



Riverside LAFCO

Policies and Procedures Manual

Adopted January 27, 2022

Riverside LAFCO

Policies & Procedures Manual

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January 27, 2022

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Riverside LAFCO

Policies & Procedures Manual

Introduction

Purpose

Over the course of many years, Riverside LAFCO has implemented various policies and procedures for administrative and operational activities within the agency. These policies and procedures have been maintained in various types of documents and formats, with no centralized depository for quick reference. The intention for developing this Policies & Procedures Manual (Manual) is to standardize the format for LAFCO policies and procedures, and consolidate into one centralized depository for quick reference.

The Manual will be maintained in electronic media and available for full or partial printing as desired by any user. Additionally, the Manual will be periodically reviewed and updated accordingly for any modifications to existing policies/procedures, and/or addition of new, and deletion of obsolete policies/procedures. All modifications, additions and/or deletions to any individual policy/procedure shall be approved by a majority vote of the Commission prior to implementation.

Additionally, as a long established practice and in conjunction with the agreement for services with Riverside County, Riverside LAFCO currently follows Riverside County Resolution No. 2021-095- "A Resolution of the County of Riverside and other Agencies providing Salaries and Related Matters for Exempt Management, Management, Confidential, and other Unrepresented Employees" (Management Resolution) for all salaries, leave, retirement and other benefits, and various other personnel policies related to employment within the LAFCO. Note that where any reference to the County Chief Executive Officer and County employees is listed, this should be considered for LAFCO purposes as the LAFCO Executive Officer and LAFCO employees respectively.

In some of the policies/procedures, reference is made to the Management Resolution, and the sections applicable to the Management Resolution for a specific policy/procedure are noted and attached to that policy/procedure.

The current Riverside County Management Resolution 2021-095 dtd 4/27/2021 is attached at the end of this Manual for reference.

Riverside LAFCO
Policy A-1
Rules and Procedures of LAFCO

Purpose

As with any public agency, certain rules and procedures should be established for conducting LAFCO Commission proceedings and other business and administering its mandate. It is important that such rules and procedures are promulgated through a formal policy. Therefore, Riverside LAFCO has established a rules and procedures policy for this purpose. The current rules and procedures policy was last amended by Resolution No. 17-18 dated September 27, 2018.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish a set of Rules and Procedures for the purpose of conducting Commission proceedings, other business and for establishing methods of administration LAFCO's mandates. .
- 2) Ensure any updates to the Rules and Procedures Policy requires approval by resolution of amendment by a majority of the Commission.

Attachment:

- A) LAFCO adopted Rules and Procedures Policy Resolution No. 17-18

Adopted January 28, 2021

Attachment A

1 RIVERSIDE LOCAL AGENCY FORMATION COMMISSION

2 RESOLUTION NO. 17-18

3 AMENDING THE RULES AND PROCEDURES OF THE

4 RIVERSIDE LOCAL AGENCY FORMATION COMMISSION

5
6 WHEREAS, the RIVERSIDE LOCAL AGENCY FORMATION COMMISSION
7 (LAFCO) Rules and Procedures provide for the conduct of the
8 Commission and the method of administering its mandate, and

9 WHEREAS, Government Code Section 56375(i) authorizes the
10 Commission to make and enforce regulations for the orderly and fair
11 conduct of hearings; now, therefore,

12 BE IT RESOLVED AND ORDERED by the Riverside Local Agency
13 Formation Commission in regular session assembled on September 27,
14 2018, that the "Rules and Procedures of the Riverside Local Agency
15 Formation Commission" are amended to read as follows:

16 RIVERSIDE LOCAL AGENCY FORMATION COMMISSION

17 RULES AND PROCEDURES

18 1. AUTHORITY. The Riverside Local Agency Formation
19 Commission created within the County of Riverside by the provisions
20 of Section 56000, et seq., of the Government Code shall be known as
21 the Riverside Local Agency Formation Commission.

22 2. TERMS OF MEMBERS. The Riverside Local Agency Formation
23 Commission shall consist of seven (7) members. The term of a
24 regular or alternate member of the Commission shall be four (4)
25 years and shall terminate on the first Monday in May of the year of
26 expiration set forth below and at four (4) year intervals
27 thereafter:

28 //

- 1 A. County Member (2019);
- 2 B. County Member (2019);
- 3 C. Alternate County Member (2021);
- 4 D. City Member-Eastern (2022);
- 5 E. City Member-Western (2020);
- 6 F. Alternate City Member (2020);
- 7 G. Special District Member-Eastern (2020);
- 8 H. Special District Member-Western (2022);
- 9 I. Alternate Special District Member (2020);
- 10 J. Public Member (2021); and
- 11 K. Alternate Public Member (2021).

12 3. OFFICERS. A Chairman and a Vice-Chairman shall be elected
13 by a majority vote of the Commission at the first meeting in
14 December of each year after the conclusion of other business on
15 that agenda. The Commission may defer this action to its next
16 regular meeting to accommodate attendance of Commissioners. The
17 term of the Chairman and Vice-Chairman shall become effective at
18 the beginning of the following meeting. The Vice-Chairman shall
19 serve in the absence of the Chairman until a new Chairman is elected
20 if a vacancy occurs. In case of a vacancy in either of these
21 offices, the Commission shall elect a successor at the next
22 succeeding regular meeting of the Commission after the vacancy is
23 created to serve the unexpired term.

24 4. QUORUM, VOTING. A majority of the members of the
25 Commission shall constitute a quorum. All actions of the Commission
26 shall require the affirmative votes of a majority of the members of
27 the whole commission. If the Commission is unable to make a
28 decision on any matter at the first hearing thereon due to a lack

1 of the affirmative votes required for decision, consideration of
2 the matter shall be adjourned until the next regular meeting of the
3 Commission. If the Commission is again unable to make a decision
4 at the following meeting due to the lack of the affirmative votes
5 required for decision, the matter shall be deemed disapproved and
6 proceedings shall be terminated.

7 5. ABSTENTION. If the Commission is unable to make a
8 decision on any matter when first presented to the Commission
9 because of an abstention vote, consideration of the matter shall be
10 adjourned until the next regular meeting of the Commission.
11 Notwithstanding Section 4, if at the next meeting the Commission is
12 unable to make a decision because of an abstention vote; such vote
13 shall then be counted as an affirmative vote.

14 An abstention vote shall be counted as an affirmative vote at
15 the time the matter is first presented to the Commission if the
16 matter presented is any of the following:

17 A. Any matter requiring a vote at an emergency meeting
18 held pursuant to Government Code Section 54956.5.

19 B. Any matter which may not, pursuant to state or
20 federal law, be continued to a future Commission meeting.

21 6. MEETINGS. The Commission shall meet regularly at 9:30
22 a.m. the fourth Thursday of each month at the County Administrative
23 Center, 4080 Lemon Street, Riverside, California or alternate
24 location as deemed necessary or desirable by the Commission,
25 Chairman or Executive Officer. The regular November and December
26 meetings shall be combined and held on the first Thursday in
27 December. Special meetings of the Commission may be called in
28 accordance with Section 54956 of the Government Code.

1 7. CONTINUANCE BY CHAIRMAN. Upon the request of the
2 applicant made outside of a regular or special meeting of the
3 Commission, the Chairman is authorized to continue any matter set
4 for public hearing at the next regular meeting of the Commission to
5 the next following regular meeting provided such continuance is
6 otherwise permitted by law. No such continuance by the Chairman
7 shall be effective unless the request is in writing and a copy is
8 delivered to the Executive Officer. The granting of such a
9 continuance by the Chairman shall not preclude the Commission from
10 opening the public hearing on the matter and receiving evidence
11 thereon, but it shall preclude the Commission from closing the
12 public hearing and deciding the matter until the date of the
13 continued hearing.

14 8. STAFF. An Executive Officer shall be appointed by the
15 Commission. The Commission, through its Executive Officer, may
16 appoint and assign such staff personnel and employ or contract for
17 such professional or consulting services as it deems necessary to
18 carry out and effect Commission functions. Such staff shall serve
19 under the Executive Officer.

20 The Executive Officer or his or her designee shall serve as
21 the clerk of the Commission.

22 9. SUBMISSION OF PROPOSALS. The Commission shall accept
23 only those proposals for formation or change of organization of
24 local agencies as are submitted by applicants qualified under law
25 to make such proposals.

26 Petitions or applications governed by the Cortese-Knox-
27 Hertzberg "Local Government Reorganization Act of 2000" shall be in
28 writing and filed with the Executive Officer. Each notice, petition

1 or application shall have attached thereto a copy of the description
2 of the territory, a map of the territory, and a completed copy of
3 the annexation or formation questionnaire supplied by this
4 Commission. The Executive Officer shall determine the number of
5 copies and any additional information required to complete the
6 application. The Executive Officer shall formulate rules and
7 regulations governing the details of maps and other related papers
8 to be filed in accordance with these rules, and those shall be an
9 annex to these rules and regulations. Included therein shall be a
10 model questionnaire.

11 10. STIPEND, EXPENSE AND MILEAGE REIMBURSEMENT.

12 A. Full stipend, currently \$175, plus expenses
13 (including mileage) shall be paid to Commissioners attending any
14 posted meeting of the full Commission.

15 B. An adjusted stipend of \$60 plus expenses shall be
16 paid to appointed Commissioners attending meetings of a standing
17 committee of the Commission.

18 C. Full stipend plus expenses shall be paid to
19 Commissioners elected to the California Associations of Local
20 Agency Formation Commissions (CALAFCO) Board to attend meetings of
21 that Board or, if outside Riverside County, meetings of any of its
22 sub-committees.

23 D. Appointed Commissioners attending an ad hoc
24 committee meeting shall be reimbursed for expenses but shall not
25 receive a stipend.

26 E. Commissioners attending CALAFCO Conferences of one
27 or more days shall receive no more than a full one-day stipend plus
28 expenses.

1 F. Commissioners attending subject specific CALAFCO
2 workshops conducted outside Riverside County shall receive the full
3 stipend plus expenses.

4 G. No more than one stipend shall be received per day.

5 H. Commissioners shall be reimbursed for mileage for
6 participation in any other Commission related activities.

7 I. Commissioners directed by the Commission or the
8 Chair to represent the Commission in an official capacity shall be
9 reimbursed for expenses.

10 J. Mileage and meal expense reimbursement rates for
11 Commissioners and employees shall be those established pursuant to
12 Board of Supervisors Policy.

13 11. NOTICE OF HEARINGS. The Executive Officer shall set the
14 date of hearings, give such notices, and provide for such
15 publications as required by law. Such publications shall be made
16 in newspapers of general circulation in the territory to be affected
17 which will be likely to give notice of the proposal to the greatest
18 number of people which may be affected by such proposal.

19 12. ORDER OF HEARINGS. The order of the hearings held by the
20 Commission unless otherwise ordered by law will be:

21 A. Staff to present evaluations.

22 B. Applicants to present proposal.

23 C. Proponents to present support.

24 D. Opponents to present opposition.

25 E. Rebuttal by applicants.

26 F. Any member of the Commission to call for such
27 additional information, pros and cons, in the order desired.

28 13. TIME FOR TESTIMONY. In order to allow for maximum input

1 within the limited amount of time available for each proposal, the
2 following time limits shall apply unless otherwise indicated by the
3 Chairman:

4 A. Individual speakers are limited to three (3) minutes
5 for their presentations.

6 B. Organized presentations with more than one (1)
7 speaker are limited to fifteen (15) minutes for the total
8 presentation.

9 C. If requested in advance, additional time may be
10 granted.

11 14. MEETING PROCEDURES. Rosenberg's Rules of Order
12 (Attachment A) may be used as general guidelines for conducting
13 meetings of the Commission. Notwithstanding these guidelines,
14 responsibility for presiding over meetings and maintaining order
15 remains under the full discretion of the Chairman. Rosenberg's Rules
16 of Order shall not supersede any conflicting procedural
17 requirements within these Rules and Procedures or statute.
18 Additionally, deviation from these guidelines shall in no way
19 invalidate any action of the Commission.

20 15. ACTIONS BY COMMISSION. Adoption of Standards and
21 Procedures for the evaluation of proposals, schedules of fees for
22 examination of petitions and for processing as authorized in the
23 Cortese-Knox-Hertzberg "Local Government Reorganization Act of
24 2000", and such other actions as required by law shall be by
25 resolution of the Commission. Other actions shall be taken by
26 motion and recorded as a minute order and/or identified within the
27 minutes. Resolutions adopted by the Commission shall be signed by
28 the presiding officer of the meeting and certified by the Executive

1 Officer; extracts of minute orders may be certified also by the
2 Executive Officer.

3 16. RECONSIDERATION OF RESOLUTIONS MAKING DETERMINATIONS. In
4 order to provide for the orderly implementation of Government Code
5 Section 56895, any request for reconsideration submitted is subject
6 to the following:

7 A. Any timely request for reconsideration pursuant to
8 Government Code Section 56895 must be accompanied by the then
9 applicable fee and include the specific modification of the
10 resolution being requested and shall state what new and different
11 facts that could not have been presented previously that are claimed
12 to warrant the reconsideration.

13 B. At the time such reconsideration is heard by the
14 Commission, testimony will be limited to the alleged facts in
15 support of the request, with opposition and rebuttal to follow,
16 said testimony limited to three (3) minutes per person.

17 C. Multiple requests for reconsideration may
18 appropriately be submitted, with each person or affected agency
19 assuming a pro rata share of the then applicable fee.

20 D. Where multiple requests for reconsideration are
21 received, each may be heard, separately or they all may be heard
22 collectively, at the direction of the Chairman, with each person or
23 affected agency being given opportunity to relate the alleged facts
24 giving rise to the request for reconsideration.

25 E. At the conclusion of its consideration, the
26 Commission may approve or disapprove with or without amendment,
27 wholly, partially or conditionally, the request and the
28 determinations of the Commission shall be final and conclusive.

1 17. RECONSIDERATION OF A DEFERRED/CONTINUED ITEM. Where an
2 agenda item has been deferred/continued, within thirty (30) days of
3 such action, the applicant may request a reconsideration of the
4 Commission's determination. Such request for reconsideration shall
5 be agendized for the next regularly scheduled meeting where, at the
6 discretion of the Commission, the matter may be placed on the next
7 agenda for which notice can be given or the request to accelerate
8 the hearing date may be denied. Where the Commission authorizes
9 the request to accelerate the previously deferred/continued item,
10 staff will be directed how to proceed as to the following:

11 A. Special noticing requirements (if any) to be coupled
12 with required legal notice.

13 B. Funding source of any special notice (i.e.,
14 applicant or LAFCO).

15 C. Conduct of the public meeting (i.e., with or without
16 reopening public testimony).

17 D. Other direction/instructions deemed appropriate by
18 the Commission.

19 18. DISQUALIFICATION. A special district member or alternate
20 special district member shall not be disqualified from
21 participating in or voting on a proposal affecting the special
22 district on whose legislative body the member serves unless such a
23 restriction is imposed by the appointing authority at the time of
24 appointment pursuant to subdivision (c) of Section 56332 of the
25 Government Code. A city member or alternate city member shall not
26 be disqualified from participating in or voting on a proposal
27 affecting the city on whose legislative body the member serves
28 unless such a restriction is imposed by the appointing authority at

1 the time of appointment pursuant to Section 56335 of the Government
2 Code.

3 19. Previously approved Resolution No. 121-06 is hereby
4 rescinded and superseded by this Resolution.

5 //

6 //



Phil Williams, Chair

7
8 //

9 I certify the above resolution was passed and adopted by the
10 Riverside Local Agency Formation Commission on September 27, 2018.

11 //

12 //



George J. Spiliotis, Executive Officer

13
14 //

15 //

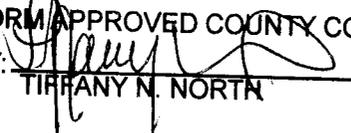
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FORM APPROVED COUNTY COUNSEL
BY:  9/27/18
TIFFANY N. NORTH DATE

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Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. Inviting the members of the body to make a motion, for example, “A motion at this time would be in order.”
2. Suggesting a motion to the members of the body, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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Riverside LAFCO
Policy A-2
Investment Policy

Purpose

Most all public agencies in California must maintain a current Investment Policy when they have retained cash assets invested in financial institutions. California and Federal laws regulate the types and quantities of investments authorized, and the regulations regarding investment protection and management. Riverside LAFCO currently utilizes the Riverside County investment pool for cash asset investments. As such, investments of LAFCO cash assets are made by the County in compliance with the County Investment Policy.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Comply with the current County Investment Policy and invest all cash assets into the Riverside County investment pool.
- 2) On a bi-annual basis, as prescribed by statute, review the current County Investment Policy and adopt the current County Investment Policy as the LAFCO Investment Policy.
- 3) Ensure any updates to the County Investment Policy adopted by the County Board of Supervisors is reviewed and adopted by LAFCO either during the bi-annual review, or as soon as identified as having been revised.

Attachment:

- A) LAFCO adopted Riverside County Investment Policy dtd October 20, 2020.

Adopted December 3, 2020



**COUNTY OF RIVERSIDE
OFFICE OF THE TREASURER-TAX COLLECTOR
STATEMENT OF INVESTMENT POLICY**

INTRODUCTION

The Treasurer Tax-Collectors (TTC) Statement of Investment Policy is presented annually to the County Investment Oversight Committee (IOC) for review and to the Board of Supervisors (BOS) for approval, pursuant to the requirements of Sections 53646(a) and 27133 of the California Government Code (Code Section). This policy will become effective immediately upon approval by the BOS.

SCOPE

The TTC Statement of Investment Policy is limited in scope to only those county, school, special districts and other fund assets actually deposited and residing in the County Treasury. It does not apply to bond proceeds or other assets belonging to the County of Riverside, or any affiliated public agency the assets of which reside outside of the County Treasury.

FIDUCIARY RESPONSIBILITY

Code Section 27000.3 declares each Treasurer, or governing body authorized to make investment decisions on behalf of local agencies, to be a trustee and therefore a fiduciary subject to the prudent investor standard. This standard, as stated in Code Section 27000.3 requires that "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, the county Treasurer or the BOS, as applicable, shall act with care, skill, prudence, and diligence under the circumstances then prevailing, specifically including, but not limited to, the general economic conditions and the anticipated needs of the county and other depositors, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the county and the other depositors."

PORTFOLIO OBJECTIVES

The first and primary objective of the TTC's investment of public funds is to **safeguard investment principal**; second, to maintain sufficient **liquidity** within the portfolio to meet daily cash flow requirements; and third, to achieve a reasonable rate of return or **yield** on the portfolio consistent with these objectives. The portfolio shall be actively managed in a manner that is responsive to the public trust and consistent with State law.

AUTHORITY

Statutory authority for the TTC's investment and safekeeping functions are found in Code Sections 53601 and 53635 et. seq. The TTC's authority to make investments is to be renewed annually, pursuant to state law. It was last renewed by the BOS on October 22, 2019 by County Ordinance No.767.23. Code Section 53607 effectively requires the legislative body to delegate investment authority of the County on an annual basis.

AUTHORIZED INVESTMENTS

Investments shall be restricted to those authorized in Code Sections 53601 and 53635 as amended and as further restricted by this policy statement. All investments shall be governed by the restrictions shown in Schedule I which defines the type of investments authorized, maturity limitations, portfolio diversification, credit quality standards (two of the three nationally recognized ratings shall be used for corporate and municipal securities), and purchase restrictions that apply.

STAFF AUTHORIZED TO MAKE INVESTMENTS

Only the TTC, Matthew Jennings, Chief Investment Manager, Giovane Pizano, Deputy Investment Manager, Steve Faeth, and Assistant Investment Manager, Isela Licea, are authorized to make investments and to order the receipt and delivery of investment securities among custodial security clearance accounts.

AUTHORIZED BROKER/DEALERS

Securities transactions are limited solely to those noted on Schedule II of this policy.

DAILY ACCOUNTABILITY AND CONTROL

Except for emergencies or previous authorization by the TTC, all investment transactions are to be conducted at the TTC's office (if open and available to conduct business), documented, and reviewed by the TTC, and/or Assistant TTC. All investment transactions will be entered daily into the TTC's internal financial accounting system with copies to be filed on a timely basis. Portfolio income shall be reconciled daily against cash receipts and quarterly, prior to the distribution of earnings among those entities sharing in pooled fund investment income.

SECURITY CUSTODY & DELIVERIES

All securities, except for money market funds registered in the County's name and securities issued by the County or other local agencies shall be deposited for safekeeping with banks contracted to provide the County TTC with custodial security clearance services. These third party trust department arrangements provide the County with a perfected interest in, and ownership and control over, the securities held by the custodian on the County's behalf and are intended to protect the County from the bank's own creditors in the event of a bank default and filing for bankruptcy. Securities are **NOT** to be held in investment firm/broker dealer accounts. All security transactions are to be conducted on a "delivery versus payment basis." Confirmation receipts on all investments are to be reviewed immediately for conformity with County transaction documentation. Securities issued by local agencies purchased directly shall be held in the TTC's vault. The security holdings shall be reconciled with the custodian holding records daily. The TTC's Fiscal Compliance unit will audit purchases daily for compliance, and audit holding records monthly.

COMPETITIVE PRICING

Investment transactions are to be made at current market value and competitively priced whenever possible. Competitive pricing does not necessarily require submission of bids, but does require adequate comparative analysis. The current technology utilized by the Treasury provides this information.

MATURITY LIMITATIONS

No investment shall exceed a final maturity date of five years from the date of purchase unless it is authorized by the BOS pursuant to Code Section 53601. The settlement date will be used as the date of purchase for measuring maturity limitations.

LIQUIDITY

The portfolio shall maintain a weighted average days to maturity (WAM) of less than 541 days or 1.5 years. To provide sufficient liquidity to meet daily expenditure requirements, the portfolio shall maintain at least 40% of its total value in securities having maturities 1 year or less.

SECURITIES LENDING

The TTC may engage in securities lending activity limited to 20% of the portfolio's book value on the date of transaction. Instruments involved in a securities lending program are restricted to those securities pursuant to Code Section 53601 and by the TTC's Statement of Investment Policy.

REVERSE REPURCHASE AGREEMENTS

The Treasury shall not engage in any form of leverage for the purpose of enhancing portfolio yield. There shall be no entry into reverse repurchase agreements except for temporary and unanticipated cash flow requirements that would cause the TTC to sell securities at a principal loss. Any reverse repurchase agreements are restricted pursuant to Code Section 53601 and by the TTC's Statement of Investment Policy.

MITIGATING MARKET & CREDIT RISKS

Safety of principal is the primary objective of the portfolio. Each investment transaction shall seek to minimize the County's exposure to market and credit risks by giving careful and ongoing attention to the: (1) credit quality standards issued by the nationally recognized rating agencies on the credit worthiness of each issuer of the security, (2) limiting the concentration of investment in any single firm as noted in Schedule I, (3) by limiting the duration of investment to the time frames noted in Schedule I, and (4) by maintaining the diversification and liquidity standards expressed within this policy.

TRADING & EARLY SALE OF SECURITIES

All securities are to be purchased with the intent of holding them until maturity. However, in an effort to minimize market and credit risks, securities may be sold prior to maturity either at a profit or loss when economic circumstances, trend in short-term interest rates, or a deterioration in credit-worthiness of the issuer warrants a sale of the securities to either enhance overall portfolio yield or to minimize further erosion and loss of investment principal. Such sales should take into account the short and long term impacts on the portfolio. However, the sale of a security at a loss can only be made after first securing the approval of the TTC.

PURCHASE OF WHEN ISSUED SECURITIES

When issued (W.I.) purchases of securities and their subsequent sale prior to cash settlement are authorized as long as sufficient cash is available to consummate their acceptance into the TTC's portfolio on the settlement date.

PORTFOLIO REPORTS/AUDITING

Portfolio reports required by Code Sections 53607 and 27133(e) shall be filed monthly with the BOS, IOC, Superintendent of Schools, Executive

Officer, County Auditor Controller and interested parties. Consistent with Board Policy B-21 (County Investment Policy Statement), § III A, an outside compliance audit will be conducted annually. Outside audits will be conducted at least biennially by an independent auditing firm selected by the BOS, per Board Minute Order No. 3.48. Reports are posted monthly on the Treasurer's website:

<http://www.countyTreasurer.org/Treasurer/TreasurersPooledInvestmentFund/MonthlyReports.aspx>

SPECIFIC INVESTMENTS

Specific investments for individual funds may be made in accordance with the TTC's Statement of Investment Policy, upon written request and approval of the responsible agency's governing board, and, approval of the TTC. Investments outside of the policy may be made on behalf of such funds with approval of the governing Board and approval of the TTC. All specific investments shall be memorialized by a Memorandum of Understanding. With the purchase of specific investments, the fund will be allocated the earnings and/or loss associated with those investments. The TTC reserves the right to allocate a pro-rata charge for administrative costs to such funds.

PERFORMANCE EVALUATION

Portfolio performance is monitored daily and evaluated monthly in comparison to the movement of the Treasurer's Institutional Money Market Index (TIMMI), or other suitable index. Over time, the portfolio rate of return should perform in relationship to such an index. Regular meetings are to be conducted with the investment staff to review the portfolio's performance, in keeping with this policy, and, current market conditions.

INVESTMENT OVERSIGHT COMMITTEE

In accordance with Code Section 27130 et seq. of the Code, the BOS has established an IOC. The role of the Committee is advisory in nature. It has no input on day to day operations of the Treasury.

QUARTERLY DISTRIBUTION OF INVESTMENT EARNINGS

Portfolio income, including gains and losses (if any), will be distributed quarterly in compliance with Sections 53684 and 53844 of the Code which give the TTC broad authority to apportion earnings and losses among those participants sharing in pooled investment income, and, except for specific investments in which the interest income is to be credited directly to the fund from which the investment was made, all investment income is to be distributed pro-rata based upon each participant's average daily cash balance for the fiscal quarter. Any subsequent adjustments of reported earnings by the Auditor-Controller will be first reviewed and approved by the TTC to assure compliance with Code Sections 53684 and 53844.

QUARTERLY APPORTIONMENT OF ADMINISTRATIVE COSTS

Prior to the quarterly apportionment of pooled fund investment income, the County TTC is permitted, pursuant to Code Section 27013, to deduct from investment income before the distribution thereof, the actual cost of the investment, audit, deposit, handling and distribution of such income. Accordingly, in keeping with Code Sections 27013, 27133(f), and 27135, the Treasury shall deduct from pooled fund investment earnings the actual cost incurred for: banking services, custodial safekeeping charges, the pro-rata annual cost of the salaries including fringe benefits for the personnel in the TTC's office engaged in the administration, investment, auditing,

cashiering, accounting, reporting, remittance processing and depositing of public funds for investment, together with the related computer and office expenses associated with the performance of these functions. Costs are apportioned based upon average daily ending balances. Prior to gaining reimbursement for these costs, the TTC shall annually prepare a proposed budget revenue estimate per Code Section 27013.

TREASURY OPERATIONS

Treasury operations are to be conducted in the most efficient manner to reduce costs and assure the full investment of funds. The TTC will maintain a policy regarding outgoing wires and other electronic transfers. Requests for outgoing transfers which do not arrive on a timely basis may be delayed. The County TTC may institute a fee schedule to more equitably allocate costs that would otherwise be spread to all depositors.

POLICY CRITERIA FOR AGENCIES SEEKING VOLUNTARY ENTRY

Should any agency solicit entry, the agency shall comply with the requirements of Section 53684 of the Code and adopt a resolution by the legislative or governing body of the local agency authorizing the deposit of excess funds into the County treasury for the purpose of investment by the County TTC. The resolution shall specify the amount of monies to be invested, the person authorized by the agency to coordinate the transaction, the anticipated time frame for deposits, the agency's willingness to be bound to the statutory 30-day written notice requirement for withdrawals, and acknowledging the TTC's ability to deduct pro-rata administrative charges permitted by Code Section 27013. Any solicitation for entry into the TPIF must have the County TTC's consent before the receipt of funds is authorized. The depositing entity will enter into a depository agreement with the TTC.

POLICY CRITERIA FOR VOLUNTARY PARTICIPANT WITHDRAWALS

With the TTC being required to maintain a 40% liquidity position at all times during the calendar year, it is anticipated that sufficient funds will be on hand to immediately meet on demand all participant withdrawals for the full dollar amounts requested without having to make any allowance or pro-rata adjustment based on the current market value of the portfolio. In addition, any withdrawal by a local agency for the purpose of investing or depositing those funds outside the Pool shall have the prior written approval of the County TTC.

The TTC's approval of the withdrawal request shall be based on the availability of funds; the circumstances prompting the request; the dollar volume of similar requests; the prevailing condition of the financial markets, and, an assessment of the effect of the proposed withdrawal on the stability and predictability of the investments in the county treasury.

POLICY ON RECEIPT OF HONORARIA, GIFTS AND GRATUITIES

Neither the TTC nor any member of his staff, shall accept any gift, gratuity or honoraria from financial advisors, brokers, dealers, bankers or other persons or firms conducting business with the County TTC which exceeds the limits established by the Fair Political Practices Commission (FPPC) and relevant portions of Code Section 27133. IOC members shall be subject to the limits included in the BOS Policy B-21.

ETHICS & CONFLICTS OF INTEREST

Officers and staff members involved in the investment process shall refrain from any personal business activity that compromises the security and integrity of the County's investment program

or impairs their ability to make impartial and prudent investment decisions. In addition, the County TTC, Assistant TTC, Chief Investment Manager, Deputy Investment Manager and Assistant Investment Manager are required to file annually the applicable financial disclosure statements as mandated by the FPPC and County policy.

INVESTMENTS MADE FROM DEBT ISSUANCE PROCEEDS

The proceeds of a borrowing may be specifically invested per Schedule I of this policy (with the exception of Collateralized Time Deposits and Local Agency Obligations) as well as competitively bid investments (see County of Riverside Office Of The TTC Policy Governing Competitively Bid Investments, dated March 3, 2011).

No pooled fund investments made from the proceeds of a borrowing, the monies of which are deposited in the County TTC, shall be invested for a period of time exceeding the maturity date of the borrowing. Nor shall any monies deposited with a bank trustee or fiscal agent for the ultimate purpose of retiring the borrowing be invested beyond the maturity date of the borrowing.

POLICY ADOPTION & AMENDMENTS

This policy statement will become effective following adoption by the BOS, and, will remain in force until subsequently amended in writing by the TTC and approved by the BOS.


Matthew Jennings
County of Riverside
Treasurer-Tax Collector

10/27/2020

SCHEDULE I

| AUTHORIZED INVESTMENTS | DIVERSIFICATION (1) | PURCHASE RESTRICTIONS | MATURITY | CREDIT QUALITY (S&P/MOODY'S/FITCH) |
|---|---|---|--|---|
| U.S. Treasury notes, bills, bonds or other certificates of indebtedness | 100% | N/A | Maximum 5 years | N/A |
| Notes, participations, or obligations issued by the agencies of the federal government | 100% | N/A | Maximum 5 years | N/A |
| Bonds, notes, warrants or certificates of indebtedness issued by the state of CA, or local agencies, or, the County of Riverside. Registered treasury notes or bonds of any of the other 49 United States per Government Code Section 53601 (d) | 15% maximum | See Schedule VI | Maximum 4 years | Long term "AA-, Aa3, AA-" or better |
| Notes, participations or obligations issued or fully guaranteed as to principal and interest by the International Bank for Reconstruction and Development, and the International Finance Corporation | 20% maximum | Max 10% per issuer | Maximum 4 years | Long term "AA, Aa, AA" or better |
| Local Agency Investment Fund (LAIF) | \$50 million maximum | Maximum \$50 million per LAIF | Daily Liquidity | N/A |
| Commercial Paper (CP) | 40% maximum | See Schedule VI | Maximum 270 days | Short term "A-1,P-1,F-1" or better |
| Local Agency Obligations (LAO) | 2.5% maximum | BOS approval required. Issued by pool depositors only | Maximum 3 years | Non-rated, if in the opinion of the Treasurer, considered to be of investment grade or better |
| CalTRUST Short Term Fund (CLTR) | 1% maximum | Board of Supervisors approval required | Daily liquidity | NR / Portfolio managed pursuant to California Government Code § 53601 & 53635 |
| Negotiable CD's (NCD'S) issued by national or state chartered banks or a licensed branch of a foreign bank | 25% maximum | See Schedule VI | Maximum 1 year | Short term "A-1,P-1,F-1" or better |
| Collateralized Time Deposits (TCD) | 2% maximum | See Schedule IV | Maximum 1 year | N/A |
| Repurchase Agreements (REPO) with 102% collateral restricted to U. S. Treasuries, agencies, agency mortgages, CP, BA's | 40% max, 25% in term repo over 7 days. No more than 20% w/one dealer in term repo | Repurchase agreements to be on file | Maximum 45 days | Short Term "A-1, P-1, F-1" or better If "A-2, P-2, F2" then overnight only |
| Reverse Repurchase Agreements on U. S. Treasury & federal agency securities in portfolio | 10% maximum | For temporary cash flow needs only. | Max 60 days with prior approval of BOS | N/A |
| Medium Term Notes (MTN) or Corporate Notes | 20% maximum | See Schedule VI | Maximum 3 years | "AA, Aa2, AA" minimum if under 1 year |
| Interest bearing Checking Account | 20% maximum | N/A | Daily Liquidity | Fully collateralized with US Treasuries or US Federal agency notes |
| Money Market Mutual Funds (MMF) that invest in eligible securities meeting requirements of California Government Code | 20% maximum | See Schedule V | Daily liquidity | Long Term "AAA" (2 of 3 nationally recognized rating services) |

(1) Whichever is greater.

**AUTHORIZED BROKER/DEALERS
SCHEDULE II**

The TTC is authorized to conduct investment security transactions with the broker/dealers which are designated by the Federal Reserve Bank as primary government dealers. Security transactions with firms, other than those appearing on this list, are prohibited.

