents, follow these safety procedures:

- Keep aisles, walkways, and stairways clear of all obstacles.
- Never carry so much material that you are unable to see what is on the ground in front of you.
- Keep floors free of grease, oil, and water or any material that may cause someone to slip and fall.
- Report loose carpeting, tiles, stair boards, and protruding nails to your supervisor.
- Wear appropriate footwear for the job you are doing and the building in which you work. Select shoes with low heels and closed toes to give more surface area on which to support your body weight evenly.
- Never lean back in a chair so far that the legs of the chair come up off the ground.
- Before sitting down, make sure that your chair is in the proper position.
- Never run in passageways or on stairs. Take one step at a time on stairs and use the handrail.
- When using a ladder, make sure the footing of the ladder is secure on even ground and that the ladder steps are in good repair. Never use the top step of a ladder to stand on.
- Proceed slowly when climbing onto or off equipment, especially if the equipment or your shoes are wet. Use the handholds and never jump off the equipment.
- Proceed slowly when walking on uneven terrain. A support rope is recommended when climbing down a steep slope. When working outside, select shoes that are made of a strong and sturdy material, with good soles and heels, preferably a nonskid, grooved heel and sole.

Back Injuries: Back injuries are too frequent among County employees. Back injuries come from several sources, including poor posture and improper lifting, carrying and twisting.

Poor posture misaligns your bones and places strain on muscles, bones, ligaments and other soft tissue such as tendons. The result of over stressing the body is pain and fatigue. Whether the problem is chronic back pain or leg pains, poor posture is often the cause. The following methods will reduce the strain of sitting and standing:

- **Chair height:** The height of the seat should let both of your feet touch the floor with the knees a bit higher than the hips. Use a box or footrest if the chair is not adjustable.
- **Chair position:** Keep it close to the desk or table so you're not forced to lean forward to reach anything or to write.

- Desk/table position: Make it low enough so that computer keyboards, typewriters, and other equipment are easy to reach.
- Seated posture: Sit with your back against the back of the chair. If you feel yourself bending forwards, cross your legs and sit up straight. Don't slouch forward and keep your elbows off the desk or table. Make sure your spine and head are erect.
- Standing posture: Your head and shoulders should be slightly pulled back and your lower back arched. A line dropped from your ear should go through the top of your shoulder, middle of the hip, back of kneecap and front of anklebone. If you stand in one location for any length of time, put one foot up on a stool. Keep your knees bent and your stomach tight.

When lifting materials, follow these safety procedures:

- Always use a hand truck or forklift for heavy and cumbersome loads.
- Check the weight of an object before attempting to lift it by pushing against it. If the object is too heavy for you to lift by yourself, get help or use a lifting device.
- Set feet solidly and far enough apart for good balance and stability. Get as close to the load as possible. Bend your knees to a squatting position while keeping your back straight. Get a firm grip on the object and straighten up by using your legs, not your back, until you are standing.
- When carrying an object, hold it close to your center of gravity (1 1/2 inches below your navel). Never twist your upper body when carrying an object. To change directions, turn your entire body by changing or shifting your feet to the desired direction. To put the object down, bend to the squatting position, keeping the load close to your body and your back straight.
- No matter how light an object may be, never bend from the waist to pick it up. Always bend at the knees and keep the back straight.
- When pushing or pulling an object, keep your knees bent and your feet apart to provide a wide base of support. Keep your back straight and your stomach tight. Keep the object close to your center of gravity (1 1/2 inches below the navel).
- When moving an elevated object, first check the weight of the object by pushing up on the object. If the object is heavy, get a ladder or step stool so that you can bring the object in close to your body. Once you have a good grip on the object, carefully step down from the ladder or stool. To place a heavy object to an elevated position, use a ladder or step stool so you're even with the elevated position. Never try to "press" a heavy object above your head.
- When carrying a heavy or cumbersome object with another person, always communicate any movement you are going to make to the other person so they are not surprised by a sudden shift in the weight.
- Never carry so much material that you are unable to see what is on the ground in front of you. Make more than one trip if necessary.