1. Other authorized firms:

Union Bank
Piper Sandler & Co.
Truist Bank
FHN Financial
InCapital
Raymond James & Associates, Inc.
Siebert Williams Shank & Co.
Academy Securities, Inc.
Bank of New York

2. Direct purchases from major commercial paper issuers, money market mutual funds, banker's acceptance issuers, negotiable CD issuers, or savings and loan are authorized.
3. Incidental purchases of less than \$10 million may be made with other firms if in the opinion of the TTC, such transactions are deemed advantageous.

To ensure compliance with the County TTC's investment guidelines, each newly authorized primary government dealer and other authorized firms (as listed above in section 1, 2 and 3) will be supplied a complete copy of this Investment Policy document approved by the BOS.

**POLICY CRITERIA FOR SELECTION OF BROKER/DEALERS
SCHEDULE III**

1. The County TTC has elected to limit security transactions as mentioned in Schedule II. Accordingly, the financial institution must confirm that they are a member of the Financial Industry Regulatory Authority (FINRA), registered with the Securities & Exchange Commission (SEC), and possess all other required licenses. The TTC is prohibited from the selection of any broker, brokerage, dealer, or securities firm that has, within any consecutive 48-month period following January 1, 1996, made a political contribution in an amount exceeding the limitations contained in Rule G-37 of the Municipal Securities Rulemaking Board, to the local Treasurer, any member of the governing board of the local agency, or any candidate for those offices.
2. The County TTC's intent is to enter into long-term relationships. Therefore, the integrity of the firm and the personnel assigned to our account is of primary importance.
3. The firm must specify the types of securities it specializes in and will be made available for our account.
4. It is important that the firm provide related services that will enhance the account relationship which could include:
 - (a) An active secondary market for its securities.
 - (b) Internal credit research analysis on commercial paper, banker's acceptances and other securities it offers for sale.
 - (c) Be willing to trade securities for our portfolio.
 - (d) Be capable of providing market analysis, economic projections, and newsletters.
 - (e) Provide market education on new investment products, security spread relationships, graphs, etc.
5. The firm must be willing to provide us monthly financial statements, and transactional confirms.
6. The County TTC is prohibited from the establishment of a broker/dealer account for the purpose of holding the County's securities. All securities must be subject to delivery at the County's custodial bank.
7. Without exception, all transactions are to be conducted on a delivery versus payment (DVP) basis.
8. The broker/dealer must have been in operation for more than 5 years, and, if requested, the firm must be willing to provide us a list of local government clients or other reference, particularly those client relationships established within the State of California.

**POLICY CRITERIA FOR COLLATERALIZED TIME DEPOSITS
SCHEDULE IV**

Before the TTC can place a time deposit with a local bank or savings and loan, the following criteria must be met:

1. The bank must provide us with an executed copy of the "Contract for Deposit of Moneys."
2. The interest rate on the Time Certificate of Deposit must be competitive with rates offered by other banks and savings and loans residing in Riverside County, as well as exceed that of U.S. Treasury Securities.
3. Investments less than the FDIC insurance limit will be sufficient without requiring any collateral to be pledged with the Federal Reserve to secure the public fund deposit.
4. Investments exceeding the FDIC insurance limit shall be fully collateralized by U.S. Treasury and Federal Agency securities having maturities five years or less. The County Treasury must receive written confirmation that these securities have been pledged in repayment of the time deposit. The securities pledged as collateral must have a current market value greater than the dollar amount of the deposit in keeping with the ratio requirements specified in Code Section 53652. Additionally, a statement of the collateral shall be provided on a monthly basis. A collateral waiver for the portion insured by the FDIC will be granted.
5. The County TTC must be given a current audited financial statement for the financial year just ended as well as the most recent quarterly statement of financial condition. The financial reports must both include a statement of financial condition as well as an income statement depicting current and prior year operations.
6. The County TTC will not place a public fund deposit for more than 10% of the present paid-in capital and surplus of the bank.
7. The County TTC must receive a certificate of deposit which specifically expresses the terms governing the transaction, deposit amount, issue date, maturity date, name of depositor, interest rate, interest payment terms (monthly, quarterly, etc).
8. All time certificates must have a maturity date not exceeding one year from the date of the deposit, with interest payments based upon the stated interest rate.
9. The County TTC must receive a letter from an officer of the bank at the time the initial deposit is made, that there is no known pending financial disclosure or public announcement of an adverse financial event involving the bank or savings and loan, nor is there any knowledge that a conflict of interest situation exists between any County official and an officer or employee of the bank.
10. Time deposits will only be made with banks and savings and loans having branch office locations within Riverside County.

**POLICY CRITERIA FOR ENTERING INTO A MONEY MARKET FUND
SCHEDULE V**

Shares of beneficial interest issued by diversified management companies, also known as money market mutual funds, invest in the securities and obligations authorized by Code Sections 53601.7(10). Approved mutual funds will be registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et. seq.) and shall meet the following criteria:

1. The fund must have a“AAA” rating from two of the nationally recognized rating services: Moody’s, Fitch, Standard & Poor’s.
2. The fund’s prospectus cannot allow hedging strategies, options or futures.
3. The fund must provide a current prospectus before participation in the fund and provide copies of their portfolio reports and shall provide at least at month-end, a complete listing of securities within the fund’s portfolio.

**POLICY CRITERIA
CORPORATE AND MUNICIPAL SECURITIES
SCHEDULE VI**

Corporate Criteria. Money market securities will be first restricted by short-term ratings and then further restricted by long term credit ratings. The long term credit ratings, including the outlook of the parent company will be used. Money market securities consist of negotiable certificates of deposit (NCDs), bankers acceptances, and commercial paper. Medium term securities will be restricted by the long term ratings of the legal issuer. Concentration limit restrictions will make no distinction between medium term notes and money market securities.

No short term negative credit watch or long-term negative outlook by 2 of 3 nationally recognized rating services except for entities participating in government guaranteed programs. Credit Category 1 and Category 2 with negative credit watch or long-term negative outlook, by more than one nationally recognized rating service is permitted as Category 3 and Category 4 respectively.

Municipal Criteria. Minimum of A or A2 or A, underlying credit rating for selecting insured municipal securities and a maximum of 5% exposure to any one insurer (direct purchases and indirect commitments).

Liquidity Provider Restrictions. Maximum of 5% exposure to any one institution (direct purchases and indirect commitments).

| Category | Short-Term Ratings | Long-Term Ratings | Restrictions |
|----------|------------------------------------|---------------------------|---|
| 1 | A-1+/P-1/F-1+ (SP-1+/MIG1/F-1+) | AAA/Aaa/AAA | <p>Corp. Maximum of 5% per issuer with no more than 2% greater than 1 year final maturity and no more than 1% greater than 2 year final maturity.</p> <p>Muni. Maximum of 5% per issuer with no more than 2% greater than 13 month final maturity.</p> |
| 2 | A-1+/P-1/F-1+ (SP-1+/MIG1/F-1) | AA+/Aa1/AA+, AA/Aa2/AA | <p>Corp. Maximum of 4% per issuer with no more than 1% greater than 1 year final maturity. No more than 13 month final maturity.</p> <p>Muni. Maximum of 5% per issuer with no more than 1% greater than 13 month final maturity. For the State of California debt only maximum of 2% greater than 13 month final maturity.</p> |
| 3 | A-1+/P-1/F-1+ (SP-1+/MIG1/F-1) | AA-/Aa3/AA- | <p>Corp. Maximum of 3% per issuer with no more than 1.5% greater than 90 days. No more than 270 days final maturity.</p> <p>Muni. Maximum of 5% per issuer. No more than 13 month final maturity.</p> |
| 4 | A-1/P-1/F-1 (SP-1/MIG1/F-1) | A/A2/A or better. | <p>Corp. No Asset Backed programs. Maximum of 2% per issuer with no more than 1% greater than 7 days. No more than 45 days maximum maturity.</p> |

Rating Agency Comparison Table

Short-Term Scale

| | |
|----------------|------------------|
| S&P | A-1+, A-1 |
| Moody's | P-1 |
| Fitch | F-1+, F-1 |

Long-Term Scale

| | |
|----------------|-----------------------------------|
| S&P | AAA, AA+, AA, AA-, A+, A |
| Moody's | Aaa, Aa1, Aa2, Aa3, A1, A2 |
| Fitch | AAA, AA+, AA, AA-, A+, A |

Riverside LAFCO

Policy A-3

Purchasing Policy

Purpose

It is incumbent upon any public agency to follow a practice of ethical, responsible and reasonable procedures related to purchasing, agreements and contracts, and related forms of financial commitment. The policies in this section describe the principles and procedures that LAFCO shall adhere to in the completion of designated responsibilities. The policies and procedures are intended to provide for the cost-effective use of public resources.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish and maintain a Purchasing Policy for acquisition of supplies and services required for LAFCO operations.
- 2) Periodically review the Purchasing Policy for applicability and when modifications are determined to be necessary.
- 3) All modifications to the Purchasing Policy shall require a majority vote of the Commission.
- 4) The Purchasing Policy is outlined as follows:
 - A. Authorizations and Purchasing Limits
 1. All purchases for goods and services should adhere to the following guidelines:

| Purchase Limit | Minimum No. of Quotes | Form of Quote | Approval Authority |
|-----------------------|------------------------------|----------------------|---------------------------|
| Up to \$300 | 1 | Verbal | Executive Officer |
| \$301-\$500 | 2 | Verbal | Executive Officer |
| \$501 - \$5,000 | 3 | Written | Executive Officer |
| \$5,001 - \$10,000 | 3 | Written | Chair |
| Over \$10,000 | 3 | Written | Commission |

B. Conflict Avoidance

1. Goods or services shall not be purchased from members of the Commission, Commission employees, other vendors that are related to

Riverside LAFCO

Policy A-3

Purchasing Policy

Commissioners or Commission employees, or vendors in which Commissioners or employees have a financial interest.

C. Required Solicitation of Quotations

1. Solicitation only requiring verbal quotes

- a. Solicitor must document the quote amount in writing.
- b. The written record must be retained until the completion of the audit for the fiscal year in which the purchase was made.

2. Solicitations requiring written quotes

- a. Any purchases in excess of \$500 that meet the chair or executive officer approval threshold requirement must be reported back to the Commission within 60 days of the purchase or execution of a contract or at the next available meeting, whichever is later.
- b. Written approval from the chair must be in the form of a contract executed by chair, signed authorization from the chair to the executive officer, or via e-mail from the chair to the executive officer.
- c. Where expected costs are equal to or greater than \$10,000, a formal request for proposal (RFP) process is required. The process should provide for all of the following:
 - i. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features that unduly restrict competition.
 - ii. Requirements that the bidder must fulfill and all other factors to be used in evaluating bids or proposals.
 - iii. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - iv. A description of the proper format, if any, in which proposals must be submitted, including the name of the LAFCO staff contact to whom proposals should be sent.

Riverside LAFCO

Policy A-3

Purchasing Policy

- v. The date by which proposals are due.
- vi. Required delivery or performance dates/schedules.
- vii. Clear indications of the quantity(s) requested and unit(s) of measure.

D. Special Purchasing Conditions

1. Emergencies: Where equipment, materials, parts, and/or services are needed to protect the health, welfare, safety, etc., of staff and/or to avoid damage or loss of Commission property, quotations will not be necessary. However, such purchases will be subject to approval by the appropriate authority subject to the limits depicted previously, except that the Executive Officer may approve such purchases if time does not allow for Commission approval and reasonable efforts to contact the Chair have been unsuccessful. The purchase must be reported back to the Commission within 60 days or by the next available meeting, whichever is later.
2. Equipment, supplies and furniture purchases from discount warehouses will not require multiple quotes, however, such purchases will be subject to approval by the appropriate authority subject to the limits depicted previously.
3. Single Distributor/Source: Where there is only one (1) distributor for merchandise needed and no other product meets the stated needs or specifications, quotations will not be necessary.
4. The Commission can delegate its authority to the chair or executive officer on a case by case basis.
5. Extending the purchase of goods or services under the terms of an existing agreement/contract will not require additional quotes.

E. Vendor Files and Required Documentation

1. A vendor file shall be created for each new vendor from whom LAFCO purchases goods or services over \$500. Copies of contracts, and all vendor invoices will be maintained in the vendor file.

Riverside LAFCO
Policy A-3
Purchasing Policy

2. When a vendor file is created, if that vendor is not used again for a period of three years the file can be purged.

F. Billing and Invoice Procedures

1. Cash Disbursements

- a. Vendor Invoices

- i. Petty cash can be used for payment up to \$500
 - ii. Invoices \$501 or greater shall be paid through the County of Riverside Financial System unless purchased by credit card.
 - iii. Credit Card purchase statements will be paid through the Riverside County Financial System.

2. Reconciliation

- a. The Executive Officer or designee will reconcile the financial reports (voucher registers) against the monthly expenditure reports.

3. Reporting

- a. Financial Reports listing voucher registers shall be provided to the Commission in their monthly hearing agenda packet for review. These include all payments processed by LAFCO staff since the prior report to the Commission.

Adopted January 28, 2021

Riverside LAFCO
Policy A-4
Travel & Per Diem Reimbursement Policy

Purpose

It is important for any public agency to establish and maintain a current travel, per diem and expenditure reimbursement policy for agency members and staff. Riverside LAFCO in general currently utilizes the Riverside County adopted reimbursement policy for travel and other expenses, with the exception of sections not directly applicable to LAFCO. LAFCO may modify the County policy as determined appropriate for the agency. Note that LAFCO Policy A-1- Rules & Procedures of LAFCO, Section 10 provides the policy for Commissioner stipends.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Comply, in general, with the current County “Reimbursement for General Travel and Other Actual and Necessary Expenses” Policy for all travel related expenses, with the exception of those sections not applicable to LAFCO.
- 2) On a periodic basis, review the current County reimbursement policy and incorporate any updates to the County reimbursement policy as soon as identified as having been revised.
- 3) By majority vote of the Commission, modifications to the County reimbursement policy may be adopted as determined appropriate and incorporated herein or by addendum attachment.
 - a. Same day travel meal reimbursements, inclusive of breakfast, lunch and dinner as applicable shall be paid at the same not to exceed daily meal rate as contained within the current County policy for overnight travel.
- 4) In general, utilize the County travel system for air travel, rental vehicles and hotel, however, utilization of the LAFCO credit card for these purposes is acceptable.
 - a. Any travel activities paid with the LAFCO credit card shall be authorized in advance by the Executive Officer.
 - b. LAFCO Policy A-5- Credit Card Policy used in conjunction with this Policy shall be adhered to for travel related expenditures.

Attachment:

- A) The current Riverside County Travel and Other Expenses Policy D-1.

Adopted January 28, 2021

Attachment A

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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| REIMBURSEMENT FOR GENERAL TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES | D-1 | 1 of 9 |

Policy:

1. Scope

This policy establishes procedures and standards for reimbursement of necessary actual expenses incurred by appointed department heads, employees, and other authorized persons, for whom allowance of expenses is authorized by or pursuant to law, resolution, or ordinance because they occur during performance of official county business. The Board of Supervisors and elective constitutional officers as well as their employees are exempt from this portion of the Board policy. This policy also specifies the types of occurrences that qualify a member of the Board of Supervisors to receive reimbursement for expenses relating to travel, meals, lodging, and other actual and necessary expenses in accordance with Government Code Section 53232.2(b). The Board of Supervisors, elective constitutional officers and each department head is charged with the responsibility of authorizing travel and including it in the proposed budget and ensuring such expenditures are within the approved budget.

The Auditor-Controller shall refer to the Executive Officer any reimbursement claim that is considered to not be in conformance with Board policy. The Executive Officer shall have the authority to approve the payment of any claim if there is lack of certainty regarding the application of Board policy to the questioned claim, or if the action of the department head was not unreasonable in light of all the circumstances. If the Executive Officer denies approval, the department head may place the matter on the agenda of the Board of Supervisors for final disposition.

Board of Supervisors

Members of the Board of Supervisors shall be allowed their actual expenses in going to, attendance at, and returning from state association meetings and their actual and necessary traveling expenses when traveling outside of the county on official business pursuant to Government Code Section 25008. Members of the Board of Supervisors may receive reimbursement for expenses relating to travel, meals, lodging, and other actual and necessary expenses incurred in the performance of official duties. Reimbursement for such expenses is subject to the provisions of this policy and California Government Code Sections 53232.2 and 53232.3. In accordance with Government Code section 53232.2(c), the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication, shall be used to determine reimbursement rates for members of the Board of Supervisors. Types of occurrences that qualify a legislative body member to receive reimbursement of expenses relating to travel, meals, lodging and other actual and necessary expenses include the following:

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BOARD OF SUPERVISORS POLICY

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- A. Meeting with representatives of regional, state, national and foreign government on policy positions adopted by the Board of Supervisors;
- B. Attending educational seminars designed to improve officials' skill and information levels;
- C. Participating in regional, state, and national organizations whose activities affect the county's interests;
- D. Attending county events;
- E. Implementing a county-approved strategy for attracting or retaining businesses to the county, which will typically involve at least one staff member and;
- F. Attending meetings for which a meeting stipend is expressly authorized.

In accordance with Government Code Section 53232.2(f), all expenses that do not fall within this policy shall be considered for approval by the Board of Supervisors prior to incurring the expense, unless the expense involves a meeting in which a member of the Board of Supervisors is required to make a public report (see section 12). All expenses must be verified by a valid original receipt, as required by Government Code Section 53232.3(c), which includes the name of the vendor (e.g. hotel, restaurant) date of service and actual amount charged.

Members of the Board of Supervisors and elective constitutional officers, as well as their employees, shall be exempt from Sections 2 through and including 10 of this Board Policy.

2. Lodging

Actual cost for lodging, not to exceed \$159 per night inclusive of all occupancy and accommodation taxes and other room related taxes and fees, is allowed provided such cost is reasonable for the location and is consistent with government and/or conference/convention rates, if available, or usual charges established for the general public. For lodging in high cost cities as defined by the Internal Revenue Service (e.g., San Francisco, New York, Washington D.C., as described in IRS publication 1542) or by the Board of Supervisors (Sacramento) actual cost not to exceed \$239 per night, or applicable conference rate at conference hosting hotel is allowed. Lodging costs exceeding the established limit may be reimbursed at a higher rate if a written statement explaining the reason for the expense is submitted by the department head to the designated Executive Office analyst along with a completed employee reimbursement form. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the

COUNTY OF RIVERSIDE, CALIFORNIA
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| REIMBURSEMENT FOR GENERAL TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES | D-1 | 3 of 9 |

member of a legislative body at the time of the booking. Higher rates based upon late registration or negligence by the department head in making an early reservation will be reimbursed at the \$159 rate.

An employee reimbursement claim for lodging must provide an explanation of the business purpose of the stay and be supported by a receipt/facility folio.

A government rate, if available, should be requested when booking a room (county employees should be prepared to provide proof of employment with the county). Only the single occupancy rate may be claimed for the reimbursement except when two or more county employees participating in the same function share a room; then a double occupancy rate may be claimed by dividing the cost between two claim forms and providing a memorandum explaining the shared room along with the lodging folio.

The department head may approve extended lodging if the cost is less than daily travel expenses without the extended stay. Approval of extended lodging for any location in Riverside, Orange, San Diego, Imperial, Los Angeles and San Bernardino counties is required prior to the travel occurrence and must be less costly than a daily commute.

.3. Meal Expenses

Actual (not to exceed maximum, see below) cost shall be allowed for meals related to attendance at conventions, scheduled meetings, conferences, seminars, special assignments or an assignment **that requires an overnight stay. A meal/s during attendance at any single day event will not be reimbursed.**

- A. The maximum reimbursement for meals per day is \$51, inclusive of taxes and tip. Tips in excess of 20% of the cost of a meal will not be reimbursed. Tips made at fast food restaurants and/or convenience stores will not be reimbursed even if the meal cost is less than the maximum reimbursement rate (e.g. meal at \$6.00, tip \$1.20 equals a reimbursement of \$7.20).

The maximum reimbursement for meals per day in high cost cities (as described in item 2 above) is \$71, inclusive of taxes and tip.

- B. An employee reimbursement claim is based on actual (not to exceed maximum) cost.
- C. Reimbursement for meals may exceed the maximum amounts of \$51, but no more than \$71, only if the meal is organized by a non-county entity where the established price of the meal includes facility, speaker, or other costs and is a required portion of the meeting and/or conference. A written statement explaining the necessity for incurring such expense and supporting

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BOARD OF SUPERVISORS POLICY

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documentation (e.g. flyer, agenda or brochure) must be submitted with the employee reimbursement claim.

- D. Where the cost of a meal is included as part of a registration charge or fee, no additional employee reimbursement may be claimed for that meal.
- E. For same day travel, expenses for meals are limited to activities outside normal work duties. No reimbursement for meals will be made for same day travel. Reimbursement for a meal is provided when it is not reasonable for employees to provide their own meal. Special situations may be considered on a case-by-case basis. A memo from the employee to the department head is required and the department head's concurrence must be noted before the memo is forwarded to the designated Executive Office analyst for review and approval.
- F. Travel to a temporary worksite does not qualify an employee for meal reimbursement.
- G. No reimbursement shall be made for alcoholic beverages of any kind.
- H. Employees attending training or conferences for an extended period of time, more than seven consecutive days, may elect to purchase groceries and prepare their meals during the training/conference. In this event, grocery receipts are to be retained and submitted for reimbursement. Grocery charges exceeding the maximum daily cost will not be reimbursed. An employee electing to purchase and prepare food during an extended stay may purchase only food to be consumed during the designated period; no reimbursement will be made for incidentals including kitchen utensils, cookware, kitchen supplies and sundries.

4. Transportation

Actual cost of common carrier services, including taxicabs, car rentals and baggage fees, when necessary, shall be allowed. Departments are to utilize on-line travel services and secure the least expensive flights and car rental arrangements possible. Upon request from the Auditor/Controller supporting documentation that the flights and car reservations made were the least expensive option available is to be provided by the department. Travel in business class, first class or any category on any flight above the coach/economy level is allowable if (1) the traveler pays the cost difference or (2) the department can document that no other option exists and the selected flight is the only option for travel. Reservations for air transportation should be booked as early as is reasonable to take advantage of lower cost air fares. Airline government and group rates must be used when available.

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| REIMBURSEMENT FOR GENERAL TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES | D-1 | 5 of 9 |

Claims for payment or employee reimbursement shall be accompanied by a receipt for the purchase and a copy of the ticket purchased or other voucher for common carrier expense. Flight insurance is covered in Policy D-5.

5. Rental Cars

The county maintains a contract with a vehicle rental company and every effort should be made to use the contract company. If available, a county issued corporate rental vehicle card or Purchasing Card (P-card) shall be used for all travel requiring the use of a rental vehicle when the contract company cannot be used. Government and group rates must be used when available. Actual costs evidenced by an original, dated receipt and inclusive of all related taxes and other rental fees should be submitted along with actual gas receipts (dated, vendor name printed on the receipt) obtained for the purchase of gas for the rental vehicle.

The rental vehicle may include a global positioning system if said equipment is standard; only standard equipment is allowed and no rental car reimbursement will be made for cars above the mid-range size unless four or more employees are traveling in the same vehicle and this information is documented in the reimbursement information.

If a county issued corporate card is unavailable, the county requires employees to purchase the Loss Damage Waiver (LDW) so the employee is not held responsible for damage (under normal circumstances) to the rental vehicle and such cost will be reimbursed. However, the county will not reimburse employees for the cost of other optional insurance. (e.g. liability, uninsured/underinsured motorist, personal accident & personal effects), as the county is self-insured for vehicle liability & third party physical damage and provides worker's compensation coverage.

Employees are required to notify Human Resources, Risk Management Division at (951) 955-3540 and the employee's supervisor as soon as possible (within 24 hours) of any event, incident or accident related to the rental car. The employee must complete "County Vehicle Accident/Incident Report," Form 942-6 (Safety Division form).

6. Private Automobile

Reimbursement for use of a private vehicle shall be allowed upon authorization of the department head, Executive Officer, or the Board of Supervisors. The county's private vehicle mileage reimbursement rate is the same rate as the Internal Revenue Service (IRS) standard mileage rate for private vehicles and will be effective concurrently with IRS' periodic establishment of such a rate.

If an employee is required to use the employee's personal vehicle while in the course and scope of employment, the employee must, prior to using said vehicle, do the following:

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- A. Complete the "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form 30, authorizing the employee to use a personal vehicle which must be approved by the department head.
- B. Insure the vehicle to at least the minimum limits required by the State of California, or if registered/licensed out of state, the insurance must be equal to or greater than the minimum limits required by the State of California. Although not required, it is recommended that employees who use their personal vehicle while in the course of and scope of employment place a business use endorsement on their personal automobile policy. The expense of adding a business use endorsement is the sole responsibility of the employee.
- C. Maintain a valid driver's license, which is appropriate for the class of vehicle to be operated. If any restrictions apply, the employee must notify his/her supervisor of the restrictions and/or any and all changes in the license (i.e. suspended, etc.).

The use of motorcycles, mopeds, and similar types of vehicles for the conduct of county business is expressly prohibited, with the exception of Sheriff's Department sworn personnel on duty in a specific assignment.

When a department head authorizes use of a private vehicle for the convenience of the driver, instead of more economical travel by air, reimbursement shall not exceed the cost of usual airfare.

Employees are required to notify Human Resources, Risk Management Division's representative, and the employee's supervisor as soon as possible (within 24 hours) of any incident or accident. Employees must complete "County Vehicle Accident/Incident Report," Form 942-6 (Human Resources Safety Division form).

7. Private Aircraft

The use of private aircraft for the conduct of county business is expressly prohibited unless prior authorization is given by the Board of Supervisors.

8. Miscellaneous Expenses

Miscellaneous expenses, including charges for business telephone calls, fax service, internet service, e-mail services, the cost of usual or necessary services and supplies, including emergency repairs, parts or towing for county vehicles, conference registration fees, vehicle parking, bridge tolls, and any other justifiable business expenses shall be allowed if they represent a valid business need.

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A satisfactory explanation of the circumstances is required for these expenditures. An employee reimbursement for actual miscellaneous expenses shall be accompanied by an original receipt or other original voucher. Personal telephone calls and personal internet usage are not reimbursed.

9. Special Provisions for County Employees on Indefinite Assignments

When approved by the department head and Executive Officer or designee, employees assigned indefinitely (for periods of 90 days or more) out of town are provided the following compensation options:

- A. Standard reimbursements as provided herein (or limited by program provisions); or
- B. Commuter compensation model:
 - Meals: \$50.00 per day or portion thereof in travel status
 - Lodging: \$1,500 per month (prorated at \$50.00 per day)
 - Transportation Allowance: \$600 per month (Parking, Car Rental, etc):

Under the commuter compensation model, no receipts or records are required by the county. However, the employee must substantiate deductible expenses on his/her personal tax return.

No tax deduction is allowed by IRS if the assignment is expected to exceed one year. The "commuter compensation model" will be grossed up by a factor of 20% to recognize this tax impact for employees whose assignments are expected to exceed one year.

10. Travel Authorization

Reimbursement for travel expenses requires prior authorization as follows:

- A. By County Executive Officer or designee:

All travel wherein the estimated total cost (including registration, transportation, lodging, and meals) is not included in the approved budget, or is expected to cost \$1,000 or more per person or if the travel is out of state. Prior approval for travel estimated as costing more than \$1,000 or travel out of state is required even if the travel was anticipated and approved in the department's budget.

Each request should be in the form of a memorandum that details costs to be incurred and substantiates the need for said travel. Attendance must be required for purposes of maintaining a professional license, participation in professional activities which benefit the County of Riverside and not solely for

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the purpose of professional enhancement or to collect an award. Funding availability for the proposed travel is not a guarantee that the travel will be approved. The travel must provide a clear benefit to the County of Riverside.

Exception: extraditions, travel that involves the health/safety/security of a minor, and/or an individual 60 or more years of age or any individual who is the victim of domestic violence.

B. By Department Head:

All travel wherein the estimated total cost (including registration, transportation, lodging and meals) is less than \$1,000 per person. This travel should also be requested on an email prepared by the employee and outlining all anticipated expenditures. If the travel involves participation at a conference or training venue the proposed agenda should be included. The memorandum should explicitly detail how the proposed travel benefits Riverside County.

The Department Head's approval is an indication that the travel is included in the approved departmental budget. If the travel is not in the approved budget the Department Head should make a recommendation and forward the memo to the designated analyst in the Executive Office.

C. Format:

All approved travel should be noted on a per trip basis in a memorandum signed by either the County Executive Officer/designee or the department head as delineated in A. and B. above. A copy of the signed memorandum should be attached to any requests for payment of travel expenses, including Form 14 which follows.

11. Use of Claim Form

The employee expense claim must be filed on a form approved by the county, and must include date, business destination, amount, and business purpose. Claims shall be filed promptly, no later than the end of the month following the month in which the travel and/or other necessary expenses occurred. Claims filed after this time will not be considered for payment. Commuter compensation model will be processed as additional pay, and no other form will be required.

Original receipts are required for reimbursement. Original receipts must include the name of the establishment where service was provided and the date on which the service was rendered. Restaurant receipts must include the items ordered as well as the total payment made. However, there may be rare occasions when providing an itemized receipt may not be possible due to the type and location of the restaurant. In

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that event, an original un-itemized receipt from the restaurant can be submitted. All claim forms and associated documents related to reimbursable county expenditures are considered public records, are subject to disclosure under the California Public Records Act {Chapter 3.5 (Commencing with Section 6250) of Division 7 Title 1}. (Form 14 attached).

12. Reports

Per California Government Code Section 53232.3 subparagraph (d), legislative body members are required to provide brief reports on meetings attended at the expense of the county at the next regularly scheduled meeting of the legislative body.

13. Penalties

Penalties for the misuse of public resources or falsifying expense reports in violation of expense reporting policies may include, but not be limited to, the penalties specified in Government Code section 53232.4.

Reference:

- Minute Order dated 01/21/75
- Minute Order 3.3 of 04/29/97
- Minute Order 3.3 of 10/16/01
- Minute Order 3.8 of 04/08/03
- Minute Order 3.7b of 05/02/06
- Minute Order 3.3 of 04/10/07
- Minute Order 3.2 of 07/21/09
- Minute Order 3.7 of 09/15/09
- Minute Order 3.9 of 08/10/10
- Minute Order 3-11 of 02/26/13

Riverside LAFCO

Policy A-5

Credit Card Policy

Purpose

This policy is to establish guidelines for the activation, management, and use of credit cards in the conduct of official Riverside LAFCO business. As used in this policy, "credit card" includes any card and/or line of credit extended by a bank or business authorizing the holder to buy goods or services on credit. The purpose and use of the LAFCO credit card is to assist in small, time critical purchases when use of the County financial system, Statewide Travel Program or petty cash would not be feasible. This credit card also allows for more flexibility for paying same day vendors and making online purchases quickly and many times at lower costs. The LAFCO credit card will be used in lieu of employee's personal credit cards for LAFCO related expenses at all times when possible. This credit card policy will be in effect until amended or canceled by the Commission.

Policy

It is the Policy of Riverside LAFCO to implement and manage the use of a LAFCO credit card as follows:

Credit Cards

1. The maximum credit card limit will not exceed \$5000.
2. The Executive Officer may delegate transaction authority to the cardholder.
3. Credit cards will not be transferable between individuals without prior approval of the Executive Officer.
4. All cardholders are required to sign a credit cardholder agreement.
5. All credit card charges must be checked for accuracy on monthly statements by the cardholder and accounts payable.
6. All credit balances shall be paid in full each month according to each monthly statement received.
7. All purchases must be made in accordance with the Commission Purchasing Policy.
8. Credit cards should not be used to replace timely, effective procurement planning.
9. The credit card must be used for legitimate LAFCO business purposes only which may include but not be limited to:
 - a. Purchases for travel can be made instead of using the State Travel Program in order to secure a better rate. Example: hotel rooms for a conference or airfare.
 - b. Payment to same day vendors.
 - c. Online purchases.
10. The Executive Officer or designee must give prior approval of all transactions made.
11. When not in use the credit card must be secured in a locked file cabinet and the account number will be carefully guarded.

Riverside LAFCO

Policy A-5

Credit Card Policy

Records Maintenance

1. All credit card purchase receipts, documentation of competitive bids (if applicable) and documentation of fund availability (e.g. expenditure reports) should be kept on file for at least three fiscal years after the purchase appears on the credit card billing statement.
2. All original monthly statements shall be kept on file for at least seven fiscal years after the purchase appears on the credit card billing statement per the County's Accounts Payable retention policy.
3. All documentation is subject to audit.

Cardholder Responsibilities

The cardholder shall:

1. Ensure the credit card is used only for legitimate LAFCO business purposes, failure to do so will subject the cardholder to disciplinary action.
2. Ensure that expenditures are budgeted, and funds are available prior to purchase.
3. Immediately report any lost or stolen cards to the credit card issuer, the Executive Officer and accounts payable representative.
4. Not allow other individuals to use the credit card.
5. Obtain all sales receipts and credit card slips and provide to the accounts payable representative within three days of purchase for reconciliation and approval of the monthly statement.
6. Immediately bring to the attention of the accounts payable representative any disputed charges or billing errors.
7. Not accept cash in lieu of a credit to the credit card account.

Adopted December 3, 2020

Riverside LAFCO
Policy A-6
Leave Buy Down Policy

Purpose

This Policy establishes the provisions for Riverside LAFCO employees to exercise the ability to draw down as cash payments, annual or vacation leave accrued and not used. Riverside LAFCO currently follows the Management Resolution for salaries, leave, retirement and other benefits. The Leave Buy Down provisions are contained within the Management Resolution.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Comply with the current Management Resolution for authorization of Leave Buy Down for all LAFCO employees.
- 2) Review the Management Resolution when modified by the County, and adopt any modifications to the Management Resolution deemed appropriate for LAFCO employees.
- 3) LAFCO reserves the right to modify Leave Buy Down provisions within the Management Resolution that may be necessary or advantageous to support LAFCO operations by separate Addendum to this Policy.

Attachment:

- A) The current Riverside County Management Resolution, Article 7, Section 704 regarding Leave Buy Down.

Adopted January 28, 2021

Attachment A

involving the layoff of any incumbent of the At-Will classifications.

9. Appointment of an At-Will Employee:
 - a. Because an At-Will employee serves at the pleasure of the appointing authority, the At-Will employee will not serve a probationary period and may be terminated at any time without cause. For current employees, the employee voluntarily relinquishes any property rights to any and all former classifications/positions the appointee may have previously held. Prior to an appointment into an At-Will position, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status
 - b. The County has the discretion to set the salary of an At-Will employee within the salary schedule, regardless if the individual is a current or new employee with the County. For current employees, an appointment into an At-Will position shall not be considered a promotion or a reclassification under this Resolution.
10. Severance Provision:
 - a. Any employee who receives severance pay in accordance with this article and who is subsequently hired in a regular position shall forfeit any severance pay received and shall be required to repay the full amount of severance received at time of their prior separation. Such repayment agreement shall be signed on the date of hire and shall be made within a reasonable period of time.
 - b. Any employee who receives severance pay in accordance with this article and who subsequently retires and is rehired into a regular position is not eligible to receive severance pay.

ARTICLE 7

ANNUAL LEAVE

(Not Applicable to Employees in Group 4)

Sec. 701 Annual Leave:

Regular full-time and regular part-time employees, other than elected officials and employees in Group 4, covered under the provisions of this Resolution shall neither accrue vacation nor sick leave. They

shall, instead, earn Annual Leave according to each biweekly pay period of service commencing with the effective date of the employee's initial employment during his/her latest period of County employment according to the following schedule. Absence or time not worked and part-time employment shall cause said pay period's accrual of Annual Leave credits to be reduced on a pro-rata basis.

- A. Accrual Rates: (Groups 1, 2, 3, & 5. For Law Enforcement Executive Management, see Article 21)

| <u>MONTHS OF SERVICE</u> | <u>BI-WEEKLY ACCRUAL</u> |
|--------------------------|--------------------------|
| (0 to < 36 months) | 8.92 hours |
| (36 to <108 months) | 10.46 hours |
| (108 or more months) | 12.00 hours |

Accrual Rates: for Group 3 – Board of Supervisors Chief of Staff and for Group 6 - Supervisor's Board Assistants and Supervisor's Legislative Assistants

| <u>ALL SERVICE</u> | <u>BI-WEEKLY ACCRUAL</u> |
|-------------------------------------|--------------------------|
| Supervisor's Board Assistant | 10.46 hours |
| Supervisor's Legislative Assistant | 12.00 hours |
| Board of Supervisors Chief of Staff | 12.00 hours |

Annual Leave for Unrepresented Attorney Management:

Effective July 12, 2012, the job classifications listed in Article 22 of this Resolution will receive an additional 4 hours per pay period to their annual leave accrual. This additional leave accrual will expire at the end of the last pay period in June 2014. In addition, the maximum accrual for annual leave (or vacation) will be raised by 200 hours to 2,000.

- B. Accrual Rates - Other: Accrual rates for employees covered under the provisions of this resolution, who have an employment agreement with the County or other benefit level approved by the Board of Supervisors, shall accrue Annual Leave at the rate determined by the County Executive Officer.
- C. Vacation Conversion: Effective July 2, 1998, accrued vacation banks (including extra vacation) for then current employees were converted to Annual Leave on an hour-for-hour basis. Any regular employee who subsequently transfers or promotes into a classification covered under the provisions of this Resolution shall have his/her accrued vacation balance

similarly converted to Annual Leave on an hour for hour basis at the time of such transfer/promotion.

Sec. 702 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of Annual Leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of Annual Leave in each succeeding twenty-six (26) pay periods of employment. While on Annual Leave, sick leave, holiday leave, or compensatory time off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 703 Maximum Accrual: Unless otherwise approved by the County Executive Officer, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1800 hours. Upon approval of the County Executive Officer, additional annual leave may be accrued to a maximum of 2,080 hours. It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed the maximum accrual.

Effective on the first day of the pay period following Board approval of this Resolution, all Supervisor's Board Assistants and Supervisor's Legislative Assistants shall have their annual leave bank reduced to 1764 hours and any hours above 1764 hours will be placed in a separate bank in which further leave cannot be accrued. Thereafter, Supervisor's Board Assistants and Supervisor's Legislative Assistants may accumulate annual leave to a maximum of 1800 hours.

A regular employee who has been employed in a position, other than a position with the County of Riverside, which has prepared him/her for an assignment to a position in the Management unit may, with prior approval of the County Executive Officer and the Human Resources Director at time of hire, receive credit for such previous experience in determining their Annual Leave accrual rate (and corresponding maximum accrual), including an immediate credit of Annual Leave time, and/or the period of time before Annual Leave may be taken.



Sec. 704 Annual Leave:

- A. Agency/Department Heads: Effective January 1, 2009, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to forty (40) hours of Annual Leave per calendar year. Effective July 1, 2010, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar

year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

- B. Other Eligible Employees: Effective January 1, 2009, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to forty (40) hours of Annual Leave per calendar year. Effective July 1, 2010, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Sec. 705

Annual Leave Usage:

- A. Annual Leave is to be scheduled at the discretion of the agency/department head, or designee. Each agency/department head shall be responsible for scheduling the Annual Leave periods of his/her employees in such a manner as to achieve the most efficient functioning of the agency/department and of the County service. The agency/department head shall determine when Annual Leave will be taken.
- B. While generally Annual Leave usage is required to be scheduled in advance, the County recognizes that from time to time employees may desire to use Annual Leave for an unforeseen absence due to illness/injury or other personal reason. Annual Leave may be used to restore pay otherwise lost due to such unscheduled absence from work provided that:
- i. The employee notifies his/her agency/department head, or designee, on the first (1st) day of such absence and as often thereafter as directed by his/her agency/department head, or designee;
 - ii. If requested by the agency/department head or designee, the employee produces a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, or such other proof satisfactory to the agency/department head; and

- iii. Any medical certificate provided by the employee be personally signed by the medical provider described at (ii) above and include a written statement indicating the day(s) of the illness/injury and that the illness/injury prevented the employee from being able to work.
- C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his/her agency/department head or the Human Resources Director, be required to have a physical examination by a County approved physician before returning to active duty. Such physical examination shall be performed by a physician designated by the Human Resources Director and shall be at County expense.
- D. Sections 705(B) and 705(C) shall also apply to the use of existing sick leave accruals.
- E. Annual Leave may be used for absence reasonably required by complications of pregnancy, continuing through delivery and reasonable period of recovery therefrom, to be determined in accordance with a written report or reports of the employee's personal physician, specifying the expected date of delivery and the date that the employee should cease work. In the event the agency/department head believes there are unusual circumstances, or that the full performance of the employee's work without undue hazard is such as to require a longer period of absence, and on the agency/department head's written request to the Human Resources Director, the determination of the period shall be subject to review and change by a physician employed or provided by the County, including a medical examination of the employee if required by such physician. The cost of this examination shall be paid by the County. In no event shall an employee return to work after pregnancy prior to a date to be fixed by her physician in a signed statement that she is physically able to perform the duties of her position.

F. Proof of Illness:

An employee off work or contemplating to be off work due to illness or injury for an extended period of two (2) weeks or more shall provide a comprehensive health statement as to length of absence from the employee's health care provider stating any duties an employee cannot perform and any restrictions or light duty requirements.

Sec. 706 Payoff Upon Retirement or Termination: Any regular employee who terminates or is terminated shall be credited with all accrued Annual Leave at the same rate as that received on the last day worked or last day of approved leave with pay. Terminal Annual Leave pay shall

be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sec. 707 Prior Sick Leave Accruals:

- A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (½) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.
- B. Any regular employee who transfers or promotes into a classification covered under the provisions of this Resolution shall, at the time of such transfer/promotion, have his/her sick leave balance converted and/or frozen in the manner described in 707(A) above.

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than fifteen (15) years of service shall be credited at the rate of fifty percent (50%) of the current salary value thereof provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Unused accumulated sick leave for employees with more than fifteen (15) or more years of service shall be credited at the rate of the current salary value provided, however, that that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sick leave compensation resulting from death shall be made to the persons entitled to it otherwise, in accordance with the Probate Code. Eligibility for a payout under this section is made at the time of separation from County employment and not at a later date.

Sec. 709 Prohibition Against Employment While on Annual Leave: No employee shall be permitted to work for compensation for the County while on Annual Leave without prior approval of the County Executive Officer and his/her agency/department head.

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (3) years (780 days) of continuous service, succeeds or is appointed to an appointive position without interruption of service, the Human Resources Director shall ascertain the minimum amount of continuous service rendered by such person and shall report the same to the Board of Supervisors, who shall thereupon determine the number of days of such continuous service, and the Annual Leave accrual rate shall be fixed accordingly.

Sec. 711 Exception to Continuous Service: A previous period or periods of County employment which are interrupted in such a manner as to disqualify such period or periods from being considered in computing continuous service under the provision of this Article may be included in such computation, in full or in part, upon the request of the agency/department head employing the person involved, and approval by the County Executive Officer.

Sec. 712 Elected Officials Exceptions: Elective County officers are not subject to the provisions of this Resolution relating to Annual Leave.

Sec. 713 Retention of Excess Accruals:

- A. Employees covered under the provisions of this Resolution who, as the result of administrative error, have incorrect Annual Leave accrual rates which are subsequently adjusted and whose maximum accrued hours are then in excess of those provided under this Resolution, shall be entitled to maintain such maximum accruals for a period of five (5) years during which time they must reduce their maximum balance to that provided under Section 703, or forfeit the excess accrued hours.
- B. Employees covered under the provisions of this Resolution who, as the result of a change in classification, are assigned to a bargaining unit represented by a recognized employee organization pursuant to the Employee Relations Resolution, and who have accrued Annual Leave hours, shall be permitted to maintain those accrued hours as Annual Leave. Such hours may continue to be used for vacation, sick leave or other approved leave.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick

leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION

(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation with pay in accordance with the record of completion of continuous years of service:

1. Zero through 3 years (0 to < 36 months) in a payroll status, 80 hours (10 days);
2. years 4 through 9 (36 to < 108 months) in a payroll status, 120 hours (15 days);
3. years 10 or more (108 or more months) 160 hours (20 days).

Vacation shall accrue daily at the rate appropriate to the years of service. Accrued vacation may be taken only at a time or times agreeable to the agency/department head. Except as hereinafter provided, no earned vacation shall accrue in excess of the maximum accumulation. No vacation shall ever be taken for a period exceeding the maximum accumulated.

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (3) months, unless a different period shall be specified in the order.

B. Any person whose employment is terminated shall be entitled to pay for all earned vacation as determined under the provisions of this Resolution. For the purpose of this paragraph, vacation shall be deemed earned to the date of termination. While such terminal vacation pay shall be chargeable to the salary appropriation of the agency/department, the position shall be deemed vacant and may be filled provided funds are available therefore. Terminal vacation pay shall be paid into a Post-Employment Plan account designated

Riverside LAFCO

Policy A-7

Record Retention Policy

Purpose

Most all public agencies in California maintain a current records retention policy and schedule for maintaining public records for specified periods of time under various statutes. In order to safeguard rights and ensure accountability, it is in the best interest of LAFCO to create, receive, maintain, and make available accurate and reliable LAFCO records, and the most effective way to ensure this is to apply consistent standards for managing records and information. General statutes applicable to records retention for LAFCO are Government Code sections 6250, 12168.7 and 56382.

Government Code section 6250 et seq., the Public Records Act, provides the overarching statutory requirements for all records considered public records. Government Code section 12168.7 establishes uniform statewide standards for the purpose of storing and recording permanent and nonpermanent documents in electronic media. Government Code section 12236 creates a requirement for the Secretary of State to establish a Local Government Records Program, which sets forth Local Government Records Management Guidelines. Government Code section 56382 specifies that LAFCOs may destroy records and documents after two years as long as certain conditions are met for permanently retaining official records required to be maintained, in an electronic or photographic medium that cannot be altered. LAFCO may retain records longer than the statutory minimum retention time requirements.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish and maintain a records retention system and Records Retention Schedule in accordance with retention requirements specified by state statutes and LAFCO directives.
- 2) Ensure any updates to the Records Retention Schedule that are required to be promulgated by state statutes or other directives are adopted by LAFCO as soon as practicable after being identified.
- 3) The following general parameters apply to all LAFCO records:
 - a. State law defines public records as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics” (Government Code, § 6252(e)). The Local Government Records Management Guidelines defines records as “all papers, map, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics.”

Riverside LAFCO
Policy A-7
Record Retention Policy

- b. All LAFCO records shall be retained in accordance with the adopted Records Retention Schedule. The Local Government Records Management Guidelines defines Records Retention Schedule as “a list of all records produced or maintained by an agency and the actions taken with regards to those records. A retention schedule is an agency’s legal authority to receive, create, retain, and dispose of official public records. It assists the agency by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value.” **Attachment A** provides the current LAFCO Records Retention Schedule.
- c. LAFCO shall ensure that records are stored in approved storage file cabinets within the office, or in an approved storage facility for long term permanent record archive storage. Archived records should be stored at locations determined to be most efficient to serve the needs of LAFCO. Records shall only be stored in facilities with fire warning and suppression systems, and with adequate security to prevent unauthorized access to, or interference with, the records. Microfilm records shall be stored in an appropriate climate controlled location/facility.
- d. When it is determined certain records can be destroyed, the following applies:
 - 1. All confidential records must be shredded.
 - 2. All other records can be safely destroyed in-house using regular disposal or recycling methods.
 - 3. Following destruction, a record of destruction shall be filed for retention by the Commission Coordinator verifying the destruction date and method of destruction.
- e. Non-records may be destroyed at any time, including non-records less than two years old when they are no longer needed to support business processes. Non-records are defined as duplicates or other copies of records made, working papers such as rough notes, and calculations or drafts assembled or created and used in the preparation or analysis of other documents, letters of transmittal, and blank forms.

Attachment:

- A) LAFCO Records Retention Schedule.

Adopted October 28, 2021

Attachment A

RECORDS RETENTION SCHEDULE

The following outlines the minimum requirements for retention of public records. It is acceptable to retain records after the minimum time period for historical, litigation or other purposes.

NOTE: Any record that is associated with any litigation involving LAFCO that has been initiated prior to the date that the record may be destroyed shall be retained until such time as all litigation has been completed.

- 1) Minutes and Agendas for all Commission and Committee meetings.
 - Permanent Record.
 - ✓ Scan to laserfiche/microfilm for storage.

- 2) Public Notices (Public Hearings, Protest Hearings).
 - 5 Years Minimum
 - ✓ Originals for Proposals shall be retained in Proposal Case File with Proof of Service (see retention of Proposal Case Files).
 - ✓ Copies in other files may be purged after 3 years.
 - Permanent Record
 - ✓ CEQA Notices (NODs, NOCs)
 - ✓ Originals for Proposals shall be retained in Proposal Case File (see retention of Proposal Case Files)
 - 2 Years Minimum.
 - ✓ Originals for all other notices

- 3) Proposal Case Files (Includes all material, proposal documents, including CEQA documents required to be maintained by LAFCO, and correspondence related to a specific Proposal).
 - Permanent Record.
 - ✓ Scan to laserfiche/microfilm for storage.
 - ✓ Original Proposal Case Files and copies in other files may be purged after 3 years if scanned to permanent record.
 - Original Proposal Case Files hard copies may be retained indefinitely after scanning at the discretion of LAFCO staff.

- 4) Vendor/Consultant Files
 - 3 Years Minimum
 - ✓ Not required to retain duplicate or laserfiche/microfilm copies of these documents

- 4) Miscellaneous Staff Reports, related materials, and any correspondence (Not related to Proposals)
 - 3 Years Minimum
 - ✓ May scan to laserfiche/microfilm for permanent storage at the discretion of LAFCO staff.
 - 2 Years Minimum for Commission meeting full agenda packets.

- 5) Annual Audit Reports, Purchasing Requisitions, Bid Documents, completed Purchase Orders and Invoices
 - 7 Years Minimum
 - ✓ Not required to retain duplicate or laserfiche/microfilm copies of these documents

- 6) Budget, Insurance Policies, Commissioner Files
 - 5 Years Minimum
 - ✓ May scan to laserfiche/microfilm for permanent storage at the discretion of LAFCO staff.

- 7) Email
 - 30 Days Minimum
 - ✓ For emails not required to be maintained as public records (ex.- meeting scheduling, non-LAFCO business, spam type emails, etc.)
 - 3 Years Minimum
 - ✓ All other LAFCO business related emails
 - ✓ Emails considered public records related to Proposals shall be printed and retained in the Proposal Case Files for future scanning
 - ✓ Emails exceeding 3 years for Proposals still active shall be retained for a minimum of 180 days after the Proposal is adjudicated.

- 8) FPPC Form 700- Retain copies only.
 - 4 Years Minimum for copies
 - Forward originals to the Clerk of the Board of Supervisors

- 9) Timekeeping records, mileage and travel reimbursements, personnel files
 - 4 Years Minimum.
 - 75 Years Minimum for Personnel Files not retained by county HR.

Riverside LAFCO

Policy A-8

Telecommuting Policy

Purpose

The purpose of this policy is to establish guidelines and criteria for a telecommuting work program for employees of LAFCO. Telecommuting is defined for the purposes of this policy as an employee working from a remote site other than their primary work location, such as a designated satellite workstation or at home on a regular or temporary, on-going basis. LAFCO is committed to offer telecommuting to employees as an opportunity to share in the improvement of local air quality by reducing air pollution, traffic and parking congestion, and demand for office space.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish a telecommuting policy to be utilized when it is determined that telecommuting is deemed acceptable for employees to utilize as an alternative to their normal office worksite.
- 2) Authorization for individual employee telecommuting shall be at the discretion of the Executive Officer (EO), with the exception that telecommuting for the EO must be authorized by the Commission.
- 3) The following requirements shall be met for authorization for an employee telecommuting:
 - A. Telecommuting is a voluntary arrangement between the employee and LAFCO. Participation in the program is solely a management prerogative, not an employee right. Employees who wish to participate in the home telecommuting program will complete and submit a "Home Telecommute Application" form (**Attachment A**) to the EO via their first line supervisor.
 - B. Any employee who meets all of the following requirements may be selected by the EO to participate in the telecommuting program:
 - i. Employed with LAFCO at least one year and has successfully completed a probationary period.
 - ii. Work assignments or job duties that allow him or her to be away from the office.
 - iii. Has EO approval to participate in the program.
 - iv. meets an acceptable level of performance as determined by the EO (or in the case of the EO, the Commission), with no documented performance issues.
 - v. Be able to work independently.
 - vi. Be able to manage his or her time effectively as determined by the EO.

Riverside LAFCO

Policy A-8

Telecommuting Policy

Each employee who has been authorized to telecommute shall complete the "Telecommuter Work Program Agreement" (**Attachment B**). The Telecommuter's Agreement shall be reviewed or renewed at least annually, or whenever there is a major job change, or whenever the telecommuter or the EO or direct supervisor change positions.

Employees are responsible for self-certifying that their home work environment complies with identified safety requirements by completing and signing the "Telecommuter Work Program Safety Checklist" (**Attachment C**). LAFCO is responsible for ensuring that employees have a safe work environment, therefore, a safety inspection of the employee's home office space may be required. If a safety inspection is required, the employee will be provided 48-hour notice, except in the case of an emergency.

C. Employees can work at home or at a satellite workstation up to a maximum of five days in a given week. The EO may limit telecommuting further, if they feel it is necessary. An employee must forgo telecommuting whenever notified he/she is needed in the office on a regularly scheduled telecommute day.

Telecommuters will be required to work a schedule agreed upon by the EO. They will follow any guidelines set by the EO for office communications, such as making regular calls to the office voice mail system to check for messages. Employees shall complete and submit a completed LAFCO Telecommuting Activity Log (**Attachment D**) bi-weekly on the last day of the pay period.

D. Employees will be required to designate a specific workstation within their homes. This work area will be considered an extension of the employee's regular office workstation; subsequently LAFCO's workers compensation liability for injuries will also extend to this space. Employees will be responsible for maintaining safe conditions in this work area. LAFCO's liability for injuries taking place while working at home will be confined to this area. LAFCO's liability will also be confined to injuries taking place during the work hours agreed upon by the employee and the EO. LAFCO shall not be held liable for injuries to third parties and/or members of the employee's family on employee's premises. LAFCO is not liable for damage to the employee's real property.

Home offices must be clean and free of obstructions. At no time shall the employee perform activities that could be considered unhealthful or unsafe. The employee shall not store, keep, or use any hazardous materials in the designated work area. Additionally, the employee shall ensure that a working smoke detector and carbon monoxide detector are installed within the designated work area.

In no event shall customers be served "in-person" at the Telecommuter's place of residence.

Riverside LAFCO

Policy A-8

Telecommuting Policy

E. Employees may not provide primary care for children under 12 years of age when they are working at home. Employees with children under age 12 may work at home only if someone else will provide primary care for the child during work hours. Employees may not care for older adults or older children who would otherwise need care while working at home.

F. The EO (or in the case of the EO, the Commission) retains the right to unilaterally terminate a telecommuting arrangement made with an employee at any time with or without cause, so long as the termination does not unlawfully discriminate or otherwise violate any other LAFCO policy adopted by the Commission.

Employees who no longer wish to telecommute may also terminate their telecommuting arrangements and return to full-time in-office work at any time.

G. Telecommuting employees shall comply with LAFCO email and internet usage internal administrative policies which address permissible uses, prohibited uses, and access and disclosure. Telecommuters shall have no expectation of privacy when using these systems.

H. As with all LAFCO employees, telecommuting employees are expected to adhere to all rules and regulations of LAFCO regarding security and confidentiality of data and information handled in the course of work. The telecommuter will take all precautions necessary to secure LAFCO information and equipment at his/her home work location, and will prevent unauthorized access to any LAFCO or Riverside County system or information.

I. LAFCO may establish additional criteria to the telecommuting program as long as it is reviewed and approved by Riverside County's Human Resources, LAFCO's personnel agent, to ensure compliance with labor laws.

J. The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at LAFCO's primary workplace. The employee will continue to comply with federal, state, and county, policies and regulations while working at an alternate location. The employee shall remain subject to all LAFCO disciplinary policies and procedures while performing work at the alternate workplace.

Attachments:

- A) Home Telecommute Application
- B) Telecommuter Work Program Agreement
- C) Telecommuter Work Program Safety Checklist
- D) LAFCO Telecommuting Activity Log

Adopted January 28, 2021

Attachment A

HOME TELECOMMUTE APPLICATION

TO BE COMPLETED BY EMPLOYEE

Employee Name: _____

Job Title: _____

Date: _____

Proposed Schedule: Mon Tues Weds Thurs Fri

of Hours: _____ _____ _____ _____ _____

How many miles one-way do you travel each day to your regular work site? _____

Description of work to be conducted while telecommuting:

Describe the workstation in your home dedicated to telecommuting:

What equipment do you currently have at home that will be used for your telecommuting assignment?

_____ _____ _____
_____ _____ _____

What equipment/software do you need that you currently don't have at home that will be needed for your telecommuting assignment?

_____ _____ _____
_____ _____ _____

The following characteristics relate respectively to your job duties you have listed above. Please rate each characteristic as either high (H), medium (M), Low (L) by placing the appropriate letter in the blank before each statement.

- ___ Amount of face-to-face contact required with the public/clients/employees.
- ___ Degree of telephone communications required.
- ___ Amount of in-office reference material required.
- ___ Autonomy of operation.
- ___ Ability to control and schedule work flow.
- ___ Clear understanding of job expectations.

I understand that telecommuting is a voluntary arrangement between the supervisor, the department, and the employee, and is not an entitlement or employee benefit. I understand that telecommuting may be terminated for any reason, at any time, by any party. I have read and will comply with all telecommuting policies and guidelines if approved for telecommuting.

Signature: _____ Date: _____

Upon completion forward original to THE Executive Officer.

TO BE COMPLETED BY EXECUTIVE OFFICER

Executive Officer Name: _____

I have verified the following with regard to the above-named employee:

- () Is a regular, full-time employee who has successfully passed his/her probationary period.
- () Has completed a minimum of one year in the current area of responsibility.
- () Received a rating of at least Meets Standards on his/her most recent performance evaluation.
- () Past work performance demonstrates the ability to work independently.
- () Current job requirements do not necessitate a full-time presence on the premises or "in-person" contact with the public or other departmental staff.

Budget Impact: _____

Approval/Denial:

- Approval of application as requested by employee
- Approval of application with modifications (see comments below)
- Denial of application (see comments below)

Supervisor's Comments:

Supervisor's Signature: _____ **Date:** _____

Return original to the employee and one copy to the Rideshare Office at Stop #1008. The Rideshare Office will forward a Telecommuting Work-folder to the supervisor upon receipt of an approved request.

Attachment B

TELECOMMUTER WORK PROGRAM AGREEMENT

This Telecommuter Work Program Agreement is with (Employee Name): _____

This telecommuting agreement shall be effective on _____ and end on _____, unless the agreement is otherwise terminated or extended.

The telecommuter will telecommute to the following alternative work site:

The telecommuter will telecommute on the following days:

Schedule: () Mon () Tue () Wed () Thu () Fri

of Hours: _____ _____ _____ _____ _____

Employee agrees to be available by telephone during the telecommuting hours indicated above, except during lunch periods.

Employee agrees that telecommute days will not be substituted without advance approval of the Executive Officer. Use of sick leave, on a scheduled telecommute day must be reported to the Executive Officer prior to the employee's scheduled hours, or as soon as possible after it is determined sick leave is needed. Use of vacation, holiday, annual or other leave must be approved in advance by the Executive Officer. Overtime, shift differential, and/or other premium pays are not authorized.

Employee agrees that office needs take precedence over telecommute days and they must forgo telecommuting if needed in the office on a regularly scheduled telecommute day.

Employee agrees to maintain any LAFCO issued equipment in operating condition; to operate it safely; and to return the equipment to the Executive Officer within 24 hours once the telecommuting agreement is terminated.

Employee agrees that any equipment provided by LAFCO is for the sole use of business related functions only and not for personal use.

Employee agrees that they are solely responsible for the maintenance and insurance required for his or her own personal equipment. LAFCO does not assume liability for loss, damage or wear of employee owned equipment. LAFCO is not responsible for any utility costs associated with the use of electronic equipment or occupation of the home.

Employee agrees to comply with all existing job requirements for his/her position and understands the salary and benefits will not change.

Employee agrees to report any occupational injury or illness to the Executive Officer immediately and complete all necessary and/or LAFCO requested documents regarding the injury.

Employee agrees that he or she is solely liable for injuries to third persons and/or members of their family that occur on the telecommuter's premises.

Employee agrees that the home work location will be free of obstructions and will not store, keep, or use any hazardous materials in the designated work area.

Employee agrees to comply with the LAFCO e-mail and Internet usage internal policies which address permissible uses, prohibits uses, and access and disclosure. Employee shall have no expectation of privacy when using these systems.

Employee agrees to adhere to the confidentiality policies of LAFCO and to protect LAFCO assets, information, and information systems at their home work location.

I understand that telecommuting is a voluntary arrangement between the Executive Officer and the employee, and is not an entitlement or employee benefit. I understand that telecommuting may be terminated for any reason, at any time, by any party, with or without cause. I certify that I have read the Telecommuting Program Policy and this Agreement, that I understand their contents, and that I will abide by their terms.

Employee Signature/Date

Executive Officer/Date

Attachment C

TELECOMMUTER WORK PROGRAM SAFETY CHECKLIST

The following Safety Checklist must be completed by the telecommuter and attached to the Telecommuter Work Program Agreement.

Employee Name: _____

Department: _____

Home work stations must be clean and free of obstructions. The home must be in compliance with all building codes. Telecommuting employees are responsible for ensuring their homes comply with these health and safety requirements.

WORK SPACE (check all that apply):

- Telecommuter has a separate, clearly defined work space that is kept clean and orderly.
- The work area is adequately illuminated with lighting.
- The work area is well ventilated and heated..
- Exits are free from obstruction.
- All extension cords have a grounding conductor.
- Electrical enclosures (switches, outlets, receptacles, and junction boxes) have tight fitting covers or plates.
- Surge protectors are used for computers, fax machine, and printers.
- All electrical equipment is free of recognized hazards (frayed wires, bare conductors, loose wires, and exposed wires)
- Potentially hazardous chemicals are not stored, in, or around, the work area.

ERGONOMICS (check all that apply):

Desk, chair, computer, and other equipment are of appropriate design and arranged so that:

- Neck and shoulders are not stooped to view the task.
- Back is adequately supported.
- Feet are on the floor or fully supported by a footrest.
- Wrists are fairly straight when keying and there is space to rest arms when not keying.
- There is no glare on the computer screen.
- Work can be performed without eye strain.

EMERGENCY PREPAREDNESS (check all that apply):

- () There is a smoke detector near the work area; is in working order; and will be tested on a monthly basis.
- () There is a carbon monoxide detector near the work area; is in working order; and will be tested on a monthly basis.
- () There is a portable fire extinguisher which is rated for A, B, and C fires near the work area and is fully charged.
- () A first aid kit is easily accessible and periodically inspected and replenished as needed.

EMPLOYEE CERTIFICATION

I understand that I may be denied the opportunity to telecommute, or may have my telecommuting agreement rescinded, based on a suspected lack of safety or hazardous materials in the designated home work space. Further, I will adhere to any and all County and department policies relating to employee safety and security.

Employee Signature/Date

EXECUTIVE OFFICER APPROVAL

I have reviewed the safety checklist and have discussed safety expectations with the employee.

Executive Officer Signature/Date

Riverside LAFCO
Policy A-9
General Reserve Policy

Purpose

This Policy establishes a General Reserve (Unrestricted), and funding parameters for use when unforeseen major expenditures or fiscal issues arise that require supplemental funding. It is important that a reasonable annual set aside for this reserve be included in each annual budget, and contributions necessary to maintain the reserve at the appropriate annual level.

Riverside LAFCO is carried in the Riverside County financial system as one fund, inclusive of all revenue, expenditures and reserve accounts. Thus each LAFCO reserve is carried in the system as an account line item in the overall LAFCO fund. However, each reserve account line item shall be considered similar to a separate reserve fund for purposes of management of the reserve funding, allocation and expenditures.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish a general unrestricted reserve account line item in the annual budget for major unforeseen expenses or fiscal crises, with a goal of maintaining a minimum annual reserve balance of 25% of the annual operating budget, net of appropriations for reserves and contingency.
- 2) Require a majority vote of the Commission to appropriate general reserve funds into a specified operating account or accounts.
- 3) Require a majority vote of the Commission to transfer general reserves to a designated restricted reserve account.
- 4) Require a majority vote of the Commission to alter the allocation of the 25% annual accumulation goal.

Adopted December 3, 2020

Riverside LAFCO
Policy A-10
Capital Assets Management & Reserve Policy

Purpose

This Policy establishes a Capital Assets Reserve (Restricted), and Capital Asset Management Policy. This Policy is intended to provide policy direction for acquiring, managing and documenting capital assets, and to ensure sufficient reserve funds are available when replacement of high cost fixed or portable equipment assets is necessary. Generally, capital assets for LAFCO will only consist of network servers, and potentially any high cost major furniture replacements, as all other asset replacements should not exceed the cost limit established in the Policy below. However, if any other new or existing equipment or other asset is purchased and meets the threshold, it will be included in the capital assets list for asset management and reserve allocation purposes.

Riverside LAFCO is carried in the Riverside County financial system as one fund, inclusive of all revenue, expenditures and reserve accounts. Thus each LAFCO reserve is carried in the system as an account line item in the overall LAFCO fund. However, each reserve account line item shall be considered similar to a separate reserve fund for purposes of management of the reserve funding, allocation and expenditures.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish a capital assets restricted reserve account line item in the annual budget for future replacement funding of capital assets. The assets requiring reserve allocations shall be listed and subject to the requirements of the asset management policy which follows below, and as follows;
 - A. Depreciation is based on the initial cost of the asset, however, it is prudent to include a minimal inflationary factor when determining annual allocation to the replacement reserve account based on the useful life of the asset.
 - B. Allocate on an annual basis, the amount necessary to meet the anticipated replacement cost, adjusted for inflation, as determined by the useful life depreciation schedule for the particular asset(s). Once the anticipated replacement cost for a capital asset is fully funded in the reserve account, annual funding for that asset shall be suspended until the asset is replaced.
 - C. Utilize the capital asset reserve funds for replacement of assets when required. It is not necessary to replace a fully depreciated capital asset if the asset is still considered functional for the purpose it serves.
 - D. Require a majority vote of the Commission to authorize transfer of funding from the reserve to the appropriate expenditure account when needed for a capital expenditure for replacement of listed assets.

Riverside LAFCO
Policy A-10
Capital Assets Management & Reserve Policy

- E. When a capital asset is replaced that meets the asset cost threshold, the useful life of the asset shall be determined and annual allocations to the capital asset reserve account based on the estimated useful life and replacement cost adjusted for inflation shall be initiated.
 - F. All new capital asset purchases require a majority vote of the Commission and shall be so identified in the annual budget for the fiscal year in which the purchase shall be made.
- 2) Establish a capital asset management policy for purposes of identifying, managing and documenting all capital assets as follows:
- A. Capitalization Policy
 - 1. Physical assets acquired within unit costs in excess of \$3,000 are capitalized as fixed assets on the financial statements. Items with unit costs below this threshold shall be expensed in the year purchased.
 - 2. Capitalized fixed assets are accounted for at their historical cost and all such assets, except land, are subject to depreciation over their estimated useful lives, for government- wide financial statements in accordance with GASB Statement No. 34.
 - B. Contributed Assets

Assets with fair market values in excess of \$3,000 (per unit) that are contributed to LAFCO shall be capitalized as fixed assets on the financial statements. Contributed items with market values below this threshold shall be expensed in the year contributed.
 - C. Establishment and Maintenance of a Fixed Asset Listing

All capitalized fixed assets shall be recorded in a property log. This log shall include the following information with respect to each asset:

 - 1. Date of acquisition
 - 2. Cost
 - 3. Description (including color, model, and serial number)
 - 4. Location of asset
 - 5. Depreciation method
 - 6. Estimated useful life
 - 7. Disposition after use

A physical inventory of all assets capitalized under the preceding policies will be taken on an annual basis by LAFCO. This physical inventory shall

Riverside LAFCO
Policy A-10
Capital Assets Management & Reserve Policy

be reconciled to the property log and adjustments made as necessary. All adjustments resulting from this reconciliation will be approved by the Executive Officer.

D. Depreciation and Useful Lives

All capitalized assets are maintained in the special fixed assets account group. Fixed assets are depreciated over their estimated useful lives using the straight-line method only when presenting government-wide financial statements. Fund financial statements do not include fixed assets or depreciation.

In the year of acquisition, depreciation is recorded based on the number of months the asset is in service, counting the month of acquisition as a full month (Example: an asset purchased on the 15th day of the fifth month shall have 8 full months of depreciation (eight-twelfths of one year) recorded for that year.

Estimated useful lives of capitalized assets shall be determined by the Executive Officer. The following is a list of the estimated useful lives of each category of fixed asset for depreciation purposes:

| | |
|-----------------------------------|--------------|
| Furniture, and fixtures | Up to 15 yrs |
| General office equipment | 5 yrs |
| Computer hardware and peripherals | 3-5 yrs |
| Computer software | 2-3 yrs |

For accounting and interim financial reporting purposes, depreciation expense will be calculated on an annual basis in conjunction with the annual audit.

E. Disposition of Fixed Assets

In the event a non-expendable asset is sold, scrapped, donated or stolen, adjustments need to be made to the fixed asset listing and property log.

Attachment:

A) Capital Asset Log and Depreciation Schedule

Adopted January 28, 2021

Attachment A

Capital Assets Depreciation - Replacement Cost

**Capital Assets- Master List
FYE 2020**

| Item | Original Cost | Additions & Deletions | Prior Year Accumulated Depreciation FYE 2019 | Current Year Depreciation FYE 2020 | Current Depreciated Value FYE 2020 | Replacement Cost (1.125% Inflation Factor) | Useful Life Straight Line Depreciation |
|---------------------|----------------------|----------------------------------|---|---|---|---|---|
| EV Desk | \$7,289 | \$0 | \$6,317 | \$486 | \$486 | \$8,782 | 15 Years |
| Server 1-LAFCO Data | \$5,418 | \$0 | \$4,580 | \$838 | \$0 | \$5,910 | 5 Years |
| Server 2-LAFCO DC | \$3,333 | \$0 | \$2,807 | \$526 | \$0 | \$3,636 | 5 Years |
| | \$16,041 | \$0 | \$13,704 | \$1,850 | \$486 | \$18,329 | |

Capital Assets Depreciation - Replacement Cost

Capital Assets- Commission Clerk Desk

Date of Purchase 4/26/2006
 Description Tan-Oak Desk Unit

 Account 523680 Office/Equip/Furn

 Location LAFCO Office
 Est. Useful Life 15 yrs.
 Disposition
 Purchase Price \$7,289.11
 Annual Depreciation \$485.94

| Depreciation Schedule | Accumulated Depreciation | Depreciated Total Value | Replacement Cost (1.25% Inflation Factor) |
|-----------------------|--------------------------|-------------------------|---|
| Yr. 1 FYE 2007 | \$485.94 | \$6,803.17 | \$7,380.22 |
| Yr. 2 FYE 2008 | \$971.88 | \$6,317.23 | \$7,472.48 |
| Yr. 3 FYE 2009 | \$1,457.82 | \$5,831.29 | \$7,565.88 |
| Yr. 4 FYE 2010 | \$1,943.76 | \$5,345.35 | \$7,660.46 |
| Yr. 5 FYE 2011 | \$2,429.70 | \$4,859.41 | \$7,756.21 |
| Yr. 6 FYE 2012 | \$2,915.64 | \$4,373.47 | \$7,853.16 |
| Yr. 7 FYE 2013 | \$3,401.58 | \$3,887.53 | \$7,951.33 |
| Yr. 8 FYE 2014 | \$3,887.53 | \$3,401.58 | \$8,050.72 |
| Yr. 9 FYE 2015 | \$4,373.47 | \$2,915.64 | \$8,151.35 |
| Yr. 10 FYE 2016 | \$4,859.41 | \$2,429.70 | \$8,253.25 |
| Yr. 11 FYE 2017 | \$5,345.35 | \$1,943.76 | \$8,356.41 |
| Yr. 11 FYE 2018 | \$5,831.29 | \$1,457.82 | \$8,460.87 |
| Yr. 11 FYE 2019 | \$6,317.23 | \$971.88 | \$8,566.63 |
| Yr. 11 FYE 2020 | \$6,803.17 | \$485.94 | \$8,673.71 |
| Yr. 11 FYE 2021 | \$7,289.11 | \$0.00 | \$8,782.13 |

Price excludes \$572.65 (Tax) & \$499.63 (Setup/Delivery)

Replacement Cost is based on Acquisition Cost for Desk Unit with a 1.25% annual inflation factor for replacement reserve purposes.

Capital Assets Depreciation - Replacement Cost

Capital Assets- Server 1

| | |
|------------------------------|---|
| Date of Purchase | 3/25/2015 |
| Description | Server No. 1-LAFCO Data PowerEdge R520 Server Serial No. 60RBB42 |
| Account | 523840 Comp. Equip.- Software |
| Location | LAFCO Office-Server Room |
| Est. Useful Life | 5 yrs. |
| Disposition | |
| Purchase Price | \$4,766.01 |
| Tax | <u>\$251.74</u> |
| Total Cost | \$5,017.75 |
| Operating Software Purchased | |
| 7/27/2015 | \$400.48 |
| Server Annual Depreciation | \$1,003.55 |
| Software Annual Depreciation | \$80.10 |

| Depreciation Schedule | Server | Software | Accumulated Depreciation | Depreciated Total Value | Replacement Cost (1.25% Inflation Factor) |
|-----------------------|------------|----------|--------------------------|-------------------------|---|
| FYE 2015 | \$4,766.86 | \$0.00 | \$250.89 | \$4,766.86 | \$5,485.96 |
| FYE 2016 | \$3,763.31 | \$327.06 | \$1,327.86 | \$4,090.37 | \$5,554.53 |
| FYE 2017 | \$2,759.76 | \$246.96 | \$2,411.50 | \$3,006.73 | \$5,623.96 |
| FYE 2018 | \$1,756.21 | \$166.87 | \$3,495.15 | \$1,923.08 | \$5,694.26 |
| FYE 2019 | \$752.66 | \$86.77 | \$4,578.80 | \$839.43 | \$5,765.44 |
| FYE 2020 | \$0.00 | \$6.67 | \$5,411.56 | \$6.67 | \$5,837.51 |
| FYE 2021 | \$0.00 | \$0.00 | \$5,418.23 | \$0.00 | \$5,910.48 |

*Total Software Cost of \$800.95 is split between the two servers.

Replacement Cost is based on Acquisition Cost for Server and Software with a 1.25% annual inflation factor for replacement reserve purposes.

Capital Assets Depreciation - Replacement Cost

Capital Assets- Server 2

Date of Purchase 3/25/2015
 Description Server No. 2-LAFCO DC HOST 2
 PowerEdge R520 Server Serial No. 60QPB42

Account 523840 Comp. Equip.- Software

Location LAFCO Office-Server Room
 Est. Useful Life 5 yrs.

Disposition
 Purchase Price \$2,730.30
 Tax \$202.42
 Total Cost \$2,932.72

Operating Software Purchased
 7/27/2015 \$400.48

Server Annual Depreciation \$586.54
 Software Annual Depreciation \$80.10

| Depreciation Schedule | Server | Software | Accumulated Depreciation | Depreciated Total Value | Replacement Cost (1.25% Inflation Factor) |
|-----------------------|------------|----------|--------------------------|-------------------------|---|
| FYE 2015 | \$2,786.08 | \$0.00 | \$146.64 | \$2,786.08 | \$3,374.87 |
| FYE 2016 | \$2,199.54 | \$327.06 | \$806.60 | \$2,526.60 | \$3,417.05 |
| FYE 2017 | \$1,613.00 | \$246.96 | \$1,473.24 | \$1,859.96 | \$3,459.76 |
| FYE 2018 | \$1,026.45 | \$166.87 | \$2,139.88 | \$1,193.32 | \$3,503.01 |
| FYE 2019 | \$439.91 | \$86.77 | \$2,806.52 | \$526.68 | \$3,546.80 |
| FYE 2020 | \$0.00 | \$6.67 | \$3,326.52 | \$6.67 | \$3,591.13 |
| FYE 2021 | \$0.00 | \$0.00 | \$3,333.19 | \$0.00 | \$3,636.02 |

*Total Software Cost of \$800.95 is split between the two servers.

Replacement Cost is based on Acquisition Cost for Server and Software with a 1.25% annual inflation factor for replacement reserve purposes.

Riverside LAFCO
Policy A-11
Compensated Absences Liability Reserve Policy

Purpose

This Policy establishes a Compensated Absences Liability General Reserve (Restricted), and funding parameters for setting aside funding to pay employees separating from the agency for unused vacation, holiday and/or annual leave.

Riverside LAFCO is carried in the Riverside County financial system as one fund, inclusive of all revenue, expenditures and reserve accounts. Thus each LAFCO reserve is carried in the system as one account line item in the overall LAFCO fund. However, each reserve account line item shall be considered similar to a separate reserve fund for purposes of management of the reserve funding, allocation and expenditures.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish a compensated absences liability restricted reserve account line item in the annual budget for accumulating required funds necessary for payment of any unused vacation, holiday and/or annual leave for any employee separating from the agency. The reserve should be maintained with a balance of 75% of the total estimated fiscal year ending liability for all employees as estimated during the annual budget cycle.
- 2) Require a majority vote of the Commission to authorize transfer of funding from the reserve to the appropriate expenditure account when needed for an employee separation leave payout.
- 3) Require a majority vote of the Commission to alter the allocation of the 75% annual accumulation goal.

Adopted December 3, 2020

Riverside LAFCO
Policy A-12
Pension/OPEB Unfunded Liability Reserve Policy

Purpose

This Policy establishes a Pension/Other Post-Employment Benefits (OPEB) Unfunded Liability Reserve, and funding parameters for achieving and maintaining a reasonable level of reserve funding for future obligations. It is important that a reasonable reserve of funds be available to reduce LAFCO's pro rata share of its unfunded pension liability within the County of Riverside's Miscellaneous Plan with CalPERS, as well its OPEB liability for active and retired annuitants. Additionally, the Commission may desire to reduce the liability to a lower level in a future year. Contributions necessary to maintain the reserve at the appropriate annual level based on the policy should be included in the annual budget, as appropriate.

At the end of each fiscal year, CalPERS provides the County with an annual valuation report. The LAFCO independent auditors then utilize this report to estimate LAFCO's pro rata share of its unfunded pension liability. The proportion of the net pension liability is based on a projection of LAFCO's long-term share of contributions to the pension plan relative to that of all participants in the County's Miscellaneous Plan. The same methodology applies to the OPEB liability extracted from the County's OPEB actuarial valuation report. **Attachment A** represents the current 5-year projection of future Pension/OPEB Unfunded Liability inclusive of a reserve allocation payment structure to reduce the liability and target an 80% funded level.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Establish an unfunded pension/OPEB Liability reserve account line item in the annual budget for the purposes of achieving and maintaining a reasonable amount of reserve funds for covering future pension/OPEB obligations.
- 2) Establish a goal to achieve and maintain the reserve at 80% of the total unfunded pension/OPEB liability.
- 3) Maintain a rolling year, 5-year projection of the unfunded liability and projection of annual funding contributions to achieve and maintain the 80% funding goal.
- 4) Require a majority vote of the Commission to appropriate unfunded pension/OPEB reserve funds into a specified operating account or accounts for buydown of the liability.
- 5) Require a majority vote of the Commission to alter the 80% reserve accumulation goal.

Attachment:

- A) Pension/OPEB Unfunded Liability 5-Year Funding Plan

Adopted June 24, 2021

Attachment A

Pension/OPEB Unfunded Liability

5-Year Scenario- Increase Funding Level for FY 21/22-FY 24/25

| | <u>Audited Actuals</u> | | | | <u>Projections</u> | | | | |
|----------------------------|------------------------|------------------|------------------|------------------|--------------------|------------------|------------------|------------------|-----------------|
| | <u>FY 16/17</u> | <u>FY 17/18</u> | <u>FY 18/19</u> | <u>FY 19/20</u> | <u>FY 20/21</u> | <u>FY 21/22</u> | <u>FY 22/23</u> | <u>FY 23/24</u> | <u>FY 24/25</u> |
| Pension Unfunded Liability | 843,326 | 1,093,731 | 803,084 | 883,897 | 897,421 | 911,151 | 925,092 | 939,246 | 953,616 |
| OPEB Unfunded Liability | 0 | 8,209 | 5,055 | 9,212 | 9,714 | 10,242 | 10,800 | 11,388 | 12,008 |
| Total Unfunded Liability | <u>843,326</u> | <u>1,101,940</u> | <u>808,139</u> | <u>893,109</u> | <u>907,134</u> | <u>921,394</u> | <u>935,892</u> | <u>950,634</u> | <u>965,624</u> |
| Required Reserve (80%) | 674,661 | 881,552 | 646,511 | 714,487 | 725,707 | 737,115 | 748,713 | 760,507 | 772,499 |
| Reserve Contribution | 0 | 0 | 0 | 0 | 125,000 | 150,000 | 150,000 | 175,000 | 175,000 |
| Current Reserve | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>125,000</u> | <u>275,000</u> | <u>425,000</u> | <u>600,000</u> | <u>775,000</u> |
| Over/(Under) Funded | <u>(674,661)</u> | <u>(881,552)</u> | <u>(646,511)</u> | <u>(714,487)</u> | <u>(600,707)</u> | <u>(462,115)</u> | <u>(323,713)</u> | <u>(160,507)</u> | <u>2,501</u> |

1.5% Ave Annual Pension Liability Increase- FY 16/17-FY 19/20

5.4% Ave Annual OPEB Liability Increase- FY 17/18-FY 19/20

Riverside LAFCO
Policy A-13
Conflict of Interest Code

Purpose

This Policy establishes the provisions for Riverside LAFCO to adopt and maintain a Conflict of Interest Code for Commissioners and designated staff. Government Code Section 87300 et seq. requires public agencies to adopt a Conflict of Interest Code. The Commission adopted its first Conflict of Interest Code in 1990. Subsequent changes to the Political Reform Act (PRA), Fair Political Practices Commission (FPPC) regulations and LAFCO positions required that the Commission's Code be updated and amended from time to time.

The PRA requires every public agency to review its conflict of interest code biennially in even numbered years and determine whether amendments are necessary. The Commission's existing and previously adopted Codes have essentially copied the full text of the then current applicable section of the California Code of Regulations. That section (Section 18730) sets out terms of a standard conflict of interest code. Section 18730 also allows an agency's code to incorporate the terms by reference. Any future changes to the Regulation promulgated by the FPPC will automatically be incorporated into the LAFCO Code.

Policy

It is the Policy of Riverside LAFCO to:

- 1) Comply with all state statutes and regulations with respect to establishing and maintaining a LAFCO Conflict of Interest Code.
- 2) Review, on a biennial basis or when a required modification is identified, the Conflict of Interest Code (Code) for ratification or modification. Ratifications or modifications to the Code shall be considered at a properly noticed public hearing, and adopted by Resolution.
- 3) Submit the ratified or modified Code to the Riverside County Board of Supervisors (Code Reviewing Body) within the timeframe requested by the County.

Attachment:

- A) LAFCO Conflict of Interest Code.

Adopted December 3, 2020

Attachment A

RESOLUTION NO. 12-20

ADOPTING A CONFLICT OF INTEREST CODE FOR
THE RIVERSIDE LOCAL AGENCY FORMATION COMMISSION

1
2
3
4
5
6 WHEREAS, the Political Reform Act ("Act"), Government Code Section 81000 et seq.,
7 requires that state and local government agencies adopt and promulgate Conflict of Interest Codes;
8 and

9 WHEREAS, the Riverside Local Agency Formation Commission ("LAFCO") adopted a
10 Conflict of Interest Code on May 24, 1990; and

11 WHEREAS, the current LAFCO Conflict of Interest Code has not been amended since
12 November 10, 2016; and

13 WHEREAS, 2 California Code of Regulations ("Regulations") section 18730, contains the
14 terms of a Standard Conflict of Interest Code which may be incorporated by reference and may be
15 amended by the Fair Political Practices Commission to conform to amendments in the Act; and

16 WHEREAS, Government Code section 87306.5 requires that a Conflict of Interest Code be
17 reviewed each even numbered year to determine if it is accurate or requires amendment; and

18 WHEREAS, subsequent amendments to and changes in the Act and Regulations of the Fair
19 Political Practices Commission by the Legislature and changed circumstances within LAFCO have
20 made it advisable and necessary, pursuant to Government Code sections 87306 and 87307 of the
21 Act, to amend and update LAFCO's Conflict of Interest Code; and

22 WHEREAS, notice of the time and place of a public hearing before LAFCO on the proposed
23 amended Conflict of Interest Code was publicly posted for review at the County Administrative
24 Center, 4080 Lemon Street, Riverside, California, and was duly published in a newspaper of general
25 circulation in the County pursuant to Government Code section 6061; and

26 WHEREAS, the proposed amended Conflict of Interest Code was considered at a regular
27 meeting of LAFCO on July 23, 2020, at which all present were given an opportunity to be heard on
28 the proposed adoption of the amended Conflict of Interest Code;

FOR APPROVED COUNTY COUNSEL
BY: [Signature] MAY 11 2020
JULY 11 2020
DATE

RIVERSIDE
LOCAL AGENCY
FORMATION COMMISSION
6216 Brockton Avenue
Suite 111-B
Riverside, California
92504
(951) 349-8631

1 NOW THEREFORE, BE IT RESOLVED by the Riverside Local Agency Formation
2 Commission, in regular session assembled on July 23, 2020, that the provisions of 2 California Code
3 of Regulations section 18730, and any amendments to it duly adopted by the Fair Political Practices
4 Commission, are hereby incorporated by reference and along with the attached Appendices in which
5 certain enumerated officials and employees are designated and disclosure categories are established
6 shall constitute the Conflict of Interest Code for LAFCO.

7 BE IT FURTHER RESOLVED that pursuant to section (b)(4) of the Standard Conflict of
8 Interest Code set forth in 2 California Code of Regulations section 18730, all designated employees
9 shall file their Statements of Economic Interest with LAFCO's Executive Officer. Upon receipt of
10 the Statements of Economic Interest, the Executive Officer shall retain the Statements of Economic
11 Interest on file with his or her own office, with the exception of the Statement of Economic Interest
12 of the Executive Officer who shall file his or her own Statement of Economic Interest with the Clerk
13 of the Board of Supervisors. Statements shall be filed by April 1 of each year to reflect interest held
14 in the prior calendar year.

15 BE IT FURTHER RESOLVED that this Resolution and its attached Appendices now
16 supersede Resolution No. 08-16 previously adopting a Conflict of Interest Code for the Riverside
17 Local Agency Formation Commission.

18
19
20 
Steve Sanchez, Chair

21 //

22 I certify the above resolution was passed and adopted by the Riverside Local Agency Formation
23 Commission on July 23, 2020.

24

25

26

27 
Gary Thompson, Executive Officer

27 //

28 //

CONFLICT OF INTEREST CODE FOR THE
RIVERSIDE LOCAL AGENCY FORMATION COMMISSION

(Amended and Restated July 23, 2020)

The Political Reform Act (Government Code section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, set forth in 2 California Code of Regulations section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This incorporation page, 2 California Code of Regulations section 18730, and the attached Appendices designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Riverside Local Agency Formation Commission ("LAFCO").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Executive Officer as LAFCO's Filing Officer. The Executive Officer shall make and retain a copy of all statements filed by Members of LAFCO and the other LAFCO Officials filing under Government Code section 87200, including the Executive Director, and forward the originals of such statements to the Clerk of the Board of the Supervisors of the County of Riverside. The Executive Officer shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours (Government Code section 81008.)

APPENDIX A

DESIGNATED POSITIONS

**GOVERNED BY THE CONFLICT OF INTEREST CODE FOR THE
RIVERSIDE LOCAL AGENCY FORMATION COMMISSION**

DESIGNATED POSITIONS
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

| | |
|---------------------------------|-----------|
| Executive Officer | 1,2,3,5,6 |
| Assistant Executive Officer | 1,2,3,5,6 |
| Legal Counsel | 1,2,3,5,6 |
| Senior Local Government Analyst | 1,2,3,5,6 |
| Consultants* | 1,2,3 |

*Consultants shall disclose to the broadest category in this Code subject to the following limitations:

The Executive Officer may determine in writing that a particular, although a “designated position,” is hired to perform a range of duties that is limited in scope and this is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Officer’s determination shall be made a public record and shall be retained for inspection in the same manner and location as other disclosures.

APPENDIX B

DISCLOSURE CATEGORIES

The disclosure categories for property and outside business positions, which are established, appear below:

CATEGORY 1: All investments and business positions in, and sources of income (including gifts, loans and travel payments) from, all business entities that do business or own real property in Riverside County, plan to do business or own real property in Riverside County within the next year or have done business or owned real property in the County within the past two (2) years.

CATEGORY 2: All interests in real property, which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of Riverside County.

CATEGORY 3: All investments in, and sources of income (including gifts, loans and travel payments) from, business entities that are engaged in land development, construction or the acquisition or sale of real property in Riverside County, plan to engage in such activities in the County within the next year or have engaged in such activities in the County within the past two (2) years.

CATEGORY 4: All investments and business positions in, and sources of income (including gifts, loans and travel payments) from, business that are banking, savings and loan or other financial institutions.

CATEGORY 5: All investments and business positions in, and sources of income (including gifts, loans and travel payments) from, business entities that provide services, supplies, materials, machinery or equipment of a type purchased or leased by Riverside Local Agency Formation Commission.

CATEGORY 6: All investments and business positions in, and sources of income (including gifts, loans and travel payments) from, business entities that provide service, supplies, materials, machinery or equipment of a type used or administered or proposed to be acquired by, leased by, used by or administered by the designated employee's department or reviewed, commented upon or recommended by the designated member's Board, Commission, Committee or Council.

CATEGORY 7: All investments and business positions in, and sources of income (including gifts, loans and travel payments) from, business entities subject to review regulation, permitting or licensing authority of the designated employee's department, or designated member's Board, Commission, Committee or Council or which will be subject to such authority within the next year or have been subject to such authority within the past two (2) years.

Riverside LAFCO
Policy B-1
LAFCO Policies & Procedures

Purpose

It is the desire of the Riverside Local Agency Formation Commission (“LAFCO” or “the Commission”) to establish and maintain a policy document that identifies the LAFCO Mission, Goals and Objectives, and Strategies for conducting LAFCO operations and proceedings for processing and acting upon proposals that come before the Commission. This document outlines general policy guidance within the mission, goals and objectives, and strategies related to specific areas of responsibility and authority for staff and the Commission to utilize when processing and adjudicating proposals.

Policy

It is the Policy of LAFCO to:

- 1) Establish a set of Policies and Procedures for defining the mission statement, goals and objectives, and strategies for conducting LAFCO operations and proceedings for adjudicating proposals.
- 2) Require a majority vote of the Commission to revise the established LAFCO Policies & Procedures.
- 3) Utilize the Policies and Procedures for LAFCO as outlined in **Attachment A**, in conjunction with the statutes contained within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as may be amended from time to time.

Attachment:

- A) LAFCO Policies & Procedures

Adopted October 28, 2021

LAFCO POLICIES & PROCEDURES

LAFCO POLICIES & PROCEDURES

Riverside Local Agency Formation Commission

October 28, 2021



LAFCO POLICIES & PROCEDURES

MISSION STATEMENT

The broad mission of the Local Agency Formation Commission of Riverside County (LAFCO or the Commission) is to implement the legislative direction and policies embodied in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cortese-Knox-Hertzberg, Government Code section 56000 et seq.) as may be amended from time to time, in a manner most appropriate to provide an orderly growth pattern that reconciles the varied needs of Riverside County. One of the fundamental principles of LAFCO is to ensure the establishment of an appropriate and logical municipal government structure for the distribution of efficient and appropriate public services. The Commission will encourage and promote communication among public agencies, property owners and residents of Riverside County. These policies shall be carried out in an efficient and courteous manner.

GOAL NO. 1: FACILITATE EFFICIENT URBAN FORM

Objective No. 1: Discourage Urban Sprawl.

1.1.1 Annexation proposals covering undeveloped or agricultural parcels to cities or districts providing urban services should demonstrate that:

- a. Urban development is likely to occur within the next ten years over a substantial portion of the proposal area, and;
- b. Urban development will be contiguous with existing or proposed development.

Consistent with *Objective No. 3* and legislative intent expressed in Cortese-Knox-Hertzberg, this strategy shall be implemented with due consideration for preserving open space lands within urban development patterns.

1.1.2 Applicants for annexations or reorganizations should demonstrate that the services furnished by the affected agency will be provided in a timely manner and at a cost that is reflective of, or comparable to, other similar types of development.

1.1.3 LAFCO will encourage in-fill development in urban areas and the annexation of areas inside existing city spheres of influence to avoid further urban sprawl.

1.1.4 All proposals including annexation to a city shall have been pre-zoned by

the annexing city. A certified copy of the city’s pre-zoning ordinance shall accompany the application.

1.1.5 Each proposal must be consistent with the appropriate city or county general and specific plans.

Objective No. 2: *Preserve the Physical and Economic Integrity of Agricultural Lands.*

1.2.1 City Sphere of Influence (SOI) shall be directed away from substantial areas of prime agricultural land, unless:

- a. The result would not facilitate an orderly development pattern; and,
- b. The city’s general plan allows for the continued operation of agricultural uses and provides guidelines for the ultimate development of agricultural land at the time the use is terminated, or development is proposed.

1.2.2 LAFCO shall deny the annexation of agricultural lands unless they meet the criteria specified below:

- a. The annexation of land located within an agricultural preserve may be approved only when:
 - 1. A notice of non-renewal or cancellation has been filed on the affected property proposed for annexation, or,
 - 2. The jurisdiction’s General Plan contains appropriate language:
 - a) To allow for the effective and continued operation of agricultural uses, and;
 - b) To provide guidelines for the ultimate development of agricultural land at the time the preserve is terminated, or development is proposed.
- b. The loss of non-prime agricultural lands should not be a central issue for annexation where city or county general plans provide for urban development and the proposal would not impact the integrity of surrounding prime agricultural lands.

Objective No. 3: *Preserve open space within urban development patterns.*

1.3.1 The Commission shall consider the preservation of open space lands as a valid reason for the annexation of undeveloped land.

GOAL NO. 2: ENHANCE SERVICE PROVISION THROUGH LOCAL GOVERNMENT STRUCTURE

Objective No. 1: *Encourage Orderly Formation and Development of Agencies by Shaping Local Agency Boundaries.*

2.1.1 To achieve this goal, LAFCO shall encourage the reorganization of

overlapping and competing agencies or illogical boundaries dividing agency service areas. In certain cases, adjoining service agencies shall collaborate to ensure appropriate and adequate services are provided to the public even though it may be outside an agency's service area. In those unique instances where an adjoining agency has the best ability to serve a particular location outside of its service area and within another agency's service area, it must be demonstrated that the public need or benefit outweighs a particular jurisdictional authority. LAFCO shall encourage this type of interagency collaboration only on a limited geographical basis when appropriate and in the best interest of the public. This type of collaboration may take a variety of forms, including:

- a. The establishment of informal arrangements between agencies in which each understands the other's abilities and/or priorities and the action meets existing agency goals.
- b. The establishment of formal arrangements between agencies using agreements or Memorandums of Understanding that detail the administrative and operational relationship of each agency.

2.1.2

Where special district boundaries overlap city territory, LAFCO will support district detachments if the city provides similar services to the district and can demonstrate one of the following conditions is met:

- a. The subject city provides a higher level of service at the same cost.
- b. The subject city provides equivalent service levels at a lower cost.

LAFCO shall also consider the impact of detachment on the ability of the district to provide services to the remainder of its service area.

2.1.3

LAFCO shall support annexation of all islands of unincorporated territory, including Disadvantaged Unincorporated Communities, and areas substantially surrounded by a city located within that city's sphere of influence, as the local provider of services and controls. If an annexation is proposed for only a portion of an island of unincorporated territory, the proponent shall provide adequate justification as to why the entire island should not be annexed. Cities are expected to solicit the opinions of landowners and residents in island and substantially surrounded areas.

2.1.4

Agency boundaries should not be drawn so as to create an island, corridor or strip either within the proposed territory or immediately adjacent to it. Where such an island, corridor or strip is created, the proponent shall justify the reasons for non-conformance with this strategy. Such reasons could include, but are not limited to:

- a. creation of the island, corridor or strip will not affect the provision of services to the area.
- b. service impacts can be mitigated by terms and conditions imposed on the annexing city to provide services to all or a portion of the island, corridor or strip.
- c. implementation of the strategy would be detrimental to the orderly

development of the community.

- 2.1.5** LAFCO shall support agency boundaries that include rather than split existing identifiable communities, commercial districts, or other areas having social or economic homogeneity which are located within the applicable sphere of influence.

Incorporation

- 2.1.6** The following local policies on incorporation supplement and update Incorporation Guidelines prepared by the Governor's Office of Planning & Research (OPR).

- 2.1.6.1** Preliminary Feasibility Assessment-A preliminary feasibility assessment should be completed at the earliest possible time and is required to be completed no later than the filing of a Notice of Intent to Circulate Petition. The value of this analysis is to let incorporation proponents and the community know whether additional effort and resources should be devoted to pursuing incorporation. Additionally, the preliminary assessment can identify revenue neutrality issues, allowing for early discussions between proponents and the County regarding mitigation. Failure to perform an early preliminary assessment could result in a community pursuing an incorporation that is subsequently shown to be fiscally infeasible. This could result in a tremendous waste of effort and set back future incorporation efforts.

- 2.1.6.2** Additional Time To Complete Application Requirements-In consideration of the complex analyses required to be submitted with certain types of proposals, elements of a proposal that includes incorporation, disincorporation, city consolidation or district consolidation may be submitted up to 18 months after initiation. The date of initiation is the date of adoption of a resolution of application (for proposals initiated by a local agency) or the date of issuance of the Certificate of Sufficiency (for proposals initiated by petition).

- 2.1.6.3** Comprehensive Fiscal Analysis (CFA)-LAFCO must prepare, or cause to be prepared, a Comprehensive Fiscal Analysis. Management and preparation of the legally mandated CFA occurs in one of two ways:

- a. Incorporation proponents directly hire and manage a consultant to prepare the draft CFA. Proponents are directly responsible for consultant selection, payment, and the timing of the analysis.
- b. LAFCO retains a consultant to prepare the draft CFA with funds deposited by the proponents. LAFCO manages the consultants work as long as funds are on deposit.

The first model has traditionally been used in Riverside County. It demonstrates the existence of independence and leadership in the community. In both cases, the CFA is not considered final until all changes requested by the Commission or the Executive Officer have been

completed. In either case, proponents are financially responsible for preparation of the CFA and all changes required. In either case, the consultant shall identify all past incorporation analyses performed within the affected area.

CFA Requirements-In order to minimize the likelihood of forming a city that cannot sustain itself, the following principles shall govern the preparation of the CFA:

- a. All assumptions shall be clearly identified at the beginning of the analysis.
- b. Costs of services should be based upon existing levels of service. Estimates for enhanced or new levels of service proposed to be provided shall be included based on similar services provided by other similarly sized area cities.
- c. All revenue estimates/projections shall be conservative.
- d. Extreme care shall be taken to ensure that all costs are accounted for.
- e. Costs for functions that are not being directly assumed from another agency (e.g. the County) should use similarly sized cities as a basis for estimates. This is especially applicable to administrative functions.
- f. Proposition 13 allows for a maximum increase in assessed value of two (2) percent annually for individual properties in the absence of a change in ownership. When the general rate of inflation is higher than 2 percent, the effect is a loss in real dollars from the existing tax base (unless the rate of turnover and property value increases are sufficiently high). Property tax projection methodology must take into consideration the potential deflation of property tax dollars.
- g. While state law only requires an analysis of the city's first three years, the Riverside LAFCO requires an analysis projecting out a minimum of ten years. State subventions for Fuel Taxes under various Streets and Highways Codes for new cities are based on a calculated population sliding scale starting at 150% of the base population over the first five (5) years. after incorporation. This formula, which typically greatly exceeds actual population, provides a temporary source of enhanced critical road infrastructure maintenance funding to help new cities get started in road maintenance which is generally underfunded.
- h. Government Code section 56720 requires that the Commission, in approving an incorporation, find that the new city will have sufficient revenue to provide public services and facilities and a "reasonable reserve". Consistent with the OPR Incorporation Guidelines, the CFA should include an appropriation for contingency of at least 10 percent, assumed to be expended in full, and an additional reserve of 10 percent for each separate fund.

2.1.6.4

Boundary Alternatives-Incorporation proponents should discuss potential boundaries with LAFCO staff at the earliest possible date. Proponents may be required to have a CFA conducted on more than one boundary alternative. Failure to analyze boundary alternatives could result in denial of the incorporation proposal or lengthy delays if the Commission favors a boundary that has not been analyzed. Nothing herein precludes LAFCO

from approving minor modifications to an incorporation proposal without additional analysis if it can be clearly seen that the changes will not have a significant impact upon feasibility or revenue neutrality.

2.1.6.5 Boundary Description-The Petition for Incorporation and the submitted application must include a map and text description that clearly identifies the proposed boundaries. A legal description and associated map, prepared in accordance with LAFCO standards by a licensed land surveyor or qualified civil engineer, must be submitted and approved at least 60 days prior to the hearing before the Commission and prior to the issuance of a Certificate of Filing.

2.1.6.6 Loan for Incorporation Fees- Government Code section 56383(g) provides that Incorporation proponents meeting the identified qualifications may seek a loan as specified to cover processing fees. The request must be made through LAFCO after certification of a successful petition initiating the proposal. The submitted request must certify that the proponents are unable to raise sufficient funds to cover processing fees. Certification should include current bank statements of all accounts available to fund the incorporation effort, a list of expenditures and revenue sources to date, a list of all fund raising efforts, and any other information that would demonstrate that the proponents are unable to raise sufficient funds. The request shall be presented to the Commission, which may request additional information. The Commission may also request that the incorporation accounts be audited. The Commission may, but is not required to forward the loan request to the State Controller.

2.1.6.7 In the event of a conflict between the OPR Guidelines and local guidelines and policies, local guidelines and policies shall prevail. (Note- the OPR Guidelines are outdated and require updating, including significant changes to revenues related to incorporations.)

LAFCO Participation in Funding of Special Studies

2.1.7 a. Requests for Commission funding of special studies must meet the following criteria in order to receive Commission approval.

1. Objectives of the study must meet the needs of a broad public interest, beyond the interests of a single public agency or landowner.
2. At least two public agencies (other than LAFCO) must be committed to participate in funding the analysis.
3. The funding request must specifically state the level of funding sought, however, the Commission's share shall not exceed one-third of the total study cost.
4. The analysis must address significant issues that have been discussed by the Commission over a period of several months.

b. Upon receipt of a request, the Executive Officer shall place the matter

on the earliest agenda practical. The Executive Officer will report on how the request complies with the above criteria and on potential budget impacts of the request.

c. The Commission may, but is not compelled to, approve the request for participatory funding, wholly, partially or conditionally.

d. The Commission may indicate a commitment in terms of a dollar amount, a percentage of the study cost, or a combination of both.

Objective No. 2: *In Recognition of Legislative Policy Expressed in Cortese-Knox-Hertzberg, the Commission Shall Endeavor to Minimize the Number of Agencies Providing Services to a Given Area.*

2.2.1 In order to minimize the number of agencies providing services within a given area, LAFCO will evaluate proposals for changes of organization with the following hierarchy in mind (in descending order of preference). That is, prior to proposing a specific organizational change, proponents must provide justification for rejection of each preceding change in the hierarchy:

- a. Annexation to an existing city.
- b. Annexation to an existing multiple purpose special district.
- c. Annexation to an existing single purpose special district.
- d. Annexation to an existing County Service Area.
- e. Formation of a County Service Area.
- f. Formation of a new district.
- g. Incorporation of a new city.
- h. Unincorporated community designation.

2.2.2 Commission actions will recognize that certain services are best provided on a sub-regional basis over a geographic area spanning the boundaries of more than one general-purpose agency. Provision of services on a sub-regional basis is often appropriate due to the following factors:

- a. The cost of providing services is lower due to economies of scale.
- b. A sub-regional agency may have a greater ability to obtain favorable financing for public works.

2.2.3 In order to reduce and minimize the number of agencies providing services, LAFCO shall only approve proposals for the formation of new agencies when all of the following conditions are met:

- a. There is evidenced a clear need for the new agency's services from the affected landowners and/or residents.
- b. There are no other existing agencies that are able to annex and provide similar services in a cost-effective manner.
- c. There is a demonstrated ability of the new agency to provide for and finance the needed new services.
- d. The Commission shall establish a sphere of influence pursuant to Objective No. 3 at the time of formation.

2.2.4 The Commission encourages implementation of changes of organization, such as consolidations, mergers, dissolutions, where the result will be better services, reduced cost, and/or efficient administration of services to the citizens.

2.2.5 Commission initiated proposals for consolidation, dissolution, merger, or establishment of subsidiary districts shall not be considered until reasonable efforts are made to encourage initiation of such proposals by petition or resolution of one or more affected agencies.

Objective No. 3: *Utilize Spheres of Influence to Guide Future Development of Agency Boundaries.*

2.3.1 A SOI is the Commission’s plan for the probable boundary and service area of a local agency. The establishment or amendment of a sphere of influence is a policy declaration of the Commission based upon existing facts and circumstances which, although not easily changed, may be subject to review and change in the event that a future significant change of circumstances so warrants.

2.3.2 The establishment or amendment of a sphere of influence by the Commission may take several forms as follows:

- a. A SOI encompassing territory beyond the existing boundaries of an agency indicates the expectation of future growth of the agency’s service area.
- b. A SOI that is coterminous with the existing boundaries of an agency indicates the expectation that the agency is currently in its ultimate configuration. No growth in its service area is anticipated.
- c. A SOI that is smaller than the existing boundaries of an agency indicates the expectation that future detachments from the agency would be appropriate.
- d. A “zero sphere of influence” indicates the agency should be dissolved.

2.3.3 During the annual review of the 5-Year Strategic Plan, and the Annual Action Plan during the budget process each year, the Commission shall identify municipal spheres of influence to receive comprehensive reviews over the following twelve-month period. Such reviews shall be coordinated with the affected cities and districts, adjacent cities and districts, and affected residents via the appropriate Supervisorial office(s). In any given year, the Commission may decide to review any number of spheres it believes are appropriate for the resources it has, or it may decide not to review any.

2.3.4 One of the factors the Commission shall use in determining a SOI for a city shall be the city’s general plan. Prior to any expansion of a city’s SOI, the affected city’s general plan must contain provisions to adequately demonstrate that the city has planned for the increased needs associated with a larger geographic boundary.

2.3.5

In preparation for a Commission initiated review of a SOI, or in the course of preparation of an application for a SOI amendment, the subject agency shall prepare an analysis addressing the following five factors delineated in Government Code section 56425.

- a. The present and planned land uses in the area, including agricultural and open space lands.
- b. The present and probable need for public facilities and services in the area.
- c. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. If current facility capacity and service resources cannot accommodate growth in the area, the agency must provide a general plan for extension of services, including an indication of how extended services will be financed.
- d. The existence of any social or economic communities of interest in the area, if the Commission determines that they are relevant to the agency.
- e. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial waste water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for these public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

2.3.6

LAFCO shall encourage districts with significant territory within a city's sphere of influence to develop plans, in conjunction with the city, for the orderly detachment of territory from the district or merger/dissolution of the district as district territory is annexed to the city. This strategy is applicable only where the subject city provides similar services to the district and can demonstrate one of the following conditions is met:

- a. The subject city provides higher levels of service the same cost
- b. The subject city provides equivalent service levels at a lower cost.

Any plans anticipating detachment shall consider the impact of detachment on the ability of the district to provide services to the remainder of its service area.

2.3.7

Where a special district is entirely within a city's sphere of influence, the city will be encouraged to develop annexation policies which will anticipate the total inclusion of the district's territory rather than a portion. The purpose of this strategy is to avoid imposition of an unbearable burden upon the district and citizens within the balance of the district's territory.

2.3.8

LAFCO shall encourage all developed urban land inside a city's sphere of influence to annex to the city. The burden of proof as to why any such areas should not be annexed shall rest with the residents and owners of the property being annexed.

2.3.9

When establishing or updating an SOI for an agency, the Commission may augment the geographic designation of territory included within the SOI

with a policy text appropriate to the agency under review. Policies established for a particular SOI could implement general Commission policies within the geographic area under consideration. Such agency-specific policies could address issues such as, but not limited to, future priorities for annexation of specific areas within the SOI, island issues, consolidation/reorganization, fiscal considerations, impacts on other service providers, facility issues, etc.

- 2.3.10** For the purposes of reviewing a city's sphere of influence, the planning horizon for the sphere shall be the planning horizon used for the affected city's general plan.

Minor SOI Amendments

- 2.3.11** An amendment to the SOI of any agency may be processed and acted upon by the Commission, in advance of the preparation of a municipal service review, if the following criteria are met:

- a. The requested amendment is either less than 40 acres or less than 3 percent of the combined acreage of the subject agency's existing boundaries and sphere of influence, and;
- b. There are no objections from other agencies that are authorized to provide the services the subject agency provides and whose SOI underlies or is adjacent to the subject territory, or;
- c. A public agency has acquired the subject territory for the purpose of using the property to provide one or more authorized public services.

- 2.3.12** An amendment to a retail water district sphere of influence may be processed and acted upon by the Commission, in advance of the preparation of a municipal service review, if all the following are met:

- a. The area is currently within the sphere of influence of the appropriate wholesale purveyor.
- b. The request is made by affected landowners or residents in conjunction with a concurrent annexation.
- c. No objection is received from any other agency that provides water service and whose SOI underlies or is adjacent to the subject territory.

Policies Affecting Unincorporated Areas

- 2.3.13** Unincorporated Community Designation

NOTE- There are currently two designated Unincorporated Communities (UC) in the County. The Commission has determined that there will be no consideration for future new UC designations.

A UC is a designation by LAFCO indicating the Commission's intent that the area designated will remain unincorporated for the foreseeable future. Designation of an area as a UC may require removal from a municipal sphere of influence since the two designations are mutually exclusive. The UC

designation for a community is to be reviewed every five years.

- a. In order to achieve consistency between Commission policies and designations, a UC designation and a city sphere of influence shall not occupy the same territory.
- b. Areas receiving the UC designations shall be reviewed at least every five years. An application for amendment to an Unincorporated Community designation may be submitted by any person or local agency. The procedure shall generally follow that required for an amendment to a sphere of influence. It is the intent of the Commission, subject to final determination after a duly noticed public hearing, that the fee for such an amendment shall be the same as that for an amendment to a sphere of influence, provided that if amendments to a UC and a sphere of influence are requested concurrently, the fee shall be collected only once.

2.3.14 Report Preparation for Five Year Reviews

2.3.14.1 Prior to the conclusion of each five-year period following long-term designation as an “Unincorporated Community,” a written report from the designated UC representatives to LAFCO must be submitted for review.

2.3.14.2 Designated UC representatives must demonstrate that one or more of the following conditions exist in order to be considered for the long-term designation of “Unincorporated Community”:

- a. No need foreseen for city-provided municipal services for the next five years
- b. It is unlikely that any significant, inhabited, portion of the UC will pursue a municipal service change of organization over the next five years
- c. Due to specified reasons, it is in the best interest of the community to remain unincorporated for the foreseeable future
- d. Any other reason satisfactory to the Commission.

2.3.14.3 The five-year report should consider the following questions:

- a. Will any services of the type normally provided by a city be required within the next five years? Why will no additional services of this type be required?
- b. Why is designation as an Unincorporated Community preferable to any of the other options submitted with the original application?
- c. Do residents of the UC desire designation of an Unincorporated Community? What measures were taken to make this determination? For example: Town meetings, mass mailings and responses, mailed ballots, etc.
- d. Is it currently planned to evaluate incorporation after the expiration of the five-year designation as an Unincorporated Community? If not after five years, when, if ever?
- e. Are any major housing or business/industrial developments being planned within the boundaries of the UC? If the answer is yes, describe

- them and the planned dates for development.
- f. Do the County and other existing service agencies have the ability to provide an adequate level of services, as defined by the community, over the next five years?
 - g. Has there been any evaluation by the County or the community as to whether the area currently generates revenue sufficient to support existing County services?
 - h. Has the possible continued designation of the area as an Unincorporated Community received publicity within the area? If the answer is yes, what and when? Have owners of vacant land been apprised of this intention?
 - i. A LAFCO hearing will be held for any five-year review for which there is a prior written request submitted by an affected party.

Objective No. 4: Meet the Municipal Service Review (MSR) Mandate in the Most Practical, Cost-Effective Manner.

2.4.1 Municipal services subject to review will be limited to those public services typically required by and associated with urban development, such as water, wastewater, police, fire protection, library, roads, electricity, parks and recreation, animal control, and flood control. However, at the discretion of the Commission, MSRs on other service districts performing functions such as healthcare, pest and vector control, resource conservation, and cemetery services may be performed.

2.4.2 Only local agencies that have SOIs subject to LAFCO review will require preparation of service reviews.

2.4.3 The following agencies will not be subject to service reviews:

- The County of Riverside
- Mutual Water Companies
- Public Utilities Commission (PUC) regulated utilities

Services provided by some of the above entities might be included anecdotally in service reviews of other agencies.

2.4.4 The scope and schedule of MSRs and SOI reviews should remain flexible enough to accommodate legislative changes and changes in local conditions.

2.4.5 Staff and consultants should utilize the best information that is currently available from public agencies rather than initiate new analyses.

2.4.6 Participation from representative agencies will be solicited for all service reviews.

2.4.7 The Commission's policy allowing minor SOI amendments without conducting a MSR will remain in place.

GOAL NO. 3: MAXIMIZE INTERAGENCY AND PUBLIC COMMUNICATION***Objective No. 1: Increase Communication and Cooperation Between Governments.***

- 3.1.1** Anytime a proposal is contemplated by one agency that is inconsistent with another agency's sphere of influence, the agency considering the change must notify the affected agency at the earliest possible stage. Documentation of notification and communication between the agencies must be provided with application materials.
- 3.1.2** Cities are expected to coordinate with adjoining jurisdictions in advance of submittal of any annexation application that includes existing or future regionally significant transportation facilities as identified in adopted regional transportation plans. The purpose of early communication and coordination is to maintain the integrity of the regional transportation system and continuance of any regional funding mechanisms.
- 3.1.3** For any proposal that will potentially cause a significant negative fiscal impact upon another jurisdiction, the annexing agency shall contact the affected jurisdiction prior to submittal of the application to discuss potential mitigation.
- 3.1.4** When special district detachments can be anticipated pursuant to strategy 2.1.2 or strategy 2.3.7, in addition to developing annexation and detachment policies, the affected city and district should jointly plan and coordinate capital improvements. The purpose of this strategy is to achieve an orderly transition of services, to maximize the effective use of public funds, and to avoid unnecessary duplication of services and facilities.
- 3.1.5** Cities must coordinate all sphere of influence and annexation proposals that include Indian Reservation Lands with the appropriate Tribal Government in advance of application submittal.
- 3.1.6** All applications for municipal sphere of influence amendments or annexations that include Indian Reservation Lands shall be referred to the appropriate Tribal Government for review and comment prior to hearing by the Commission. The Commission shall consider the existence of a Tribal land use agreement with the subject city an important factor when reviewing such proposals.
- 3.1.7** The Commission shall not approve any municipal annexation of Indian Reservation Lands without the consent of the Tribal Council.
- 3.1.8** In support of this objective, LAFCO is committed to providing available staff resources and meeting space, if necessary, to facilitate communication.

Objective No. 2: Increase Communication Between Local Agencies and Citizens.

- 3.2.1** Cities are expected to take a proactive role in providing information related to annexation to residents within the city's sphere of influence.

- 3.2.2** Encourage the County to work with cities and unincorporated residents to provide information to the public regarding the advantages and disadvantages of annexation.
- 3.2.3** When preparing application materials for annexation of uninhabited areas, cities are expected to solicit the participation of adjacent inhabited areas, if applicable, in order to create logical service boundaries and improved levels of service. Potential expanded boundaries should be determined in consultation with the Executive Officer.
- 3.2.4** In support of this objective, LAFCO is committed to providing staff resources, when available, to attend community meetings and provide information relevant to the annexation process.
- 3.2.5** LAFCO shall maintain a web site. Information shall include current and past minutes and agendas, as well as current staff reports for non-consent agenda items.
- 3.2.6** All proposals that include annexation to a city shall be referred to the affected Municipal Advisory Council (MAC) or Community Council for review and comment. If no MAC or Community Council exists in the area, the proposal shall be referred to the applicable County Supervisor.

Public Notice

- 3.2.7** Unless otherwise determined by Commission policy, notices of public hearing for all proposals shall be provided in a manner as specified by law.
- 3.2.8** The following shall apply to any proposal that includes annexation to a city that meets both of the following criteria:
- a. greater than ten acres.
 - b. would substantially alter existing land uses or intensities.
- For such proposals, mailed notice shall be provided to all registered voters and property owners within the boundaries of the proposal and within 500 feet of the exterior boundaries of the proposal, except that notice need only be provided within 300 feet of the exterior boundary adjacent to the subject city.
- 3.2.9** The alternative to publish a display ad in lieu of mailed notice, as provided in state law, may be used if notice requirements would otherwise require mailing of more than 2,000 notices.

Conducting Authority Proceedings

- 3.2.10** Delegate responsibility for all conducting authority functions to the Executive Officer. Resolutions may be approved by the Executive Officer but shall be signed by the Chair.

- 3.2.11** The Executive Officer shall provide 21 days notice of protest hearings to all registered voters and landowners within the boundaries of the proposal. Such notice shall be in addition to any other legally required notice.
- 3.2.12** Allow for publication of a display ad in lieu of individual mailed notice for specified types of proposals, consistent with Commission policy on public hearing notice.
- 3.2.13** Mailed notice of protest hearings provided to landowners and registered voters within the affected territory shall include the protest form adopted by the Commission.

Procedure Regarding Late Receipt of Information

- 3.2.14** Information received prior to the assembly of agenda packets will be copied and distributed to Commissioners with the packets.
- 3.2.15** Information received subsequent to packet assembly, but at least 72 hours prior to the meeting, will be emailed (bulky items will be mailed) to Commissioners on the Monday prior to a Thursday meeting.
- 3.2.16** Parties submitting documents after the emailing deadline will be notified, if possible, that a minimum of 12 copies will be required in order to distribute the documents to the full Commission. If sufficient copies are provided, they will be placed in Commissioners' folders on the morning of the hearing.
- 3.2.17** Documents received after the email deadline that have not been copied will be placed in a folder for the Chair. At the Chair's discretion, the Chair may verbally acknowledge the receipt of the additional information or pass it to Commissioners for review. The Chair will ensure that the documents are placed back in the folder for retrieval by the Clerk.
- 3.2.18** Documents received at the hearing will be submitted to the Clerk who will hand the information to the Chair. At the Chair's discretion, the Chair may verbally acknowledge the receipt of the additional information or pass it to Commissioners for review. The Chair will ensure that the documents are placed in the "Late Documents" folder for retrieval by the Clerk.

GOAL NO. 4: PARTICIPATE IN THE LEGISLATIVE PROCESS

Objective No. 1: Create a Legislative Committee.

- 4.1.1** The Commission, through the actions of their Legislative Committee, will be made aware of significant legislative proposals impacting the role and responsibilities of LAFCOs.
- 4.1.2** The Legislative Committee shall prepare materials and present them to the Commission supporting CALAFCO legislative positions that are not inconsistent with local concerns.

GOAL NO. 5: SUPPORT CALAFCO

Objective No. 1: Support and Utilize CALAFCO Resources.

- 5.1.1** Commissioners and staff members shall be encouraged to take advantage of CALAFCO sponsored professional development opportunities.
- 5.1.2** Commissioners shall be encouraged to seek positions on the CALAFCO Executive Board in order to give Riverside LAFCO a voice in statewide matters.
- 5.1.3** It shall be the policy of this Commission to continue its status as a CALAFCO member in good standing.
- 5.1.4** Staff shall be encouraged to contribute to and support CALAFCO activities as resources allow.

Riverside LAFCO
Policy B-2
Disadvantaged Unincorporated Communities

Purpose

It is the desire of the Riverside Local Agency Formation Commission (“LAFCO” or “the Commission”) to establish and maintain a policy document that establishes the methodology for determining the existing Disadvantaged Unincorporated Communities (DUCs) in Riverside County. Senate Bill 244 (Wolk), effective on January 1, 2012, imposed several new requirements and restrictions on LAFCOs, cities, and counties with regard to DUCs. The Legislature found that DUCs lack access to basic infrastructure, including, but not limited to streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. DUCs are defined as inhabited territory that constitutes all or a portion of a community of 12 or more registered voters, and with an annual median household income (MHI) that is less than 80 percent of the statewide MHI. Additional criteria for identifying DUCs can be applied by the Commission. This Policy document outlines the process and criteria to be utilized for identifying DUCs.

Policy

It is the Policy of LAFCO to:

- 1) Establish a Policy for identifying and defining Disadvantaged Unincorporated Communities (DUCs).
- 2) Utilize the policy and procedure as outlined in **Attachment A**, in conjunction with the statutes contained within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as may be amended from time to time.
- 3) Require a majority vote of the Commission to revise the established DUC Policy.

Attachment:

- A) Riverside LAFCO Disadvantaged Unincorporated Communities (DUCs) Policy

Adopted March 22, 2012
Updated February 25, 2021
Updated October 28, 2021

RIVERSIDE LAFCO DISADVANTAGED UNINCORPORATED COMMUNITIES (DUCs) POLICY

LEGISLATIVE BACKGROUND

Senate Bill 244 (Wolk), effective on January 1, 2012, imposed several new requirements and restrictions on LAFCOs, cities, and counties with regard to Disadvantaged Unincorporated Communities (“DUCs”). The Legislature found that DUCs lack access to basic infrastructure, including, but not limited to streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service.

PURPOSE OF POLICY

Riverside LAFCO seeks to establish this policy and its procedural guidelines for identifying and addressing DUCs during the Commission’s processing of a change of organization or reorganization, sphere of influence update and amendment, municipal service reviews, and mapping of DUCs in Riverside County. Staff will continue to monitor the DUCs and recommend updates to the Commission on an as-needed basis.

It is imperative that cities, special districts, and LAFCOs do not purposefully rule out a DUC from future annexations and that DUCs are included in the scope of municipal service review and spheres of influence updates.

IDENTIFYING DISADVANTAGED UNINCORPORATED COMMUNITIES (DUCs)

A DUC is defined as inhabited territory that is all or a portion of a Disadvantaged Community (“DC”). The first task in the implementation of SB 244 is identification of DCs and DUCs. The sole statutory criterion for determination of a DC is median household income (“MHI”). A DC is defined as a community with an annual MHI income that is less than 80 percent of the statewide annual MHI.

Assembling income data for specific geographic areas is not a straightforward task. Mapping DUC locations is a complex process because the delineation of the DUC boundaries may differ from the conventional local agency boundaries, statewide to local MHI ratios may change over a given timeframe that can result in a change to a community’s disadvantaged status, and the number of registered voters can fluctuate during election years.

LAFCO staff engaged with a consultant to develop a process that would streamline the identification and designation of DUCs by analyzing available data utilizing the software program ArcGIS Pro from ESRI.

The following summarizes the methodology that has been undertaken thus far, identifies issues/challenges in identifying DUCs and how they are being addressed, and presents the criteria to be used for the identification of future DUCs.

A) METHODOLOGY

In order to refine information gathered at the census block group level, the following factors are considered in the ultimate determination of DUC boundaries: inhabited territory, median household income (“MHI”), average home sale price, mortgage cost and land use.

While there is no discretion in the determination of DCs, the statute does allow some policy discretion in the determination of DUCs.

Inhabited territory: DUCs must include inhabited territory using the statutory definition of inhabited (12 or more registered voters) or as otherwise determined by commission policy. A low threshold, such as 12 registered voters, will have two distinct effects:

1. First, by likely increasing the number of identifiable DUCs it will require a greater effort to make determinations required for Municipal Service Reviews (“MSR”) and Sphere of Influence (“SOI”) updates.
2. Second, it will likely increase the number of annexation proposals to which Commission approval restrictions will apply. Nevertheless, the Commission should also be cautious about establishing a policy threshold that is too high. The Legislature, by setting the default at 12 or more registered voters, clearly felt that the DUC provisions should apply to smaller enclaves that some might not consider full-fledged “communities”.

Based on the considerations, the default threshold of 12 registered voters, which could represent an area containing three or four homes, seems unreasonably low. As such, current LAFCO policy establishes a threshold of 50 registered voters.

LAFCO shall consult with the Registrar of Voters to determine whether each potential DUC location’s inhabited status consists of 50 or more registered voters. Note that the number of registered voters may fluctuate throughout any given period and inhabited status for a potential DUC can be more accurately assessed and determined at the time an application or proposal is submitted to LAFCO.

Median Household Income: The smallest geographic units for which median household income is available are census block groups. Block groups are aggregations of blocks. Several block groups typically make up a census tract. The Census Tract and Block Group are geographical units used by the U.S. Census Bureau to sample data from a fraction of all households within the designated geographic unit. Outside of heavily urbanized areas, block groups are rather large. They often include both incorporated and unincorporated territory and do not necessarily coincide with what might be thought of as community boundaries.

Although a block group might be identified as having a MHI of less than 80 percent of the State MHI, various portions of the block group could have significantly different MHIs.

LAFCO should establish which block groups fall under the 80 percent figure and then follow through with subsequent refinements as identified in this section.

Average Home Sale Price: Based on data provided by the Riverside County Assessor-Clerk-Recorder, the average residential home sale provides an indicator of property values in an area. This sale data is analyzed by Tax Rate Area (“TRA”) and compared to the Countywide median home value, which allows for further refinement of areas being considered as DUCs. All TRA’s with average home sale prices higher than the County median are removed from the census block group level. What remains are the areas with below average property values, a criterion that further distinguishes them as relatively disadvantaged.

Mortgage Cost: As a further refinement for identifying disadvantaged communities based on property values, a metric was established in ArcGIS Pro to identify areas where hypothetical mortgage costs, using the average property values, a metric was established in ArcGIS Pro to identify areas where hypothetical mortgage costs, using the average home sale price, are above 30 percent of area MHI. This would indicate that households in that area are able to afford homes above what median income should be able to afford or qualify for (a finding confirmed by satellite imagery showing larger, newer homes that are unrepresentative of other DUCs in the County). Applying this metric to the remaining areas further refined the number of potential DUCs.

Land Use: The definition of a DUC focuses on inhabited (i.e. residential) areas. Aerial imagery can be used to refine the DUCS, manually removing areas determined visually to be uninhabited including vacant land as well as commercial or industrial land. Having already refined the areas considered for DUCs with the objective data-driven process above.

B) DUC CENSUS DATA

LAFCO relies on the U.S. Census Bureau’s American Community Survey (“ACS”) data to approximate the statewide and DUC median household income. LAFCO also utilizes five-year estimates of Census Tract and, Block Group information from the ACS to inventory potential DUC locations in Riverside County.

The ACS dataset is important for identifying trends for small communities and geographies, which is critical for planning future investments and services. This data has provided communities with detailed information about people, places, and the economy for the last 15 years.

Five-year datasets are "period" estimates that represent data collected over that period of time. The primary advantage of using multiyear estimates is the increased statistical reliability of the data for less populated areas and small population subgroups.

Every five years, in conjunction with city sphere updates and MSR reviews, demographic data and maps of the DUCs will be updated, as necessary, based on available census data.

PROCEDURAL DIRECTION

A) MUNICIPAL SERVICE REVIEWS & DETERMINATIONS §56430

SB 244 requires the Commission to prepare specific written determinations on infrastructure needs or deficiencies related to sewer, water, and fire protection services in any DUCs within or contiguous to the sphere of influence of a city or special district that provides those services.

B) SPHERE OF INFLUENCE UPDATES & DETERMINATIONS §56425

SB 244 requires the Commission, after July 1, 2012, to adopt additional determinations for an update of a sphere of influence of a city or special district that provides public facilities or services related to sewer, water, or fire protection. The Commission must make determinations regarding the present and probable need for those public facilities and services in any DUCs within the existing sphere of influence.

C) CITY ANNEXATION APPROVAL RESTRICTIONS §56375 (a)(8)(A)

SB 244 imposes restrictions on approval of city annexations greater than 10 acres, or as determined by Commission policy, where there is a DUC contiguous to the area of the proposed annexation. The Commission is prohibited from approving such an annexation unless an application to annex the DUC has also been filed. However, there are two exemptions to the requirement to file an application to annex a contiguous DUC:

- An application to annex the DUC has been filed in the past five years.
- The Commission finds, based upon **written evidence**, that a majority of the registered voters within the affected territory are opposed to annexation.

Government Code section 56375(a)(8)(A) shall also apply to the annexation of two or more contiguous areas that take place within five years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

Staff recommends that DUCs be identified when annexation applications are submitted to LAFCO. The current LAFCO application would be modified to ask the applicant if any DUCs are contiguous to the proposed annexed area. Staff would then confirm this information to verify the existence of any DUCs.

D) WRITTEN EVIDENCE §56375 (a) (8) (B) (ii)

In addition to the identification of DUCs, there is another element of SB 244 implementation that requires policy direction from the Commission. As noted above, the annexation restrictions imposed by SB 244 can be waived if written evidence is presented

demonstrating that a majority of the *registered voters* within the DUC are opposed to the annexation.

Prior to submittal for LAFCO consideration, cities are typically directed to survey the DUC areas adjacent to the proposed annexation area to determine respective interest or opposition in joining the proposed annexation proceedings. The survey results assist staff and the Commission when considering potential modifications of submitted proposal areas to create more logical and orderly boundaries following the proposed jurisdictional change.

For these types of surveys or adjacent property owners, a non-response is usually interpreted as a non-interest in annexation; however, because SB 244 requires written evidence of the will of the registered voters in a second proposal area, a non-response does not comply with this statutory requirement. Accordingly, it is recommended that the Commission require signed and dated statements and or petitions using LAFCO's Registered Voter Petition, including signatures of the registered voters within the affected contiguous area be provided to the Commission to satisfy the "*written evidence*" provision.

The Commission may make the finding regarding the registered voters support or opposition to annexation of a DUC pursuant to Section 56375(a)(8)(B)(ii) based on either of the following:

- A petition or statement stating support or opposition signed by a majority of the registered voters residing within the DUC. The written evidence should include statements signed and dated by the registered voters within the affected area. The validity of the petition shall be determined in the same manner as required by Section 56707.
- A scientific survey conducted by an academic institution or professional polling company determined to be satisfactory to LAFCO. The polling results shall be accompanied by the specific question asked of respondents and the methodology employed. The applicant seeking the annexation pays for the survey. LAFCO is not responsible for costs, however, if LAFCO must retain such an organization for a survey, the applicant must reimburse LAFCO. The Commission shall have a copy of the survey and any mailing list used to collect this survey. The survey must be completed no longer than 12 months before the filing of the underlying annexation proposal. The following must be included as part of the survey:
 - 1) Survey Cover Letter
 - 2) Survey/Poll
 - 3) Map of the proposed annexation boundaries and DUC in relation to existing city boundaries.
 - 4) The subject agency should identify all city services upon annexation (a review of the types of services), disclose any fees or assessments charged to annexing territory, timing of when the services would be

provided and financing of the services), effects of city/zoning/land use and city elections and disclose any terms and conditions associated with annexation when surveying the affected registered voters/landowners.

- All information sent to residents in DUCs should be English and Spanish, and any other languages reasonably calculated by LAFCO to be understood by a majority of the residents of a household area.

In cases where a city is required to file an application for annexation of a DUC, the Commission still retains discretion over approval of that proposal. For example, there could be cases where an identified DUC is a portion of a larger established community. The Commission may determine that the DUC should not be placed within a different jurisdiction but remain as a part of its larger unincorporated community.

E) CONTIGUOUS REQUIREMENTS TO TRIGGER A DUC ANNEXATION

A DUC that is identified to be within 300 feet of the underlying annexation is sufficient to start the annexation proceedings for a DUC.

F) PAYMENT FOR DUC ANNEXATION

If a second proposal to annex a contiguous DUC is not opposed by written evidence of a majority of the affected registered voters, the Commission should consider a fee reduction or waiving of the associated LAFCO processing fees for the secondary proposal.

The processing costs for a DUC annexation is the responsibility of the city or special district, or in the case of an annexation submitted by petition, the petitioner(s) of the triggering annexation.

G) DUC PROTEST PROCEEDINGS

The same procedure for a standard annexation shall be followed for a conducting authority hearing related to a DUC.

DUCs that meet the criteria for unincorporated island annexations pursuant to Section 56375.3, shall be processed under the provisions of Section 56375.3.

H) LEGACY COMMUNITY

A legacy community is geographically isolated community that (i) meets DUC criteria, (ii) is at least 50 years old, and (iii) is beyond the adopted sphere of influence of any city or special district. When approving any new or updated sphere of influence for a city or special district, the city or special district shall be required to identify any legacy community that is within one mile of the existing or proposed sphere of influence. LAFCO will verify all information and make independent attempts to identify legacy communities.

Such attempts may include site investigation and the review of maps, demographic studies, and other material supplied by local agencies and interested parties.

I) NOTIFICATION AFTER IDENTIFICATION OF DUCS

The Commission shall identify, map, and inform the County and affected cities and special districts of the DUCs adjacent to or within their respective spheres of influence. (Sections 56425 and 56430). The County, cities and special districts will be provided maps for DUCs located within their respective spheres. In addition, the maps will be continued to be posted within the DUC section on our website.

Attachments:

- 1) SB Relevant Code Sections
- 2) SB 244 – City Annexation DUC Program Processing Flowchart
- 3) LAFCO's Registered Voter Petition

SB 244 Relevant Code Sections

Govt. Code 56033.5. "Disadvantaged unincorporated community" means inhabited territory, as defined by Section 56046, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by Section 79505.5 of the Water Code.

Govt. Code 56046. "Inhabited territory" means territory within which there reside 12 or more registered voters. The number of registered voters, as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer.

Water Code 79505.5. As used in this division, the following terms shall have the following meanings:

(a) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

...

Govt. Code 56375(a)...

(8) (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or smaller as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged community shall not be required if either of the following apply:

(i) A prior application for annexation of the same disadvantaged community has been made in the preceding five years.

(ii) The commission finds, based upon written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

(C) This paragraph shall also apply to the annexation of two or more contiguous areas that take place within five years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

Govt. Code 56425 ...

(5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

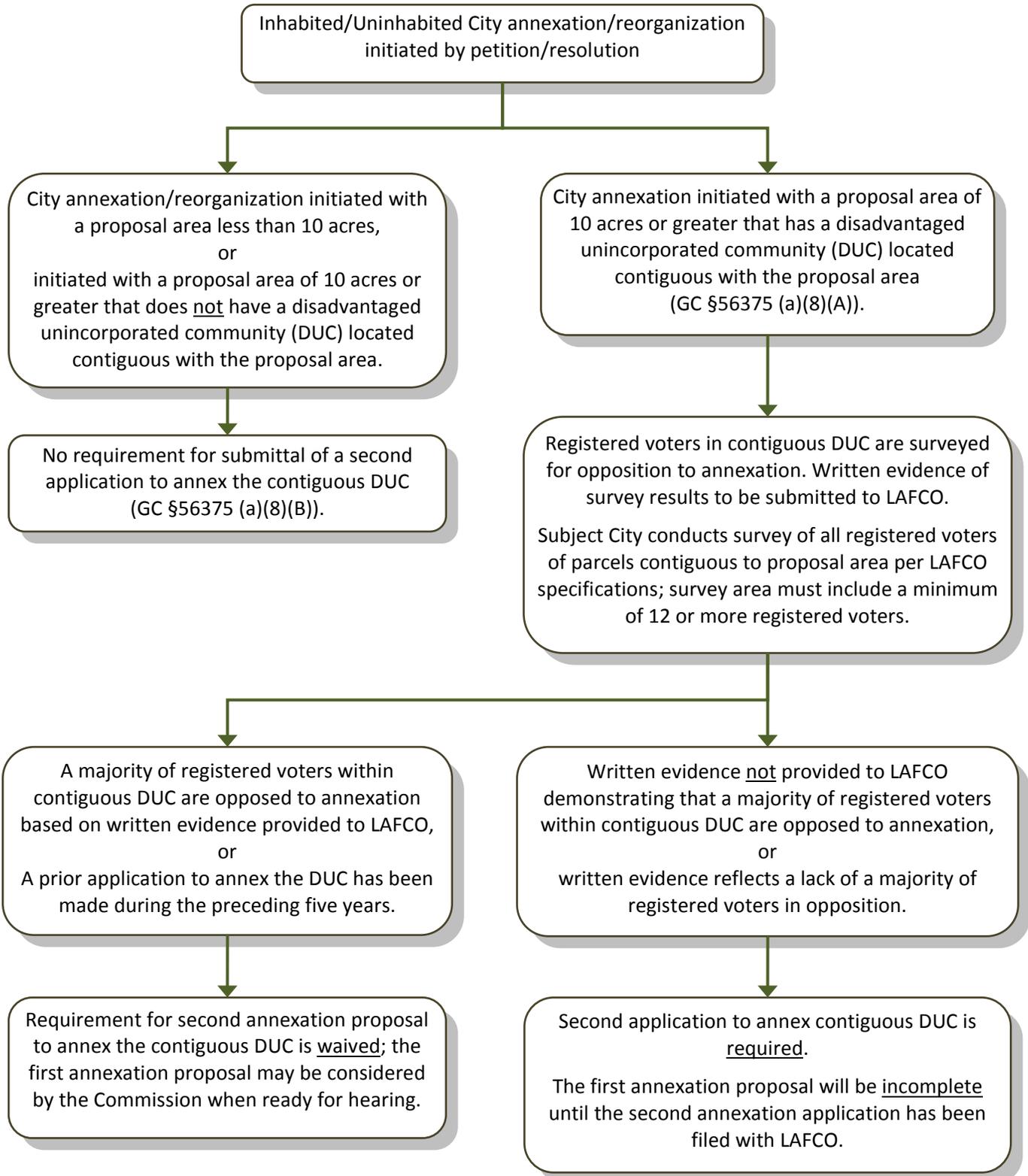
...

Govt. Code 56430

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

(1) Growth and population projections for the affected area.

City Annexation Disadvantaged Unincorporated Community Program



PLEASE CONSULT LAFCO STAFF CONCERNING YOUR FINAL PETITION
PRIOR TO CIRCULATION

**REGISTERED VOTER PETITION FOR PROCEEDINGS PURSUANT TO
THE CORTESE - KNOX - HERTZBERG
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petition(s) the Riverside Local Agency Formation Commission for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

The specific change(s) of organization proposed (i.e., annexation, detachment, dissolution, etc.) is/are:

The boundaries of the territory included in the proposal are described in Exhibit(s) _____ attached hereto and by this reference incorporated herein.

The territory included in the proposal is: **INHABITED** (12 or more registered voters) **UNINHABITED** (Less than 12 registered voters)

This proposal is is not consistent with the sphere(s) of influence of the affected city(ies) and/or district(s).

The reason(s) for this proposal is/are:

This proposal is requested to be made subject to the following terms and conditions:

The persons signing this petition have signed as REGISTERED VOTERS.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq., of the Government Code and herewith affix signature(s) as follows:

THE CHIEF PETITIONERS OF THIS PROPOSAL ARE:

(Not to exceed three)

| Printed Name | Signature | Mailing Address | Date |
|--------------|-----------|-----------------|------|
| | | | |
| | | | |
| | | | |

NOTICE TO THE PUBLIC

**THIS PETITION MAY BE CIRCULATED BY PAID SIGNATURE GATHERER
OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.**

**THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION
OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS
ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE
SECRETARY OF STATE'S OFFICE.**

Each of us for himself or herself states: I have personally affixed my own signature and date of such signature to this petition. Further, I am an eligible registered voter of the County of Riverside, California, within the affected area of this proposal, at the time of signing and I have correctly printed my place of residence hereon. RESIDENCE means a number and street address or description sufficient for the Registrar of Voters to locate property on a map. Post Office box numbers or route numbers CANNOT BE USED AND WILL NOT BE ACCEPTED. I understand that this petition may not be circulated separately from a description of the area involved and a map showing the area involved. The specific proposal being requested must appear on the reverse side of this sheet.

| | | | |
|---------------------------------|------------------------|------|-----------------------|
| 1. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 2. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 3. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 4. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 5. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 6. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 7. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 8. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 9. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |
| 10. Print Your Name | Residence Address Only | Date | For Official Use Only |
| Signature as Registered to Vote | City | | |

DECLARATION OF CIRCULATOR (To be completed after above signatures have been obtained)
(All blanks must be written in circulator's own hand)

I _____, circulated this section of petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be.

My residence address is _____

All signatures on this document were obtained between the dates of _____ and _____

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct.

Executed on _____ at _____ California.
 (date) (place)

Complete Signature of Petition Circulator _____

Revised 11/2018

Riverside LAFCO
Policy B-3
Waiver of Protest Proceedings

Purpose

Government Code sections 56662 and 56663 specify criteria for granting of waivers to protest proceedings under certain circumstances for annexations, detachments, or a reorganization consisting solely of both, or formation of a County Service Area. It is the desire of the Riverside Local Agency Formation Commission (LAFCO or the Commission) to establish and maintain a policy consistent with the requirements of Government Code section 56662 and 56663 for processing and adjudicating potential waivers of protest proceedings, while ensuring the flexibility of the Commission to allow protest proceedings to be performed if deemed appropriate on a case-by-case basis.

Policy

It is the Policy of LAFCO to:

- 1) Establish a local LAFCO Policy for processing and adjudicating applications where a waiver of protest proceedings is authorized under the Statutes.
- 2) Require a majority vote of the Commission to revise the established Policy for Waiver of Protest Proceedings.
- 3) Adhere to the requirements of Government Code section 56662 for processing and adjudicating waivers of protest proceedings for uninhabited territory as follows:
 - A. The Commission may waive protest proceedings under Government Code section 56662 for proposals it approves if three conditions are met, as follows:
 - i. The territory is uninhabited.
 - ii. An affected local agency has not submitted a written demand for notice and hearing during the 10-day period following the notice required by Government Code section 56658.
 - iii. All owners of land subject to the proposed boundary changes have given written consent to the proposal either by landowner petition or other suitable written documentation.
- 4) Adhere to the requirements of Government Code section 56663 for processing and adjudicating waivers of protest proceedings for inhabited territory as follows:
 - A. The Commission may waive protest proceedings authorized under Government Code section 56663 in certain circumstances for proposals that would not qualify for a waiver under section 56662. Pursuant to this section the Commission may waive protest proceedings for proposals that are legally inhabited or when consent has not been received from all landowners.

Riverside LAFCO
Policy B-3
Waiver of Protest Proceedings

The Commission can only take this course of action if all the following criteria are met, as follows:

- i. Mailed notice of the public hearing pursuant to Government Code section 56157 has been mailed to all landowners and registered voters within the affected territory.
 - ii. The mailed notice discloses to the registered voters and landowners that unless written opposition to the proposal is received before conclusion of the Commission proceedings on the proposal, the Commission intends to waive protest proceedings.
 - iii. The notice discloses that there is the potential for the extension or continuation of any previously authorized tax, assessment, charge or fee by the subject local agency(ies).
 - iv. No written opposition is received from any landowner or registered voter within the affected territory prior to the conclusion of the Commission's proceedings on the proposal.
- B. The Commission should ensure that in only rare and unique circumstances would this option for waiver be utilized.
- 5) Adhere to the requirements of Government Code section 56375.3 for processing and adjudicating waivers of protest proceedings for proposed annexations of unincorporated islands of 150 acres or less, as follows:
- A. All eleven criteria contained within section 56375.3, subsections (a) and (b), shall be met in order for the Commission to grant a waiver of protest proceedings.
 - B. Subdivision (a) of section 56475.3 specifies that a Commission "shall approve" the granting of a waiver to the protest hearing if all the specified criteria has been met.
- 6) Nothing in this Policy, with the exception of the mandatory waiver provision in section 56575.3(a), precludes the Commission from requiring a formal protest proceeding that would otherwise qualify for waiver, if the Commission deems it appropriate to conduct such a formal protest proceeding in lieu of granting a waiver.

Adopted October 28, 2021

RESOLUTION NO. 2021-095

**A RESOLUTION OF THE COUNTY OF RIVERSIDE
AND OTHER AGENCIES
PROVIDING SALARIES AND RELATED MATTERS
FOR EXEMPT MANAGEMENT, MANAGEMENT,
CONFIDENTIAL, AND OTHER UNREPRESENTED
EMPLOYEES**

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DEFINITIONS

The Board of Supervisors of the County of Riverside, State of California, also acting ex officio as the governing board of the Riverside County Flood Control and Water Conservation District, Waste Resources Management District, the Riverside County Redevelopment Agency, and the Riverside County Regional Parks and Open Space District, do ordain that this Resolution shall be known as "The Riverside County Management, Confidential, and Other Unrepresented Employees Salary Resolution". For the purpose of this Resolution, words and phrases are defined as follows:

- a. Anniversary date means the date upon which an increase in salary becomes effective under the provisions of this Resolution or the job classification is established by the Board of Supervisors to serve at the pleasure of the appointing officer.
- b. Appointive officers means the persons appointed or employed by the Board of Supervisors or otherwise as the principal employee of an agency/department in the County government, or of the Riverside County Flood Control and Water Conservation District, the Riverside County Redevelopment Agency, the Waste Resources Management District, and the Riverside County Regional Parks and Open Space District, which districts and agencies for the purposes of this Resolution shall be deemed the equivalent of departments of the County government, except that references in this Resolution to the County shall mean such district when the context so requires.
- c. At-Will means an employee whose status is set forth in Article 601E of this Resolution.
- d. Continuous service, continuous employment, and similar terms, mean the continuing service of a permanent employee in a continuing payroll status, without interruption except for authorized leave of absence.
- e. Demotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position in a different classification allocated to a lower salary grade, whether in the same or a different agency/department. A "demotion" may be either voluntary or involuntary.
- f. Emergency employee means employees whose employment is occasioned by a condition of emergency only.
- g. Employee means only "regular" or "seasonal" employee(s) employed by the County in those classifications included in the Groups identified in Sec. 101 herein.

- h. Full time employee means employees whose positions require the number of hours usual or prescribed for normal permanent County employment. All positions shall be full time unless otherwise designated or unless the compensation is fixed upon the basis of part time work.
- i. Holiday or paid holiday means any day, other than Saturday or Sunday, on which County offices are not open for business, in accordance with County ordinance for which employees covered under the provisions of this Resolution are eligible for compensation.
- j. Management Employee as used in this Resolution, unless otherwise stated, means employees in Groups 1 and 3, as defined in Sec. 101.
- k. Officer means all “County officers” and “appointive officers” as herein defined, except where the natural construction of this Resolution otherwise indicates. “Officer” is the equivalent of an agency/department head.
- l. Paid status means the payment of compensation to an employee for regular hours worked or from accrued leave banks such as vacation, sick, holiday and/or compensatory time. Payments received for disability such as short-term or long-term disability or workers’ compensation shall not be considered being in a paid status and shall not entitle an employee to earn leave accruals, including accrued holiday or receive flex benefit contributions.
- m. Part time employee means an employee in a position that is designated part time or for which compensation is fixed upon a basis of part time work.
- n. Pay period means 14 calendar days, and refers to the period for computing compensation due for all normal working shifts ending during that period.
- o. Permanent employee means a regular employee who has completed the initial probationary period in a position, not including any incumbent of an at-will position as specified in this Resolution.
- p. Position means any office or employment to which a group of duties and responsibilities is assigned or delegated by competent authority, the performance of which requires the full time or part time employment of one person unless permission is granted for job sharing.
- q. Probationary employee means a regular employee who has not completed the initial probationary period, including any extensions thereto, as designated in this Resolution, in a paid status in a position

following initial employment. "Probationary employee" also means a regular employee who has not completed the required probationary period as designated in this Resolution, in a paid status in a position to which he/she has been promoted, transferred, or demoted following completion of the initial probationary period, including any extensions thereto.

- r. Promotion means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to a higher salary grade whether in the same or different agency/department. The appointment of an employee to a position allocated to a higher salary grade because of professional registration achieved by the incumbent shall not be deemed a promotion but a change in salary allocation.
- s. Reclassification means the reallocation of a position to a different classification by a change of title and position specification, but does not necessarily involve a change of salary grade.
- t. Regular employee means a holder of a regular position.
- u. Regular position means a position established by County Salary Ordinance No. 440 on an ongoing basis, as distinct from a seasonal or temporary position.
- v. Seasonal employee means an employee whose employment is not continuous but is regularly recurrent in the same capacity because of particular functions which occur periodically each year; such employment may be ongoing, but of an intermittent nature.
- w. Temporary employee means an employee who is not a regular or seasonal employee.
- x. Transfer means a change of employment without intervening loss of working days from a position allocated to a given salary grade to a position of a different classification allocated to the same salary grade in the same agency/department, or to a position of the same classification, or a different classification allocated to the same salary grade, in a different agency/department.
- y. Working day means each day on which an employee performs a normal working shift, and includes holidays as specified herein that fall on days of a normal working shift. It does not include Saturday or Sunday, or equivalent normal days off for persons regularly employed on other than the usual working week basis of Monday through Friday.

ARTICLE 1
RECOGNITION

Sec. 101 Applicability. This Resolution shall only apply to persons employed in the following Groups:

- Group 1 At-will or contract Department Heads and Assistant Department Heads, independent elected officials, and Board of Supervisors Members
- Group 2 At-will Unrepresented
- Group 3 General Unrepresented Management
- Group 4 Confidential
- Group 5 Other Unrepresented
- Group 6 Supervisor's Board Assistants and Supervisor's Legislative Assistants

Sec. 102 Reallocation. Changes to the allocation of classifications among these Groups may be made by the County Executive Officer upon the recommendation of the Human Resources Director.

Sec. 103 Non-Discrimination. The provisions of this Resolution will be applied equally to all employees without unlawful discrimination based upon sex (including pregnancy and medical conditions related to pregnancy), age, race, color, religion, national origin, ancestry, disability (mental and physical), medical condition, marital status, military and veteran status, denial of family and medical care leave, gender (including gender identity and gender expression), or sexual orientation, or any other classes protected by law.

ARTICLE 2
HOURS OF WORK, OVERTIME

Sec. 201 Normal 80 Hour Biweekly Work Period: Except as may be otherwise provided, the official biweekly work period of the County shall be ten (10) working days of eight (8) hours each coinciding with the two-week pay period. This provision is intended to define the normal work period and does not guarantee a minimum number of hours of work.

Sec. 202 Different 80 Hour Biweekly Work Period: An agency/department head, with prior approval of the County Executive Officer and the Human Resources Director, may establish or eliminate a different biweekly work period of eighty (80) hours.

Sec. 203 Overtime Policy: It is the policy of the Board of Supervisors that overtime work is discouraged and that it be limited to emergencies or the performance of urgent necessary functions.

- Sec. 204 FLSA Exempt Employees: Any employee whose position is determined to be exempt from the Fair Labor Standards Act (“FLSA”) shall not be entitled to compensation for overtime of any type unless specifically provided herein. The Human Resources Director and County Counsel shall determine which employees are exempt from the FLSA.
- Sec. 205 Definitions: For purposes of determining eligibility for overtime only:
- A. A designated FLSA work period shall consist of 168 consecutive hours (7 days).
 - B. Overtime is defined as time actually worked by an FLSA non-exempt employee in excess of forty (40) hours in a designated FLSA work period. Management reserves the right to designate the FLSA work period for each employee.
 - C. Time worked shall not include any form of paid leave.
- Sec. 206 Authorization for Overtime Work: Performance of overtime work may be authorized by the agency/department head or his/her designated subordinate.
- A. Agency/department Record: For employees who are entitled to overtime, actual hours of overtime work shall be reported on each attendance report. The Auditor shall maintain the record of overtime credit at one and one-half times such actual hours. Actual hours of compensatory time off shall be reported on each attendance report. If payment is to be made, the number of hours of overtime credit to be paid shall be specified.
- Sec. 207 Compensation for Overtime Work: Employees who are not considered exempt under the provisions of the FLSA shall be paid at a rate of one and one-half times their FLSA hourly rate of pay for all time worked in excess of forty (40) hours during their designated FLSA work period. Upon termination, accumulated overtime credit shall be paid for.
- A. Compensatory Time-off: An employee eligible for paid overtime under the provisions of this Section may request, subject to management approval, the accumulation of up to 120 hours of compensatory time off (“CTO”) in lieu of paid overtime. Such overtime is accumulated at the rate of one and one-half (1½) hours of compensatory time off for each hour worked in excess of forty (40) hours during the designated FLSA work period. Accumulated overtime credit may be taken as paid time off, at a time or times agreeable to the agency/department head. This method of reducing accumulated overtime credit is encouraged. With approval of the

County Executive Officer, accumulated overtime credit of 120 hours or less may be paid.

- B. Payoff for Unused Compensatory Time-off Upon Separation from County Service: Upon separation from County service, an employee shall be compensated at his/her rate in effect at that time for each hour, or a portion thereof, of accumulated CTO.

Sec. 208 Fringe Benefits not Affected by Overtime: Overtime work shall not be a basis for increasing vacation or sick leave benefits, nor shall it be a basis of advancing completion of the required period for probation or salary increases. However, where overtime results from necessary, irregular work schedules, it may be included in computing the minimum time for salary increases which would otherwise be delayed beyond the normal period.

Sec. 209 New Payroll System: On or about April 20, 2001, the County implemented People-Soft, a new payroll, accounting, and budgeting system. Changes related to People-Soft implementation included:

- A. Dates for increases in leave accruals, probationary periods, anniversary dates, merit increases, and similar events are based upon service rather than hours, e.g. 1040 hours became six (6) months and 2080 hours became one (1) year.
- B. Leave accruals (e.g. sick leave, vacation pay) continue to require that the employee be in a paid status for each day during the pay period to receive the full accrual for that pay period.
- C. Some other benefits are granted even though the employee is in a paid status for only one day during the pay period (e.g. flexible credit allowance).
- D. The pay date changed from the second Friday following the end of the pay period to the second Wednesday following the end of the pay period.

Sec. 210 Special Assignments: An FLSA exempt employee covered hereunder may, with the approval of the Human Resources Director, be permitted to perform work outside the employee's regular classification by way of special assignment to another classification. Subject to approval by the Human Resources Director, the specially assigned employee shall be compensated at a flat rate determined by the agency/department, not to exceed two times the hourly rate assigned to the classification in which the employee is specially assigned. The time worked in the special assignment will not be included in computing Annual Leave, retirement, or similar benefits. The time worked in the special assignment cannot be detrimental to

the employee's health or performance in the employee's regular position. The special assignments can be terminated at any time and the employee shall not be entitled to any review or hearing procedure upon termination of the special assignment.

Sec. 211 Compensatory Time Off: Persons employed in a FLSA exempt classification listed in Appendix I of the County Salary Ordinance No. 440 shall be entitled to equal compensatory time off for each authorized hour actually worked in excess of the number of required hours in a biweekly work period, subject to the following conditions.

1. The employee must have actually worked:
 - a. the normal eighty (80) hour bi-weekly work period, or
 - b. the number of hours established by the agency/department; whichever is greater (the "required hours").
2. The hours actually worked in excess of the required hours must be worked in the employee's own classification.

With approval of the County Executive Officer, or designee, persons entitled to compensatory time off under this provision may be paid in lieu of receiving compensatory time off. If payment is to be made then the number of hours to be paid shall be specified by the agency/department head or designee. Upon termination, persons employed in the classifications listed in Appendix I shall be paid for any accumulated compensatory time off which has not been taken, not to exceed sixty (60) hours.

Sec. 212 Extra Shift Assignment: Any unrepresented physician classification series, who are authorized to work an extra shift assignment outside of their regularly scheduled shift, shall receive their base hourly rate for each hour actually worked during the extra shift.

Sec. 213 Electronic Fund Deposit of Payroll: Employees shall be required to receive payroll funds by electronic deposit. Employees shall receive a Statement of Earnings (pay stub) through an electronic pay advice system. The electronic pay advice system will permit employees to view/print current and previous bi-weekly pay advice/stubs.

ARTICLE 3 PREMIUM PAY

Sec. 301 Standby Duty: When placed by the agency/department head specifically on standby duty, an FLSA non-exempt employee otherwise off duty shall be paid one (1) hour pay for eight (8) hours of such duty beyond the regular work period. Said compensation shall be in addition to the employee's regular salary entitlement.

Notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

Standby compensation shall cease when the employee reports to work.

Sec. 302 Minimum Overtime on Call-Back Pay: Except as indicated below, an FLSA non-exempt employee called back to a worksite to meet an emergency on an overtime basis, whether or not in standby duty status, shall receive minimum credit for one (1) hour of work.

If an employee should complete the work required, and subsequently be recalled during the minimum credit period, no additional compensation shall be paid for until the minimum credit period has been exhausted. Call-back pay does not include time commuting to and from the worksite.

Remote Call-Back: If an employee should perform call-back work remotely, without the employee having to physically report to a worksite, then the employee will be paid in one-tenth hour increments for all time worked while remotely responding to the call. For example, if the employee remotely completes the performance of work in twenty-five (25) minutes, the employee will be paid thirty (30) minutes for the remote call-back.

Notwithstanding any other provision, time actually worked on call-back shall be counted toward the calculation of overtime requirement.

Sec. 303 Declared Natural Disaster: In the event and during the period of an officially declared natural disaster affecting any portion of the County of Riverside, and notwithstanding any other provision of this Resolution, the following provisions shall apply:

- A. Any officer, in order to perform the work of his/her agency/department or a civil defense function, may employ emergency employees without reference to the salary or classification plans at rates which appear to be prevailing for the type of work to be performed at the time of such employment.
- B. For the same purpose, any officer may employ on a paid overtime basis his/her current employees at hourly rates equivalent to their current compensation basis.
- C. Any employee who reports to his/her regular or a designated place of employment or to a civil defense assignment shall be deemed to be employed in his/her usual position in a regular payroll status. Any employee who, without adequate reason for absence under the

terms of this Resolution, fails to so report shall be deemed absent without leave and shall not be paid during such absence.

- D. The Board of Supervisors may authorize payment on a paid overtime basis, at the rate of one and one-half times the employee's current regular rate, for those employees who are not otherwise entitled to time-and-a-half overtime and who are required to perform emergency services during a County-declared emergency. "Emergency services," as used in this subsection, shall be such services the Board of Supervisors authorizes.

Sec. 304 Mileage Reimbursement:

- A. Employees who are required to use their personal vehicles for County business shall be reimbursed at the Internal Revenue Service (IRS) standard mileage rate. Elected Officials and County executives eligible for the Executive Vehicle Benefit described in Section 304 (C) and (D) are also eligible for this reimbursement. Adjustments to the County rate, if any, shall be made pursuant to and concurrent with the IRS rate changes. To receive the reimbursement, the employee must provide proof in the format required by the County that the miles were business related and provide an accounting of every business mile to be reimbursed, which shall include information for each business use (recorded at or near the time of the business use) of the date, the business purpose and place of each trip, in addition to the mileage.
- B. If an employee is required to use his/her personal vehicle while in the course and scope of his/her employment, the employee must, prior to using said vehicle, do the following:
 - 1. Complete County of Riverside "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form, authorizing the employee to use his/her personal vehicle, which must be approved by the agency/department head.
 - 2. Ensure the vehicle in minimum limits required by the State of California. In addition, employees must have their policies of insurance endorsed to reflect business use. Such insurance must be maintained at all times while employed in a position where it is required or may be required to use a personal vehicle while in the course and scope of employment. In the event of an incident or accident, the County does not assume responsibility for any physical damage to an employee's personal vehicle.

3. Provide a copy of a valid driver's license, which is appropriate for the class of vehicle to be operated. If any restrictions apply, the employee must notify his/her supervisor of the restrictions and/or any and all changes in the license (i.e. suspended, etc.).

The use of motorcycles, mopeds, and similar types of vehicles for the conduct of County business is expressly prohibited, with the exception of the Sheriff's Department sworn personnel.

- C. Elected Officials designated as eligible for Tier 1 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of \$550.00 per month, or be furnished with a County vehicle as provided under existing County policies and procedures.
- D. Other County executives designated as eligible for Tier 2 of the Executive Vehicle Benefit as delineated in Appendix III of Salary Ordinance 440, shall be eligible to receive an Automobile Allowance of \$550.00 per month.

Sec. 305 Maintenance Pay:

- A. Rates for maintenance, including living quarters, meals, or laundry service, furnished by the County to any officer or employee shall be fixed by a resolution of the Board of Supervisors from time to time. Payment therefore shall be made by a deduction from compensation or by performance of additional services, as may be determined by the Board of Supervisors.
- B. No charge for meals shall be made where the same are furnished for the convenience of the County, such as for employees at County institutions who are required by the nature of their duties to take their meals in connection with such employment. No person shall receive maintenance at any institution unless on duty at such institution.
- C. Nothing herein shall prohibit the furnishing of meals on a cost basis where necessary or convenient. It shall be the duty of each officer to make certain that the provisions of this section are complied with as to all employees, agency/departments, and institutions under his/her control and to keep the Auditor properly informed as to any payroll deductions required hereunder.
- D. Medical interns and resident physicians at the Riverside County Regional Medical Center shall be furnished without charge medical and hospital care for acute illnesses and injuries contracted or sustained by them during the period of their employment. Whether an illness or injury qualifies under this provision shall be determined

by the Assistant County Executive Officer – Health Systems with the advice of the Chief Medical Officer.

Sec. 306 Moving Expenses-Current Employees: Upon the written request of an agency/department head, the Human Resources Director and the County Executive Officer may authorize payment of all or part of the actual and necessary expenses hereafter incurred for moving the household and immediate family of an employee from one part of the County to another, when the headquarters of the employee is permanently changed for the convenience of the County. Such authority shall be obtained in advance of the change, shall be subject to such reasonable conditions as the County Executive Officer may require, shall specify the maximum amount authorized, and shall not be granted more than once in any one year period for any one employee, nor for any employee until he or she has been continuously employed by the County for at least one (1) year preceding the authorization. If the employee voluntarily terminates his or her employment with the County within one year of the payment of the expenses set forth herein, the employee shall, within thirty (30) days of the effective date of the voluntary termination of employment with the County, reimburse the County the full amount of any payment received by the employee for the expenses set forth herein.

Sec. 307 Shift Differentials:

- A. Applicability of Shift Differentials: Unless otherwise specifically provided herein, only FLSA non-exempt employees shall be eligible for shift differentials. Shift differentials do not apply to vacation, sick leave, holiday pay, or standby duty. The hourly rate for each shift differential is payable in tenths of an hour.
- B. Evening Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 6:00 p.m. and 11:00 p.m. shall be paid an evening differential of \$.60 per hour for the time actually worked between 6:00 p.m. and 11:00 p.m.
- C. Night Shift: FLSA non-exempt employees whose positions are not otherwise addressed in this Section who perform work between the hours of 11:00 p.m. and 7:00 a.m. shall be paid a night differential of \$1.20 per hour for the time actually worked between 11:00 p.m. and 7:00 a.m.

Sec. 308 Education for Continued Licensing of Registered Nurses:

- A. Tuition and/or Registration Fee: Eligible employees may be granted time by their appointing authority to attend California Board of

Registered Nurses approved courses. Time granted shall not exceed forty (40) hours every two years. Time granted shall be used for travel to and from the location of the course and for time actually spent in course attendance. The granting or denial of education time shall be at the discretion of the employee's appointing authority.

B. Eligible Employees: In order to be eligible for paid education time, an employee shall:

1. Have completed six months of continuous service with the County in a full-time, regular position or a part-time position normally working at least forty (40) hours in a pay period;
2. Have not completed the minimum number of hours required to renew the employee's professional licenses; and,
3. Be employed in a classification that requires the employee to be licensed to practice as a Registered Nurse.

C. Procedure: An eligible employee desiring education time must request approval from the appointing authority a reasonable time in advance of the requested date or dates. A request for education time shall be in writing and state:

1. The location, date, time, subject, and number of contact hours of the course to be attended;
2. The number of hours needed to renew the employee's professional license; and,
3. The date the employee's current license expires.

Mandatory critical care course hours required in the Riverside University Health System (RUHS) shall not be deducted from an employee's hours in education for continued licensing. The County shall pay the cost of mandatory courses offered by the RUHS. Courses offered outside of the RUHS must receive prior approval of the RUHS in order to be paid.

Sec. 309 Bilingual Pay:

Scope

The scope of this policy covers all full time and part time employees who are assigned work on a regular and continuing basis that requires a second language to effectively meet the service demands of the County's customers.

Eligibility Factors

Eligibility Factors require use of a second language at least five times per week or once per day for eligibility.

Skill Levels

Definitions of Skill Levels:

- Level 1: Basic Oral Communication
 - Employees at this level perform bilingual translation
- Level 2: Task Completion
 - Employees at this level perform bilingual translation as well as written translation.
- Level 3: Written translation, and medical and legal interpretation
 - Employees at this level perform complex verbal and written translation.

Compensation

Employees who have qualified for bilingual compensation will receive additional compensation as follows:

- Level 1: \$40 per pay period (\$0.50 per hour)
- Level 2: \$60 per pay period (\$0.75 per hour)
- Level 3: \$80 per pay period (\$1.00 per hour)

Payment of bilingual pay will be pro-rated based on the hours actually worked to the maximum amount indicated per pay period.

Testing Administration

Oral and written examinations will be administered by the Human Resources Assessment Center as follows:

- Level 1: Basic oral/reading test
- Level 2: Written
- Level 3: Complex Level Written

The Bilingual Pay Program is administered by Human Resources.

All current County Employees receiving bilingual pay under the previous system will continue to receive the rate of pay they are receiving, as long as they continue in their current position. Qualified Employees, whose positions are designated by departmental

supervisors as requiring/desiring bilingual skills, are encouraged to test for higher skill levels if required by the agency/department.

Designation of positions eligible to receive bilingual pay is the responsibility of the supervisor with the approval of Human Resources. All future recruitments for a position designated as such should include the requirement of bilingual skills.

Sec. 310 Long Term Disability Plan: The Long Term Disability (LTD) Plan applicable to employees covered under this Resolution has a required waiting period to qualify for benefits of 30 days.

Sec. 311 Performance Recognition Plan: The Performance Recognition Plan (PRP) connects individual achievement to organizational goals and provides incentives for performance.

Eligibility: Eligible employees are those who are in leadership positions and who manage other employees or programs and have significant influence on the achievement of organizational objectives.

1. Law Enforcement Executive Management classifications covered by Article 21, excluding Chief Deputy Director, Sheriff's Administration and Unrepresented Management Attorneys covered by Article 22 are ineligible for the Performance Recognition Plan.
2. Elected officials shall not be eligible for the PRP; however, management employees reporting to an elected official, in classifications covered by this Section are eligible for the PRP.
3. Tier III employees, as defined in Section 311(D) who have reached the actual maximum salary of their salary grade are eligible for the PRP.

A. PRP Tier I: A Group 1 employee (excluding a contract employee) who serves At-Will to the Board of Supervisors or County Executive Officer, subject to the terms and conditions set forth below, shall be eligible to have his/her salary increased up to a maximum of 38% beyond the regularly assigned maximum of his/her current salary grade. Such employees shall not be subject to the Merit Increase provisions set forth under Section 402 of this Resolution but shall instead be accomplished by certification of the County Executive Officer, based upon completed performance appraisals. The continuation of increases granted pursuant to the provisions of this Section shall not be automatic, and failure to sustain high performance standards may cause the employee's pay to revert to a lower salary within the applicable salary range. Eligibility for additional merit increases granted to all employees as part of

changes to the Management Resolution shall not be adversely affected by the employee's status in salary granted beyond the regularly assigned salary pursuant to the provisions of this Section. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

- B. PRP Tier II: A Group 1 or Group 2 employee who serves At-Will to an At-Will Group 1 County agency/department head may, subject to the terms and conditions set forth below, be eligible to have his/her salary increased up to a maximum of 24% beyond the regularly assigned top of his/her current salary grade. Such employees shall not be subject to the Merit Increase provisions set forth under Section 402 of this Resolution but shall, instead be accomplished by certification of the County Executive Officer, based upon completed performance appraisals. The continuation of increases granted pursuant to the provisions of this Section shall not be automatic, and failure to sustain high performance standards may cause the employee's pay to revert to a lower salary within the applicable salary range. Eligibility for additional merit increases granted to all employees as part of changes to the Management Resolution shall not be adversely affected by the employee's status in salary granted beyond the regularly assigned salary pursuant to the provisions of the Section. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.
- C. PRP Tier III: Effective with the performance evaluations conducted in the fourth quarter of calendar year 2013 and every year thereafter, all other Management employees in Group 2 or Group 3 who have reached the actual top of their salary grade and who are not described in subsection "B" or "C" of this Section, may, subject to the terms and conditions set forth below, be eligible to have his/her salary increased up to a maximum of 14% beyond the regularly assigned top of his/her current salary grade. Effective July 10, 2014 and every year thereafter, such employees shall be subject to the Merit Increase provisions set forth under Section 402 until they reach the top of their salary grade. Salary increases beyond the top of their salary range shall instead be accomplished by certification of the County Executive Officer, based upon completed performance appraisals. The continuation of increases granted pursuant to the provisions of this Section shall not be automatic and failure to sustain high performance standards may cause that part of the employee's pay to revert to a lower salary within the applicable salary range. Eligibility for additional merit increases granted to all employees as part of changes to the Management Resolution shall not be adversely affected by the employee's status in salary granted beyond the regularly assigned salary pursuant to the provisions of the Section. Salaries granted pursuant to this provision shall be reported to PERS as compensation earned.

D. PRP Reductions

1. PRP Reduction: An employee who receives a “below” standard overall rating in the PRP review process may have a reduction in their PRP salary of up to 5.5% annually. This reduction can only be applied to the PRP increases the employee receives beyond the top of the base salary range (i.e., the additional percentage above the maximum of salary plan based on Tier).

E. Anniversary Dates: As a result of the annual review period of the PRP, anniversary dates for eligible PRP employees will become January 1st. The anniversary date for newly hired employees, employees promoted into a PRP eligible classification, or employees reclassified into a PRP eligible classification will change to January 1st of the calendar year following the status change.

F. PRP Merit Value: PRP merit increases are granted in two percent (2%) increments.

Sec. 312 Confidential Premium:

A confidential employee who holds a job classification title designated with the codes “CE” (Confidential Exempt) or “CN” (Confidential Non-Exempt) and where such title designations were identified to distinguish the confidential classification from its non-confidential, union represented counterpart, shall be provided a confidential premium of approximately 2.71% for actual hours worked up to eighty (80) hours in a pay period. There shall be no premium paid to a confidential employee holding a job classification title designated with the codes “CE” or “CN” if the maximum salary of such classification exceeds its non-confidential, union represented counterpart classification by more than 2.71%.

Notwithstanding the above, the salary of the confidential classifications designated with the codes “CE” or “CN” may be set and maintained at the equivalent salary of the non-confidential, union represented counterpart classifications, subject to the Board of Supervisor’s approval.

ARTICLE 4
PAY PRACTICES

Sec. 401 New Employees:

- A. Except as otherwise provided by this Resolution, a new employee shall be appointed at the minimum salary of the salary grade.

- B. Salary Advance: The agency/department head with the prior approval of the Human Resources Director and the County Executive Officer may appoint a new employee in a specified classification to any salary within the salary grade if the employee has: (1) qualifications substantially greater than the minimum for the classification; and/or (2) experience, which if it had been obtained in the position applied for, would have made the employee eligible for the advanced salary proposed.

When the Human Resources Director and the County Executive Officer authorize a position to be filled at such salary higher than the minimum salary of the salary grade, the Human Resources Director and the County Executive Officer may also advance all incumbents of positions in the same classification earning less than the salary so authorized to the same or one of said higher salary, based on qualifications and experience. The anniversary date shall be the first day of the pay period that is not less than one (1) year (26 pay periods) in a paid status thereafter, not including overtime. When such an incumbent employee is already on that salary, his/her anniversary date shall not change.

- C. Difficult to Recruit: Refer to Salary Ordinance 440 for Difficult to Recruit provisions.

Sec. 402 Anniversary Dates:

- A. The compensation of each regular employee who is paid on a salary grade, and whose pay is below the maximum salary, shall be considered for increase upon his or her anniversary date, except as otherwise provided.

The first anniversary date as a result of an original appointment shall be the first day of the pay period following the completion of one (1) year (26 pay periods) in a paid status in the position not including overtime.

The first anniversary date as a result of promotion or reclassification which involved a salary increase shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status in the position not including overtime.

Re-employment at a rate other than that of the minimum salary of a salary grade shall be considered an original appointment for purpose of fixing the anniversary date.

The second anniversary date shall be the first day of the pay period following the completion of an additional one (1) year (26 pay periods) in a paid status, not including overtime, and subsequent anniversary dates shall occur at like intervals.

1. The provisions of this section shall be subject to other specific provisions of this Resolution affecting a change of anniversary dates.
2. If, through error, the anniversary date of an employee is overlooked or a notice herein required is delayed or omitted, a resulting failure to increase the compensation may be cured by then taking the action hereinabove required, and the employee shall be paid at the increased rate from the anniversary date.

Sec. 403 Merit Increases: Effective June 20, 2019 and thereafter, every anniversary salary increase shall be 4%, except when there is less than 4% remaining, it shall be to the maximum salary of the range. Such salary increases shall be given unless there is an affirmative decision of the agency/department head to deny the increase.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 404 Denial of Salary Increase: The agency/department head may disallow a salary increase only after the performance evaluation is reviewed and approved by the Human Resource Director or a designee. If the increase is not granted, the agency/department head shall state the reasons on the form, which shall be given to the employee for signature. The agency/department head shall reconsider the salary increase at least quarterly, and may allow it effective on the first day of any pay period after the date it could have been granted. The responsibility for submitting a written allowance of increase, after its denial, shall be with the agency/department head. The anniversary date shall be postponed until an increase is allowed.

Special Note: Effective July 1, 2014, the provisions of this Section no longer apply to Tier I and Tier II employees subject to the provisions of Section 311 – Performance Recognition Plan

Sec. 405 Re-employment:

- A. Upon recommendation of the agency/department head and approval of the Human Resources Director, former regular employees may be re-employed in the same classification which they previously occupied at the same salary of the salary grade as the salary applicable at the time of their termination, provided they were terminated in good standing.
- B. Re-employment after military service shall conform to the requirements of the *California Military and Veterans Code* and the *Federal Uniformed Services Employment and Reemployment Rights Act* (USSERA), but in other respects shall be in accordance with this Resolution.
- C. Whenever a former regular employee is or has been re-employed within twenty-four (24) months after termination, he or she may, on recommendation of the employing officer, and with the approval of the Human Resources Director and the County Executive Officer, be allowed the accrued sick leave not exceeding the amount thereof which was lost and to earn vacation at the rate at which he or she was earning at the time of termination. The anniversary date for merit increase may be expressly fixed, submitted to limitations of this Resolution, to allow credit for all or a portion of the applicable period of service prior to said termination.

Sec. 406 Re-employment of Retired Persons: An employee who is retired under the *Public Employees' Retirement Law* and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the prior written approval of the Human Resources Director. Consistent with the requirements of the *Public Employees' Retirement Law* for discontinuance of retirement benefits, the retiree may be employed or re-employed.

The Human Resources Director may allow the employment or re-employment for up to 960 hours of actual work within any fiscal year, without loss of benefits, as specified in Section 21224 of the *Public Employees' Retirement Law*. That section permits the temporary employment only during an emergency to prevent stoppage of public business, or because the restored employee has skills needed in performing specialized work of limited duration. During the employment or re-employment, the retiree is to be paid at a rate not less than the minimum, nor more than that paid other employees performing comparable duties.

When a retiree under the *Public Employees' Retirement Law* is employed or re-employed, his/her retirement status must be

specified in the documentation of appointment to a permanent or temporary position.

Sec. 407 Promotion: On promotion the employee's salary shall be at a rate on the new salary plan and grade which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase. The effective date of all promotions shall coincide with the first working day of a pay period. The anniversary date shall be determined as if the date of promotion were the date of employment.

Sec. 408 Transfer: On transfer the employee's salary shall be the same as that paid previously. The anniversary date shall not change.

Sec. 409 Demotion:

On demotion (voluntary or involuntary), the employee's salary shall be 5.5% less on the new salary grade as was applicable to the previous salary grade. The anniversary date shall not change. The effective date of all demotions shall coincide with the first working day of a pay period.

Permanent employees who, within one (1) year (26 pay periods) following a promotion, voluntarily demote to their previously held classification may return to the salary of the previously held classification from which they promoted. Permanent employees who are not serving a promotional probation can voluntarily demote to a job classification for which they are qualified and may demote to a salary on the new range closest to their current rate of pay (employee serves the applicable probationary period if they have not already passed probation in the demoted classification). Demotion under this section shall be with the mutual agreement of the employee and involved agency/department head(s) and an opening must exist. The anniversary date shall not change.

Sec. 410 Reclassification:

A. The salary of an incumbent of a position reclassified to a classification on the same salary grade shall not change. The anniversary date shall not change.

The salary of an incumbent of a position reclassified to a classification on a higher salary plan and grade shall be at the rate which is 5.5% higher, where the new salary plan and grade is able to accommodate the increase.

B. Except for classifications subject to Section 311 – Performance Recognition plan, the anniversary date shall be determined in accordance with this Article, except that the first anniversary date

shall be the first day of the pay period following the completion of six (6) months (13 pay periods) in a paid status, not including overtime, in the new classification. Thereafter, anniversary dates shall be on the first day of the pay period following each additional one (1) year (26 pay periods) in a paid status.

- C. The salary of an incumbent of a position reclassified to a classification on a lower salary grade shall be placed on the new salary grade which is closest to, but not higher than, the employee's current rate of pay. Where the employee's current rate of pay exceeds the maximum of the new salary grade, it shall be reduced to the maximum. At the discretion of the Human Resources Director and the County Executive Officer the salary of an incumbent of a position reclassified to a classification on a lower salary grade may be frozen at the hourly rate of pay immediately prior to the date of the downward reclassification and may not be increased until the maximum of the salary grade assigned to the new classification exceeds the hourly rate of pay the incumbent was earning immediately prior to the establishment of the frozen rate. The anniversary date shall not change.
- D. The effective date of a reclassification shall coincide with the first day of a pay period.

At the discretion of the Human Resources Director and the County Executive Officer the benefits of an incumbent of a position reclassified to a classification represented by a recognized employee organization, and if the new classification is not eligible for the same benefits, shall be entitled to a special flexible benefit amount as long as service continues in the new classification. The new flexible benefit amount will be determined on a case-by-case basis by the Human Resources Director and the County Executive Officer.

Sec. 411 Temporary Promotion:

- A. A regular employee may be promoted on a temporary basis to fill a vacant position as a result of a leave of absence of the incumbent of that position or pending appointment of another person to that position. Such promotion is designated a "temporary promotion". The salary of an employee temporarily promoted shall be determined as if the temporary promotion were an original appointment to the position.
- B. When the absence ceases or the vacancy is filled, the employee shall return to his/her regular position and his/her salary and anniversary date shall be re-determined as if the temporary promotion had not occurred. Any salary increases which would have been due in his/her regular position shall be allowed.

- C. An employee temporarily promoted pursuant to the provisions set forth in (A) above shall be entitled to receive the benefits assigned to the higher classification.

Sec. 412 Additional Compensation to Supervisors/Managers:

A person, occupying a supervisory/management position may have his/her base salary increased by 5.5% above the base salary rate of any of his/her subordinates, not including Information Technology subordinates, provided that:

- A. The appointing authority, the Human Resources Director, and the County Executive Officer find that he/she is exercising substantial supervision/management over the subject subordinate and that he/she is satisfactorily performing the full supervisory/managerial duties of the position;
- B. The organization is a permanent one approved by the County Executive Officer;
- C. Both the supervisor and subordinate have been appointed to full-time positions; and
- D. The classifications of both the supervisor's/manager's and subordinate's positions are appropriate to the organization and their duties.

Such increased compensation shall be effective on the first day of the pay period during which the finding called for in subparagraph (A) above is made. This addition to base salary shall be effective only for the period necessary to maintain the base salary of the supervisor/manager at a rate of five and one-half percent (5.5%) above that received by the subordinate.

When the conditions authorizing this increase cease to exist then the base salary of the supervisor/manager shall be adjusted to the base salary he/she would have attained except for the provisions of this Section. The effective date of said adjustment shall be the first day of the pay period following the action creating the changed condition.

The provisions of this Section shall not, under any circumstances, be applied retroactively. Furthermore, it shall be the responsibility of the supervisor/manager to assure that payments made pursuant to this Section cease when the conditions which resulted in such payments no longer exist.

The provisions of this section only apply to classifications subject to the Performance Recognition Program described in Section 311 if the increase can be accomplished by increasing the compensation of the incumbent using only the base salary range.

Sec. 413 Post-Employment Accounts:

For each regular employee covered under this Resolution who has five (5) years of regular County service and who is separating from County employment, the County shall provide post-employment accounts wherein the payable value of qualifying final accrued leave balances will be deposited, up to the legal limit. Qualifying leave balances include annual leave, vacation, extra vacation, holiday balance, and the amount of sick leave payable pursuant to Sec. 708. This does not include compensatory time off for overtime. Special Pay Accounts are tax-deferred investment funds. The employee may also elect a Health Savings Account, designed to be free of taxes, which may be used for future health care costs. A participant fee is charged for Health Savings Accounts. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

ARTICLE 5
GENERAL PERSONNEL PROVISIONS

Sec. 501 Out-of-Classification Assignments:

No regular employee shall be assigned to exercise the powers or perform the duties of any classification other than his/her own classification for an accumulated period of 480 hours or more during any one calendar year. Such accumulated hours of such assignment(s) shall be credited toward qualifying experience for possible promotion only when such assignments have been authorized or verified by the agency/department head or designee in writing.

Sec. 502 Relatives: No officer shall appoint his/her spouse or registered domestic partner - or the spouse or registered domestic partner of any other officer superior to him/her - in any capacity for compensation. No such spouse or registered domestic partner shall be eligible for appointment to or continued employment in the same position of any such person who succeeded thereto pursuant to any provision of law. Continued employment shall be deemed to include promotion, demotion, or transfer, if such employee is otherwise qualified.

Except as otherwise provided herein, no person shall be denied the opportunity for employment or continued employment because such person is related to any person presently employed by the County of

Riverside. However, in no instance shall a County officer or employee be within the direct chain of command or span of control (i.e. execute direct supervision over or initiate or participate in decisions directly impacting such person, including but not limited to initial employment, retention, promotion, or work assignments) specifically pertaining to another County employee who is closely related or has any familial relationship management determines may lead to conflict. "Closely related" and/or familial relationship shall include, but is not limited to, spouse, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent, and the equivalent step relationships or relationships through a domestic partnership.

Should such relationship occur, the employee(s) may promote, voluntarily demote, or may be transferred to position(s) which the employee(s) is eligible and selected to fill. The employee(s) shall be granted, at minimum, six (6) months to achieve promotion, transfer, or voluntary demotion to rectify the reporting relationship.

Sec. 503 Retirement:

- A. Purchase of Military Service Credit as Public Service (Miscellaneous and Safety Members). Pursuant to Section 21024 of the *Public Employees' Retirement Law*, an employee may elect to purchase up to four years of service credit for any continuous active military or merchant marine service prior to employment with the County provided, however, that the employee must contribute an amount equal to the contribution for current and prior service that the employee and the County would have made with respect to that period of service.
- B. Post-Retirement Survivor Allowance (Miscellaneous and Safety Members): Pursuant to the provisions of Sections 21624 and 21626 of the *Public Employees' Retirement Law*, an allowance may be continued to a surviving spouse upon the death of a member after retirement.
- C. Post-Retirement Survivor Allowance to Continue After Remarriage (Miscellaneous Members Only). Effective December 24, 1998, the County amended its contract with PERS by adding the provisions of Section 21635 that permits the post-retirement survivor allowance to continue after the remarriage of the surviving spouse.
- D. PERS Retirement Benefit (EPMC): Per Government Code Sec. 20636 (c)(4), effective July 2, 1998, the County elected to pay the employee's share of compensation earnable (currently approximately 8% for Miscellaneous members and approximately 9% for Safety members) as Employer Paid Member Contributions

and report the same percent (value) of compensation for all PERS members covered under the provisions of this Resolution. Effective immediately the EPMC is amended as follows:

All employees hired in Groups 1 – 6 on or after December 1, 2011, will pay the full member contributions (8% for Miscellaneous and 9% for Safety), and the County will not provide EPMC.

- a. Effective December 1, 2011, employees in Groups 1, 2, 3, & 6 hired prior to December 1, 2011, will pay 4% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.
 - b. Effective December 1, 2011, employees in Groups 4 & 5 hired prior to December 1, 2011, will pay 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.
 - c. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 1, 2, 3, & 6, will pay an additional 4% toward their member contributions (Law Enforcement Executive Management employees will pay 5%), and the County will no longer provide or report any EPMC or as compensation to CalPERS.
 - d. Effective July 12, 2012, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 3% toward their member contributions, and the County will no longer provide or report that portion (value) as EPMC or as compensation to CalPERS.
 - e. Effective June 27, 2013, employees hired prior to December 1, 2011, in Groups 4 & 5, will pay an additional 2% toward their member contributions, and the County will no longer provide or report any EPMC or as compensation to CalPERS.
- E. Single Highest Year: The provisions of Section 20042 of the *Public Employees' Retirement Law* (Single Highest Year) shall apply to all miscellaneous and safety employees covered under the provisions of this Resolution.
- F. Three Year Final Compensation: At such time that the County Board of Supervisors executes a CalPERS permissible contract amendment, the provision of Section 20037 of the Public Employees' Retirement Law (Three (3) Year Final Compensation) will be implemented for employees who are hired on or after that date, or

who become members of the CalPERS Safety plan on or after that date.

- G. 1959 Survivor Benefits (Safety members Only): The provisions of Section 21574.5 of the *Public Employees' Retirement Law* shall apply to safety employee members.
- H. Pre-Retirement Optional Death Benefits: The provisions of Section 21548 of the *Public Employees' Retirement Law* (Pre-Retirement Optional Death Benefit) shall be applicable to safety employee members covered under the provisions of this Resolution.
- I. Retirement Calculations (Miscellaneous Members): The percentage of final compensation to be provided for each year of credited prior and current service for Miscellaneous members covered under the provisions of this Resolution shall be determined in accordance with Section 21354.3 of the *Public Employees' Retirement Law* subject to the reduction provided therein for Federal Social Security (3% at age 60 Full and Modified formula).
 - i. 2% @ 60. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for miscellaneous employees hired on or after and who first become members on or after the date of implementation shall be determined in accordance with Section 21353 of the Public Employees Retirement Law (2% at age 60).
- J. Retirement Calculations (Safety Members): The percentage of final compensation to be provided for each year of credited prior and current service for Safety members covered under the provisions of this Resolution shall be determined in accordance with Section 21362.2 of the *Public Employees' Retirement Law* (3% at age 50).
 - i. 2% @ 50. Effective August 23, 2012, the percentage of final year compensation to be provided for each year of credited service for safety employees hired on or after or who first become safety members on or after the date of implementation shall be determined in accordance with Section 21362 of the Public Employees Retirement Law (2% at age 50).
- K. Public Employee's Pension Reform Act (PEPRA) of 2013: Due to Assembly Bill (AB) 340, which created the Public Employee's Pension Reform Act (PEPRA), new lower retirement benefit formulas, final compensation periods, and new contribution requirements were implemented for new employees hired on or after January 1, 2013. The lower benefit formula for employees hired on

or after January 1, 2013 is 2% at 62 for Miscellaneous and 2.7% at 57 for Safety. Employee contribution rates will vary based on PEPRA rules.

- L. 401(a) Money Purchase Plan: The County shall contribute \$50.00 per biweekly pay period to a 401(a) Money Purchase Plan for each enrolled regular employee covered under this Resolution. This contribution is in addition to any other deferred compensation contribution provided by contract or other authority.

- M. 401(a) of Certain At-Will Positions: Effective January 9, 2003, if any then-incumbent Deputy Director for Environmental Health; Animal Services Chief; or RUHS Chief Finance Officer accepts employment At-Will then an additional \$150 per bi-weekly pay period shall be contributed to the 401(a) Money Purchase Plan for each such employee accepting At-Will status. All incumbents hired after January 9, 2003 in the aforementioned classifications (Section 503 (M)) shall receive contributions pursuant to Section 503 (L).

- N. In-lieu Contributions: Elected officials who are not members of PERS shall have an amount equal to what the County's normal contribution to their retirement would have been if they were members of the PERS system deposited on their behalf to a qualified 401(A) Money Purchase Plan.
 - i. The County's contribution to the Deferred Compensation plan will be made in accordance with the terms of the official Riverside County Plan document.

 - ii. The County's contribution to the deferred compensation plan will be based on the "normal cost" as determined by CalPERS, plus an amount equal to the current pick-up of the employee contribution, if any otherwise provided to elected officials who are in CalPERS

 - iii. As a condition of accepting contributions under this provision, an elected official who exercises rights under Section 31648.5 of the Government Code to join the retirement association and buy back prior service credit shall have a contractual obligation to reimburse the County for the employer's share, with interest, of the contribution made hereunder.

Sec. 504 Merit System/Veterans Preference: Appointments and promotions shall be made on the basis of merit and ability except as otherwise provided herein. Each officer shall appoint all necessary employees allowed for his/her agency/department by this Resolution only from among persons certified to him/her by the Human Resources Director as eligible for the respective positions. The Human

Resources Director shall determine the methods of evaluating the qualifications of applicants. The methods shall be practical in nature and may involve any combination of written test, oral test, performance test, rating of education, training, and experience and shall take into consideration a system of veteran's preference in accordance with the Veterans' Preference Resolution adopted by the Board of Supervisors. The veteran's preference program shall be administered by the Human Resources Director. County Officers and classifications identified in Appendix II of the Riverside County Salary Ordinance 440 are exempt from the merit system, rather the appropriate County Officer(s) may appoint qualified candidates to these classifications.

ARTICLE 6
PROBATIONARY PERIOD

Sec. 601 Computation: Each regular employee shall be in an initial probationary status from the effective date of his/her initial employment in a position in a paid status until the required initial probationary period, and any extension, is completed without separation from County employment. Computation of the initial probationary period in a paid status does not include overtime, standby, on-call, or military leave of absence. A regular employee who has not completed the initial probationary period serves at the pleasure of the agency/department head and may be released from employment without cause.

- A. Length of Initial Probation: Except as set out below, the length of the initial probationary period for employees in classifications covered under this Resolution is one (1) year (26 pay periods) in a paid status.

- B. Extension of Initial Probation: The initial probationary period of an employee may be extended by the employing agency/department head with the approval of the Human Resources Director. Extensions of an initial probationary period are discouraged and must be approved by the Human Resources Director or his/her designee in writing at least eighty (80) hours before the end of the existing initial probationary period. Approval is made on a case-by-case basis and must be supported by documentation justifying the request.

The initial probationary period may be extended once by three (3) months or twice by an additional three (3) months.

- C. Initial Probationary Period Affected by Change in Classification: An employee who has not completed an initial probationary period and voluntarily promotes, demotes, or transfers to another classification, shall have his/her initial probationary period automatically extended

an additional one (1) year (26 pay periods) in a paid status beyond the date of promotion, demotion, or transfer each time the employee voluntarily promotes, demotes, or transfers to another classification prior to completing the initial probationary period, including any extensions thereto.

- D. Probation of Permanent employees following change in classification or lateral transfer: During the first one (1) year (26 pay periods) of service in a paid status following a promotion, transfer or demotion, a regular employee who held permanent status at the time of the promotion, transfer or demotion shall, upon the agency/department head's request, be returned to a position in the previously held classification in the former employing agency/department. If the return involves a change in classification, the salary shall be the same salary which the employee had immediately prior to the promotion, transfer or demotion, and the employee's anniversary date will be re-determined based on the number of pay periods of service in a paid status the employee had at the time of promotion, transfer or demotion. Written notice of return to former classification shall be given to the employee prior to the employee completing 26 pay periods in the probationary period and the pay and title changes of the return shall be made prior to the employee completing 26 pay periods following the promotion, transfer, or demotion. Computation of the probationary period in a paid status does not include overtime, standby, on-call or military leave of absence.
- E. At-Will employees: Notwithstanding any other provision of this Resolution to the contrary, and except as provided by State law, the terms and conditions of employment for employees in the classifications set forth below shall be as follows:
1. Agency/Department Heads appointed after November 29, 1983, shall serve at the pleasure of the Board of Supervisors (i.e. At-Will). Prior to such appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause, or rights of appeal, by the Board of Supervisors. An agency/department head removed from service with the County of Riverside by the Board of Supervisors shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary.

2. Assistant Department Heads or the equivalent thereto appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 after May 4, 1989, shall serve at the pleasure of the agency/department head (i.e. At-Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Assistant Department Heads or the equivalent thereto who serve At-Will may be removed from their position at any time without notice, cause, or rights of appeal by the agency/department head only after the agency/department head has a minimum of ninety (90) calendar days of service in that position and after consultation with the Human Resources Director and approval of the County Executive Officer. An assistant department head or the equivalent thereto removed from service with the County of Riverside by his or her agency/department head shall be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of an assistant department head or the equivalent thereto.
3. Employees in the classification of Board of Supervisor's Chief of Staff, Supervisor's Board Assistant and Supervisor's Legislative Assistant shall be appointed and serve at the pleasure (i.e. At-Will) of the individual Supervisor holding the office to which such employees are assigned. They may be terminated from service at any time by the Supervisor holding that office without notice, cause, or rights of appeal. Prior to an appointment to any of the above mentioned classifications the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.
 - a. Any employee serving At-Will in the above classifications removed from service by the individual Supervisor holding the office to which the employee is assigned may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance

pay shall be at the sole discretion of the Board of Supervisor. Severance pay is not applicable to a situation involving the layoff of any incumbent of the At-Will classifications.

4. The Local Agency Formation Commission (LAFCO) Executive Officer shall be appointed by the Local Agency Formation Commission and shall serve at the pleasure and will of the Local Agency Formation Commission (i.e. At Will). Prior to such an appointment, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held. Such employee may be terminated from service at any time, without notice, cause or rights of appeal, by the Local Agency Formation Commission. An Executive Officer of LAFCO removed from service with the Local Agency Formation Commission may be entitled to one (1) month's salary as severance pay for each year of employment with the Local Agency Formation Commission up to a maximum severance pay equal to six (6) months' salary. Any such severance pay shall be at the sole discretion of the Local Agency Formation Commission.

5. Employees in the classifications of:

- 37605 Assistant Sheriff
- 37606 Assistant Sheriff A
- 37607 Assistant Sheriff B
- 37582 Chief Deputy Sheriff
- 37583 Chief Deputy Sheriff A
- 37584 Chief Deputy Sheriff B
- 37624 Chief Deputy Director, Sheriff's Administration
- 52218 Correctional Chief Deputy
- 13831 Sheriff's Public Information Manager

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Sheriff. They may be terminated from service at any time by the Sheriff, without notice, cause, or rights of appeal. Prior to the appointment to any of the above classifications, the Sheriff shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all

former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the Sheriff may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

6. Employees in the classification of:

| | |
|-------|-----------------------|
| 73557 | Deputy Director |
| 73523 | Chief Veterinarian |
| 74257 | Public Health Officer |

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the Director of Public Health/Animal Services Director/Director of Environmental Health. They may be terminated from service at any time by the Director of Public Health/Animal Services Director/Director of Environmental Health, without notice, cause or rights of appeal. Prior to the appointment to any of the above classifications, the Director of Public Health/Animal Services Director/Director of Environmental Health shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the agency/department head may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

7. Employees in the classifications of:

| | |
|-------|--|
| 78539 | Assistant District Attorney |
| 78535 | Chief Deputy District Attorney |
| 78527 | Managing Deputy District Attorney |
| 37672 | Assistant Chief District Attorney Investigator |

37678 Chief District Attorney Investigator
79779 Director of Victim Services and Family Justice
Center Liaison

appointed to a position in that classification authorized by the Riverside County Salary Ordinance, No. 440 shall serve at the pleasure (i.e., At-Will) of the District Attorney. They may be terminated from service at any time by the District Attorney without notice, cause, or rights of appeal. Prior to the appointment to any of the above classifications, the District Attorney shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.

Any employee serving At-Will in the above classifications removed from service by the District Attorney may be entitled to one (1) month's salary as severance pay for each year of employment with the County of Riverside up to a maximum severance pay equal to six (6) months' salary. Severance pay is not applicable to a situation involving the layoff of any incumbent of the classifications listed above.

8. In addition to those classifications specifically mentioned above, any employee appointed to a classification authorized by the Riverside County Salary Ordinance, No. 440 and listed in Appendix II of such Ordinance, shall serve at the pleasure of the agency/department head (i.e. At-Will). He/she may be terminated from service at any time by the agency/department head without notice, cause, or rights of appeal. Prior to the appointment to any of these classifications the Human Resources Director shall obtain a written agreement from the prospective appointee acknowledging his/her understanding of such At-Will status including the voluntary relinquishment of property rights to any and all former classifications/positions the appointee may have previously held.
 - a. Any employee serving in any classification of Section 601 (8) of this Article who is removed from service and whose severance was not otherwise stated above may be entitled to one (1) month's salary as severance pay for each full year of employment in the At-Will classification up to a maximum severance pay equal to three (3) months' salary. Any such severance pay shall be at the sole discretion of the County Executive Officer. Severance pay is not applicable to a situation

involving the layoff of any incumbent of the At-Will classifications.

9. Appointment of an At-Will Employee:
 - a. Because an At-Will employee serves at the pleasure of the appointing authority, the At-Will employee will not serve a probationary period and may be terminated at any time without cause. For current employees, the employee voluntarily relinquishes any property rights to any and all former classifications/positions the appointee may have previously held. Prior to an appointment into an At-Will position, the Human Resources Director shall obtain written acknowledgment from the prospective appointee acknowledging his or her understanding of such At-Will status
 - b. The County has the discretion to set the salary of an At-Will employee within the salary schedule, regardless if the individual is a current or new employee with the County. For current employees, an appointment into an At-Will position shall not be considered a promotion or a reclassification under this Resolution.
10. Severance Provision:
 - a. Any employee who receives severance pay in accordance with this article and who is subsequently hired in a regular position shall forfeit any severance pay received and shall be required to repay the full amount of severance received at time of their prior separation. Such repayment agreement shall be signed on the date of hire and shall be made within a reasonable period of time.
 - b. Any employee who receives severance pay in accordance with this article and who subsequently retires and is rehired into a regular position is not eligible to receive severance pay.

ARTICLE 7
ANNUAL LEAVE

(Not Applicable to Employees in Group 4)

Sec. 701 Annual Leave:

Regular full-time and regular part-time employees, other than elected officials and employees in Group 4, covered under the provisions of this Resolution shall neither accrue vacation nor sick leave. They

shall, instead, earn Annual Leave according to each biweekly pay period of service commencing with the effective date of the employee's initial employment during his/her latest period of County employment according to the following schedule. Absence or time not worked and part-time employment shall cause said pay period's accrual of Annual Leave credits to be reduced on a pro-rata basis.

- A. Accrual Rates: (Groups 1, 2, 3, & 5. For Law Enforcement Executive Management, see Article 21)

| <u>MONTHS OF SERVICE</u> | <u>BI-WEEKLY ACCRUAL</u> |
|--------------------------|--------------------------|
| (0 to < 36 months) | 8.92 hours |
| (36 to <108 months) | 10.46 hours |
| (108 or more months) | 12.00 hours |

Accrual Rates: for Group 3 – Board of Supervisors Chief of Staff and for Group 6 - Supervisor's Board Assistants and Supervisor's Legislative Assistants

| <u>ALL SERVICE</u> | <u>BI-WEEKLY ACCRUAL</u> |
|-------------------------------------|--------------------------|
| Supervisor's Board Assistant | 10.46 hours |
| Supervisor's Legislative Assistant | 12.00 hours |
| Board of Supervisors Chief of Staff | 12.00 hours |

Annual Leave for Unrepresented Attorney Management:

Effective July 12, 2012, the job classifications listed in Article 22 of this Resolution will receive an additional 4 hours per pay period to their annual leave accrual. This additional leave accrual will expire at the end of the last pay period in June 2014. In addition, the maximum accrual for annual leave (or vacation) will be raised by 200 hours to 2,000.

- B. Accrual Rates - Other: Accrual rates for employees covered under the provisions of this resolution, who have an employment agreement with the County or other benefit level approved by the Board of Supervisors, shall accrue Annual Leave at the rate determined by the County Executive Officer.
- C. Vacation Conversion: Effective July 2, 1998, accrued vacation banks (including extra vacation) for then current employees were converted to Annual Leave on an hour-for-hour basis. Any regular employee who subsequently transfers or promotes into a classification covered under the provisions of this Resolution shall have his/her accrued vacation balance

similarly converted to Annual Leave on an hour for hour basis at the time of such transfer/promotion.

Sec. 702 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of Annual Leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of Annual Leave in each succeeding twenty-six (26) pay periods of employment. While on Annual Leave, sick leave, holiday leave, or compensatory time off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 703 Maximum Accrual: Unless otherwise approved by the County Executive Officer, all employees covered under the terms of this Resolution may accumulate annual leave to a maximum of 1800 hours. Upon approval of the County Executive Officer, additional annual leave may be accrued to a maximum of 2,080 hours. It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed the maximum accrual.

Effective on the first day of the pay period following Board approval of this Resolution, all Supervisor's Board Assistants and Supervisor's Legislative Assistants shall have their annual leave bank reduced to 1764 hours and any hours above 1764 hours will be placed in a separate bank in which further leave cannot be accrued. Thereafter, Supervisor's Board Assistants and Supervisor's Legislative Assistants may accumulate annual leave to a maximum of 1800 hours.

A regular employee who has been employed in a position, other than a position with the County of Riverside, which has prepared him/her for an assignment to a position in the Management unit may, with prior approval of the County Executive Officer and the Human Resources Director at time of hire, receive credit for such previous experience in determining their Annual Leave accrual rate (and corresponding maximum accrual), including an immediate credit of Annual Leave time, and/or the period of time before Annual Leave may be taken.

Sec. 704 Annual Leave:

- A. Agency/Department Heads: Effective January 1, 2009, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to forty (40) hours of Annual Leave per calendar year. Effective July 1, 2010, an agency/department head who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar

year. Upon approval of the County Executive Officer, such agency/department head may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no agency/department head shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

- B. Other Eligible Employees: Effective January 1, 2009, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to forty (40) hours of Annual Leave per calendar year. Effective July 1, 2010, an employee, other than an agency/department head, who accrues Annual Leave pursuant to the provisions of this Resolution, may request to receive pay in lieu of up to eighty (80) hours of Annual Leave per calendar year. Upon approval of his/her agency/department head, such employee may receive pay in lieu of an additional eighty (80) hours of Annual Leave during the same calendar year provided, however, that no employee shall receive pay in lieu of more than 160 hours of Annual Leave in any calendar year.

Sec. 705

Annual Leave Usage:

- A. Annual Leave is to be scheduled at the discretion of the agency/department head, or designee. Each agency/department head shall be responsible for scheduling the Annual Leave periods of his/her employees in such a manner as to achieve the most efficient functioning of the agency/department and of the County service. The agency/department head shall determine when Annual Leave will be taken.
- B. While generally Annual Leave usage is required to be scheduled in advance, the County recognizes that from time to time employees may desire to use Annual Leave for an unforeseen absence due to illness/injury or other personal reason. Annual Leave may be used to restore pay otherwise lost due to such unscheduled absence from work provided that:
- i. The employee notifies his/her agency/department head, or designee, on the first (1st) day of such absence and as often thereafter as directed by his/her agency/department head, or designee;
 - ii. If requested by the agency/department head or designee, the employee produces a certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, or such other proof satisfactory to the agency/department head; and

iii. Any medical certificate provided by the employee be personally signed by the medical provider described at (ii) above and include a written statement indicating the day(s) of the illness/injury and that the illness/injury prevented the employee from being able to work.

C. Any employee absent for a period of five (5) consecutive workdays due to illness or accident may, at the discretion of his/her agency/department head or the Human Resources Director, be required to have a physical examination by a County approved physician before returning to active duty. Such physical examination shall be performed by a physician designated by the Human Resources Director and shall be at County expense.

D. Sections 705(B) and 705(C) shall also apply to the use of existing sick leave accruals.

E. Annual Leave may be used for absence reasonably required by complications of pregnancy, continuing through delivery and reasonable period of recovery therefrom, to be determined in accordance with a written report or reports of the employee's personal physician, specifying the expected date of delivery and the date that the employee should cease work. In the event the agency/department head believes there are unusual circumstances, or that the full performance of the employee's work without undue hazard is such as to require a longer period of absence, and on the agency/department head's written request to the Human Resources Director, the determination of the period shall be subject to review and change by a physician employed or provided by the County, including a medical examination of the employee if required by such physician. The cost of this examination shall be paid by the County. In no event shall an employee return to work after pregnancy prior to a date to be fixed by her physician in a signed statement that she is physically able to perform the duties of her position.

F. Proof of Illness:

An employee off work or contemplating to be off work due to illness or injury for an extended period of two (2) weeks or more shall provide a comprehensive health statement as to length of absence from the employee's health care provider stating any duties an employee cannot perform and any restrictions or light duty requirements.

Sec. 706 Payoff Upon Retirement or Termination: Any regular employee who terminates or is terminated shall be credited with all accrued Annual Leave at the same rate as that received on the last day worked or last day of approved leave with pay. Terminal Annual Leave pay shall

be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sec. 707 Prior Sick Leave Accruals:

- A. Effective July 2, 1998, current sick leave balances were frozen provided, however, that up to 50% (1/2) of the sick leave balance for employees covered under the terms and conditions of this Resolution was converted to Annual Leave. The remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be credited to the employee as provided under the provisions of Section 708 below.
- B. Any regular employee who transfers or promotes into a classification covered under the provisions of this Resolution shall, at the time of such transfer/promotion, have his/her sick leave balance converted and/or frozen in the manner described in 707(A) above.

Sec. 708 Payout for Unused Sick Leave: Upon service retirement, disability retirement, or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement system, unused accumulated sick leave for employees with at least five (5) but less than fifteen (15) years of service shall be credited at the rate of fifty percent (50%) of the current salary value thereof provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Unused accumulated sick leave for employees with more than fifteen (15) or more years of service shall be credited at the rate of the current salary value provided, however, that that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

Sick leave compensation resulting from death shall be made to the persons entitled to it otherwise, in accordance with the Probate Code. Eligibility for a payout under this section is made at the time of separation from County employment and not at a later date.

Sec. 709 Prohibition Against Employment While on Annual Leave: No employee shall be permitted to work for compensation for the County while on Annual Leave without prior approval of the County Executive Officer and his/her agency/department head.

Sec. 710 Annual Leave Accrual Rate - Elected to Appointed Status: Whenever an elective officer, who has more than three (3) years (780 days) of continuous service, succeeds or is appointed to an appointive position without interruption of service, the Human Resources Director shall ascertain the minimum amount of continuous service rendered by such person and shall report the same to the Board of Supervisors, who shall thereupon determine the number of days of such continuous service, and the Annual Leave accrual rate shall be fixed accordingly.

Sec. 711 Exception to Continuous Service: A previous period or periods of County employment which are interrupted in such a manner as to disqualify such period or periods from being considered in computing continuous service under the provision of this Article may be included in such computation, in full or in part, upon the request of the agency/department head employing the person involved, and approval by the County Executive Officer.

Sec. 712 Elected Officials Exceptions: Elective County officers are not subject to the provisions of this Resolution relating to Annual Leave.

Sec. 713 Retention of Excess Accruals:

- A. Employees covered under the provisions of this Resolution who, as the result of administrative error, have incorrect Annual Leave accrual rates which are subsequently adjusted and whose maximum accrued hours are then in excess of those provided under this Resolution, shall be entitled to maintain such maximum accruals for a period of five (5) years during which time they must reduce their maximum balance to that provided under Section 703, or forfeit the excess accrued hours.
- B. Employees covered under the provisions of this Resolution who, as the result of a change in classification, are assigned to a bargaining unit represented by a recognized employee organization pursuant to the Employee Relations Resolution, and who have accrued Annual Leave hours, shall be permitted to maintain those accrued hours as Annual Leave. Such hours may continue to be used for vacation, sick leave or other approved leave.

An employee who is no longer eligible to accrue Annual Leave, as the result of a change in classification to a classification represented by a recognized employee organization, may continue to redeem any Annual Leave balance pursuant to Sec. 704 of this Resolution. If the employee's new classification is entitled to accrue vacation, he/she shall accrue hours at the rate specified under the applicable Memorandum of Understanding. The employee shall be permitted to retain any previously accrued and unused sick leave in his/her sick

leave bank. The accrual and use of any sick leave accrued subsequent to the change in the employee's classification shall be subject to the provisions of the Memorandum of Understanding applicable to the employee's new classification.

ARTICLE 8
VACATION

(Applicable to Group 4 employees only)

Sec. 801 Accrual Rates:

A. Subject to the limitations and exemptions of this section, every regular employee in a classification assigned to Group 4 shall be entitled annually to the following number of working hours of vacation with pay in accordance with the record of completion of continuous years of service:

1. Zero through 3 years (0 to < 36 months) in a payroll status, 80 hours (10 days);
2. years 4 through 9 (36 to < 108 months) in a payroll status, 120 hours (15 days);
3. years 10 or more (108 or more months) 160 hours (20 days).

Vacation shall accrue daily at the rate appropriate to the years of service. Accrued vacation may be taken only at a time or times agreeable to the agency/department head. Except as hereinafter provided, no earned vacation shall accrue in excess of the maximum accumulation. No vacation shall ever be taken for a period exceeding the maximum accumulated.

All employees covered under the terms of this Resolution may accumulate accrued vacation for not more than a maximum of 480 hours. Upon the written request of an agency/department head showing reasonable necessity and good cause, submitted prior to the accumulation of the maximum vacation entitlement, the County Executive Officer may by order temporarily enlarge for a specific employee the maximum accumulation by extending the period of additional vacation accrual for not more than three (3) months, unless a different period shall be specified in the order.

B. Any person whose employment is terminated shall be entitled to pay for all earned vacation as determined under the provisions of this Resolution. For the purpose of this paragraph, vacation shall be deemed earned to the date of termination. While such terminal vacation pay shall be chargeable to the salary appropriation of the agency/department, the position shall be deemed vacant and may be filled provided funds are available therefore. Terminal vacation pay shall be paid into a Post-Employment Plan account designated

by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

- C. No employee shall be permitted to work for compensation for the County during vacation, except with prior approval of the County Executive Officer and the agency/department head.
- D. A regular part-time employee shall accrue vacation in the same proportion that working hours bear to the normal working hours of a full-time position. The same proportion shall apply in determining payment of earned vacation on termination.
- E. A previous period or periods of County employment which are interrupted in such a manner as to disqualify such period or periods from being considered in computing continuous service under the provision of this Resolution, may be included in such computation, in full or in part, upon the request of the agency/department head of the agency/department employing the person involved, and approval by the County Executive Officer.

ARTICLE 9 PAID LEAVE

Sec. 901 Jury Duty: Any employee summoned for attendance to any court for jury duty during the employee's normal working hours shall be deemed to be on duty and there shall be no loss of base salary, but any jury fees received shall be paid into the County treasury.

Witness Absence(s): Any employee who shall be called as a witness arising out of and in the course of County employment, shall be deemed to be on duty and there shall be no loss of base salary, but any witness fees received shall be paid into the County treasury, together with any mileage allowed if County transportation is used. Any employee absent as a witness in a non-County matter shall not be entitled to be paid during such absence.

Sec. 902 Bereavement Leave: The County agrees to allow up to five (5) days of bereavement leave, three (3) of which will be paid, and the additional two (2) days to be deducted from the employee's sick leave or Annual Leave. Eligible employees must be in an active payroll status and be compelled to be absent from duty by reason of the death, or critical illness where death appears imminent, of the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, grandparent, grandchild, and the equivalent step-relationships or relationships through a domestic partnership. The County has the right to require proper documentation in support of the requested leave.

Sec. 903 Fitness for Duty: With prior approval by the Human Resources Director, an agency/department head, or a designee, when in his/her judgment reasonable cause exists, order an employee off work until such time as the County's Employee Health Medical Director or designee determines that the employee is able to return to work without impairing the health of the public, the employee's health, or the health of the other employees in the agency/department.

When the agency/department head, or a designee, orders an employee off work, the agency/department head shall, as soon as possible, schedule an appointment for the employee with the County's Employee Health Medical Director or designee who shall examine the employee for the sole purpose of determining whether or not the employee is able to return to work.

The cost of the above-mentioned medical services shall be paid by the County and the employee shall be placed on paid Administrative Leave for that period of time between his/her placement on leave and the County's receipt of the Employee Health Medical Director's determination.

Sec. 904 Sick Leave (Applicable to Employees in Group 4 Only):

A. Accrual: Every regular full-time or part-time employee who is assigned to a classification in Group 4 shall accrue sick leave pay on a daily basis and computed at the rate of four (4) hours per pay period.

1. A regular part-time employee shall accrue sick leave in the same manner as a full-time employee, except the accrual shall be pro-rated for hours actually worked.
2. Sick leave shall accrue at all times when the employee is in a paid status.
3. Accrued sick leave of any person whose employment is permanently terminated shall automatically be canceled. However, any employee whose employment is terminated while they are on sick leave shall continue to be compensated for the duration of their illness to the extent of their accrued sick leave, but after such termination shall derive no other benefits under this Resolution which result from being in a paid status. Unless the employee shall have retired, payment for sick leave continuing after termination shall be conditioned upon prior receipt of a physician's certificate or other adequate written proof of illness and in the event of any doubt as to future duration of the illness may be paid on biweekly

increments as used. If an employee receives a layoff notice, payment for sick leave shall continue conditioned upon receipt of a physician's certificate or other adequate written proof of illness given to the County prior to payment, and payment shall not continue beyond the exhaustion of accrued sick leave.

4. Sick leave may be used for absence reasonably required by complications of pregnancy, continuing through delivery and reasonable period of recovery therefrom, to be determined in accordance with a written report or reports of the employee's personal physician, specifying the expected date of delivery and the date that the employee should cease work. In the event the agency/department head believes there are unusual circumstances, or that the full performance of the employee's work without undue hazard is such as to require a longer period of absence, and on the agency/department head's written request to the Human Resources Director, the determination of the period shall be subject to review and change by a physician employed or provided by the County, including a medical examination of the employee if required by such physician. The cost of this examination shall be paid by the County. In no event shall an employee return to work after pregnancy prior to a date to be fixed by her physician in a signed statement that she is physically able to perform the duties of her position.

B. Medical Certification Program:

1. When in the judgment of the agency/department head good reason exists for believing an employee may be abusing sick leave the employee shall be placed on notice in writing. The employee shall also be placed on a medical certification program and be allowed paid sick leave by producing a signed original certificate of a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician or proof satisfactory to the agency/department head. Such certificate shall include a written statement signed by a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician, stating the day(s) of the illness/injury and that the illness/injury prevents the employee from being able to work.

Employees on a medical certification program shall have their sick leave usage reviewed at least annually. If the review shows substantial improvement, they shall be removed from

the category of having to provide the certificate for each absence.

Every regular employee shall use accrued vacation, then holiday time, and then may use compensatory time, when sick leave has been exhausted due to extended illness or injury unless he/she is on a medical certification program in accordance with B.1 of this section.

Proof of Illness:

2. An employee off work or contemplating to be off work due to illness or injury for an extended period of two (2) weeks or more shall provide a comprehensive health statement as to length of absence from the employee's health care provider stating any duties an employee cannot perform and any restrictions or light duty requirements.
- C. Reporting Requirements: In the absence of a more stringent agency/department policy, an employee reporting off work for sick leave usage shall call the employee's supervisor or designee within one (1) hour before or after the employee's scheduled starting time.
- D. Reason for Usage: Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. Family is defined to mean a spouse, parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor), child, foster child, registered domestic partner, child of registered domestic partner, parent, brother, or sister of the employee, grandparent, grandchild and the equivalent relationships through lawfully registered domestic partnership.
- E. Payout for Sick Leave: Upon service retirement, disability retirement or death of an employee or officer, and subject to the provisions of any applicable agreement between the employing agency and the Public Employee's Retirement System, unused accumulated sick leave shall be credited at the rate of fifty (50) percent of the current salary value thereof for each such person who has had five (5) full years of service in a payroll status provided, however, that the total payment shall not exceed a sum equal to 960 hours of full pay. Terminal sick leave pay shall be paid into a Post-Employment Plan account designated by the employee. Qualifying leave balances of a separating employee who does not make an election will default to a Special Pay Account.

A sick leave payout resulting from death of an employee shall be made to the persons entitled to it otherwise, in accordance with the Probate Code.

Eligibility for a payout under this section is determined at the time of separation from County employment and not at a later date.

ARTICLE 10
ON THE JOB INJURY

Sec. 1001 Workers' Compensation Benefits: An employee or officer who suffers an injury or illness which entitles him/her to benefits under the Workers' Compensation Law, and for which he/she actually receives or obtains medical treatment, shall be entitled to full compensation for the first ten (10) calendar days during which he/she is necessarily absent from duty as the result of such injury or illness, without deduction on account of accrued sick leave or other accrued salary credits. If such absence continues thereafter, he/she shall be paid as salary the difference between the temporary disability payments due him/her under the Workers' Compensation Law and his/her regular compensation, to the extent of the value of his/her accrued sick leave or Annual Leave, including, for this purpose, the values, successively, of his/her accrued compensatory time off for overtime and accrued vacation credit. During a period of temporary disability and in the proportion that the employee is paid for the difference between his/her temporary disability payments and his/her regular compensation, he/she shall continue to accrue Annual Leave benefits at the regular rate.

The right is reserved to make later adjustments between salary and disability benefits to conform to the Workers' Compensation Law, or to conform to later development of facts, including the right to recover any overpayments directly or from future earnings.

In the event of substantial doubt whether temporary disability payments are payable under the Workers' Compensation Law for the disability, or doubt as to the extent thereof, payment on account of sick leave or annual leave shall be withheld, except to the extent authorized by this section, until the issue is determined either by assumption of liability by the compensation insurance carrier or by adjudication of liability.

Sec. 1002 4850 Exclusion: The provisions of this Article shall not apply to any peace officer, firefighter, or similar employee as to whom the benefits of section 4850 of the *Labor Code* are applicable. Sick leave, Annual Leave, vacation, or compensatory time off shall not be applied to absence on account of disability under that statute. Annual Leave

benefits shall continue to accrue during such disability, in accordance with the law.

In the event of substantial doubt whether the disability is compensable pursuant to Section 4850 of the *Labor Code*, payment of salary shall be withheld, except as to so much thereof as shall be equal to the value of accrued sick leave, Annual Leave, vacation and compensatory time off for overtime, until the issue shall be adjudicated.

ARTICLE 11
LEAVES OF ABSENCE
WITHOUT PAY

- Sec. 1101 Air Pollution Emergency: An employee unable to work on a regularly scheduled work day due to an air pollution emergency shall be granted a leave of absence without pay for the period.
- Sec. 1102 Leaves of Absence - In General: An agency/department leave of absence or an official leave of absence without pay may be granted for the following reasons:
- A. Illness or disability when sick leave has been exhausted.
 - B. Maternity.
 - C. To take a course of study which will increase the employee's usefulness on return to the County.
 - D. Personal reasons acceptable to the authority whose approval is required.

An employee who plans to take time off may be allowed approved AWOP when an appropriate leave balance is not available, but when an appropriate leave balance is available, may not be allowed approved AWOP, except in the case of military leave or a furlough program approved by the Board of Supervisors.

- Sec. 1103 Agency/Department Leave of Absence: Agency/department leave of absence up to 480 hours in any one (1) calendar year period may be granted to any employee by the agency/department head. Such leave of absence for an agency/department head shall be granted only by the Board of Supervisors, for such period as the Board may determine. Such leave shall be reported as leave of absence via the agency/department's payroll. The agency/department head, or Board of Supervisors, may require the leave of absence to be for a specified period of time and appropriate conditions may be imposed, such as providing sufficient medical documentation or other evidence substantiating the leave as required by the agency/department head or Board of Supervisors.

An employee on leave of absence for illness or disability reasons will be required to present a return to work statement from the attending physician releasing the employee to full duty, prior to being allowed to return to work. Any release to less than full duty will be allowed only as accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act*, a County designed temporary modified duty assignment, and/or the County return to work program.

Sec. 1104 Official Leave of Absence: A regular employee may request an official leave of absence exceeding 480 hours, but not exceeding one (1) year (2,080 hours). Official leave of absence may be granted upon written request by or on behalf of the employee, specifying the period and the reason, upon the written recommendation of the agency/department head and with the written approval of the Human Resources Director. Application must be made on a form supplied by the Human Resources Department in advance of the effective date of the leave, unless circumstances make such advance request impossible. If the Human Resources Director does not approve the request, it shall be so endorsed and returned to the agency/department head, who may present it to the Board of Supervisors. The Board of Supervisor's action shall be final. Any official leave of absence granted shall be for a specified period and appropriate conditions may be imposed such as the employee providing sufficient medical documentation or other evidence documenting the leave as required by the Human Resources Director or a designee.

An employee on leave of absence for illness or disability reasons will be required to present a return to work statement from the attending physician releasing the employee to full duty, prior to being allowed to return to work. Any release to less than full duty will be allowed only as an accommodation as required under the *Americans with Disabilities Act*, the *California Fair Employment and Housing Act*, a County designed temporary modified duty assignment, and/or the County return to work program.

Such leave may be extended upon further written request containing justification therefore, such request for extension is to be processed in the same manner as the original request. In the case of a request for an extension due to illness or disability, updated information of the same kind submitted for the original request will be required.

Nothing herein shall prevent the earlier return to duty by the employee, except the agency/department head may require two (2) weeks advance notice of the employee's intention to return.

The Human Resources Director shall be promptly notified of the return of any employee from an official leave of absence. The Board of Supervisors shall have the right to cancel or revoke a leave of absence previously granted.

Sec. 1105 Military Leave: Absences on account of military duty are governed by provisions of United States Code Title 38, Chapter 43 and the California *Military and Veterans Code*.

Sec. 1106 Abandonment/Automatic Resignation:

- A. Absence without leave of any employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from County service, providing the employee upon written agency/department notification does not respond to the agency/department and/or does not provide a satisfactory explanation for the absence and his/her failure to obtain an approved leave. The notification to the employee must be in writing prior to the agency/department finalizing the resignation and must contain an opportunity within three (3) working days of service for the employee to respond. A second notice, after the time to respond has passed or after the employee has given an unsatisfactory explanation, must be sent to the employee stating the effective date of the abandonment/automatic resignation. Notices may be personally served or served by first class mail (return receipt requested) to the last known address of record of the employee and are complete upon mailing or hand delivery.
- B. An employee may, within ten (10) calendar days of service of the second letter from the agency/department, request in writing reinstatement from the Human Resources Director. If denied by the Human Resources Director, the employee may file a further appeal with the Human Resources Director, or designee, within ten (10) working days from service of the denial of reinstatement. Reinstatement may be granted only if the employee makes a satisfactory explanation for the absence and/or the failure to obtain an approved leave of absence, and the neutral finds the employee is ready, able, and willing to resume the discharge of the duties of the position.
 1. Appeals shall be heard by a mutually agreed upon third party neutral (herein referred to as a "neutral") from a list of five (5) neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The decision of the neutral shall be binding on both parties, neither of which shall have the right of further appeal.

2. Only the employee and one (1) non-attorney representative, the agency/department head or a designee, and the Human Resources Director or a non-attorney designee shall take part in the presentation of any appeal, unless the employee is an attorney who is self-represented. Nothing herein shall prevent an attorney testifying to facts of which the attorney has personal knowledge and that which the attorney may be competent to testify.
3. The appeal hearing and disposition of the appeal shall be informal, the object being to settle the appeal promptly by the parties. The parties shall have the right to offer evidence by witnesses at the hearing subject to the discretion of the neutral. The neutral may consult with witnesses informally and otherwise investigate the controversy.
4. The judgment of the neutral shall be rendered within five (5) working days of submission of the controversy to him/her. Provided, however, the parties may mutually agree to extend the time in which the judgment may be rendered.
5. The neutral's authority shall be limited to deciding the issues submitted by the parties. The neutral shall have no jurisdiction or authority to add to, delete from, or modify any written provisions of this Resolution.
6. The cost for the service of the neutral and the hearing room, if any, shall be borne by the County. The cost of transcripts, if any, will be borne by the ordering party.
7. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

ARTICLE 12
DISCIPLINARY PROCEDURE

Sec. 1201 Applicability:

- A. The provisions of this Article do not apply to:
 1. At-will employees covered under the provisions of this Resolution.
 2. Employees who have not completed an initial probationary period with the County of Riverside, including any extensions thereto.

3. Permanent employees serving a promotional probationary period when such disciplinary action does not affect any vested rights.

As used in this procedure, "disciplinary action" means termination, demotion, reduction in compensation, suspension, or written reprimand in lieu of suspension (which shall for all purposes have the effect of the equivalent suspension) of an employee.

Sec. 1202 Cause for Action: Any employee may be disciplined for just cause, which includes, but is not limited to the following acts/omissions:

- a. Dishonesty;
- b. Unsatisfactory performance;
- c. Inefficiency or negligence in performance of duties;
- d. Neglect of duty;
- e. Insubordination;
- f. Violation of an employee regulation prescribed by the Board of Supervisors or the head of the agency/department in which the employee is employed;
- g. Absence without approved leave;
- h. Conviction of a felony, any crime involving moral turpitude, or any offense in connection with or affecting the employee's duties other than minor traffic violations. Conviction means a plea of guilty or *nolo contendere* or a determination of guilt in a court of competent jurisdiction;
- i. Discourteous treatment of the public or other employees;
- j. Political activity in violation of federal or state law;
- k. Physical or mental unfitness to perform assigned duties;
- l. Making a material misrepresentation in connection with obtaining or maintaining employment or position, or to obtain a benefit;
- m. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the agency/department in which he/she is employed.
- n. Failure to maintain the license, registration, certificate, professional qualifications, education, or eligibility required for the employee's classification when the failure of the employee to maintain such requirements adversely affects the employee's ability to perform his or her job or the performance of the agency/department. The agency/ department shall prescribe procedures to ensure that employees affected by the requirements are informed of them.
- o. Substance abuse in violation of the County of Riverside Alcohol and Drug Abuse Policy (Board Policy C-10).
- p. Violation of the County's Workplace Violence, Threats and Securities Policy (Board Policy C-27).

- q. Violation of the County's Non-Discrimination and Anti-Harassment Policy and Complaint Procedure (Board Policy C-25).

Sec. 1203 Investigatory Leave of Absence: Pending investigations by the agency/department head, or designee, of accusations of misconduct against an employee, the agency/department head, with the approval of the Human Resources Director or designee, may place the employee on a leave of absence for a period of time not to exceed fifteen (15) working days with pay.

If the investigation is not completed within the fifteen (15) days referenced above, the leave of absence may be extended to a combined maximum of ninety (90) calendar days with approval by the Human Resources Director. In such cases, and except for good cause as determined by the Human Resources Director, the agency/department head will notify the employee in writing as to what specific allegations are being investigated. Additional leave may be granted subject to the approval of the Human Resources Director. In the event the Human Resources Director does not approve the request for additional leave, the employee shall be returned to duty pending the completion of the investigation and the imposition of any disciplinary action provided, however, the agency/department head may alter the employee's duties or assignment until the investigation is completed when he/she determines it is in the County's best interest.

Sec. 1204 Written Order for Demotion, Suspension, Reduction in Pay, Termination: The continuing employment of every permanent employee shall be contingent upon good behavior. Any such employee may be terminated, demoted, suspended, reduced in pay, demoted and suspended, or reprimanded in lieu of suspension (accrued leave(s) cannot be used to satisfy disciplinary action) for cause by the appointing authority in the following manner:

- A. The appointing authority shall serve upon the employee a Notice of Proposed Disciplinary Action stating the nature of the proposed action and its effective date. Such Notice shall also set forth in writing the reasons for the proposed disciplinary action, a statement of the charges upon which the action is to be based, a notice to the employee that he/she has the right to review the materials being used against him/her, and a statement advising the employee that he/she has the right to respond to the charges.
- B. Within seven (7) working days from receipt of the Notice of Proposed Disciplinary Action, unless additional time is otherwise specified by the appointing authority, the employee may respond to the County's

proposed action. Such response may be presented orally or in writing.

- C. Notwithstanding the above, in cases where the disciplinary action involves a suspension of forty (40) hours or less the agency/department head, with approval of the Human Resources Director or designee, may suspend the employee immediately; in which case the Notice of Proposed Disciplinary Action, and the opportunity to respond thereto, shall be provided to the employee within the period of suspension or a reasonable time thereafter.
- D. At the completion of the period described in (B) above, the appointing authority shall review the employee's response, if any, and make a determination whether to sustain, or amend the proposed disciplinary action. If the appointing authority decides to amend or sustain the proposed action, the employee will be served with a Notice of Disciplinary Action setting forth in writing the reasons for disciplinary action and offering a statement of the charges upon which the action is based. The Notice of Disciplinary Action shall also advise the employee that the action being taken is final, and advise him/her of the right to appeal that action to the Human Resources Director, or designee within ten (10) working days of the date the letter is served on the employee.

Sec. 1205 Amended Notice of Disciplinary Action:

- A. At any time before an employee's appeal is submitted to the neutral for decision, the appointing authority may, with the consent of the Human Resources Director, or designee, serve on the employee and file with the Human Resources Director or designee an amended or supplemental notice of disciplinary action.
- B. If the amended or supplemental notice presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto. Any objections to the amended or supplemental causes or allegations may be made orally or in writing prior to the appeal hearing. The employee shall not be required to file a further appeal in the event that an appeal was filed on the original disciplinary action.

Sec. 1206 Limitations:

- A. Suspension of an employee shall not be for more than forty (40) working days. Suspension of an employee who is exempt from the *Fair Labor Standards Act* shall be imposed in accordance with the provisions of the Act.

- B. Reduction in compensation under this section shall consist only of a change within the salary grade from the existing salary to a lower salary for a specified duration of one (1) or more full pay periods, but not to exceed thirteen (13) pay periods. Reduction in compensation used as a disciplinary measure for employees who are exempt from the *Fair Labor Standards Act* will be imposed in accordance with the provisions of the Act.

Sec. 1207 Appeals: An employee may appeal any disciplinary action taken against the employee. The appeal shall be in writing and filed with the Human Resources Director or designee within ten (10) working days after the date of service of the Notice of Disciplinary Action against which the appeal is made. An appeal shall:

- a. Be accompanied by a copy of intent and final notice of disciplinary action served on the employee;
- b. A brief statement of the facts and reasons for the appeal; and,
- c. A brief statement of the relief requested.

Sec. 1208 Waiver: If an employee fails to appeal the disciplinary action within the time specified, or after appealing, withdraws the appeal, the right to review is waived. Further, after an appeal is filed if the employee, or his/her representative, fails to take the next step to advance the appeal at any point in the process for thirty (30) days the appeal is deemed to be withdrawn and the right to review is waived.

Sec. 1209 Hearing Procedure - Minor Discipline:

- A. When disciplinary action results in a suspension of eighty (80) working hours or less, a pay reduction equal to eighty (80) hours or less of gross salary, or a written reprimand in lieu of suspension of eighty (80) hours or less, the appeal shall be determined under the following provisions:
- B. Appeals shall be heard by a third party neutral (hereinafter referred to as a "neutral") agreed to by the parties from a list of five neutrals approved by the Human Resources Director. The neutral's decision may be verbal or in writing. The neutral's decision shall be binding on both parties.
- C. Only the employee and one (1) non-attorney representative and the agency/department head or a designee and the Human Resources Director or a non-attorney designee shall take part in the presentation of any appeal, unless the employee is an attorney who is self-represented. Nothing herein shall prevent an attorney testifying to facts of which the attorney has personal knowledge and that which the attorney may be competent to testify.

- D. The appeal hearing and disposition of the appeal shall be informal, the object being to settle the appeal promptly by the parties. The parties shall have the right to offer evidence by witnesses at the hearing subject to the discretion of the neutral. The neutral may consult with witnesses informally and otherwise investigate the controversy.
- E. The judgment of the neutral shall be binding on both parties neither of which shall have the right of further appeal.
- F. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.
- G. The neutral may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action imposed to be greater than in Section 1209(A) herein.
- H. The judgment of the neutral shall be rendered within five (5) working days of submission of the controversy to him/her. Provided, however, the parties may mutually agree to extend the time in which the judgment may be rendered.
- I. The neutral's authority shall be limited to deciding the issues submitted by the parties. The neutral shall have no jurisdiction or authority to add to, delete from, or modify any written provisions of this Resolution.
- J. All costs for the service of the neutral and the hearing room, if any, shall be borne by the County. The cost of the transcripts, if any, shall be borne by the ordering party.
- K. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.
- L. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.

Sec. 1210 Hearing Procedure - Major Discipline:

- A. Appeals filed in cases of termination, demotion, suspension exceeding eighty (80) working hours, pay reduction exceeding eighty (80) hours of gross salary, or written reprimand in lieu of suspension exceeding eighty (80) hours, shall be heard by a third party neutral.

- B. The parties shall select a neutral from a list of five (5) neutrals approved by the Human Resources Director. The neutral shall be selected by the striking method. The only remaining name after the striking process shall serve as the neutral. If unable to agree on who should strike first, the first name shall be struck by the party winning the toss of a coin. If the neutral chosen is unable to serve within a time frame acceptable to both parties, the last name struck will serve as the neutral.
- C. The date, time, and venue for the hearing shall be set by the Human Resources Director, or designee, within a reasonable period based on the neutral's availability and other scheduling factors.
- D. The employee and the agency/department head may be represented by counsel or other representative.
- E. It shall be the duty of any County officer or employee to attend a hearing and testify upon the written request of the employee, the agency/department head, or the neutral, provided reasonable notice is given the agency/department employing the officer or employee. The Human Resources Director, or designee, shall arrange for the production of any relevant County record. The neutral is authorized to issue subpoenas.
- F. All appeal hearings involving the termination of an employee shall be reported by a stenographic reporter. All other appeals need not be reported but either the employee or the agency/department head may, at its own expense, provide a reporter for the hearing.
- G. The expenses of the neutral shall be paid by the County. The cost of transcripts, if required, shall be paid by the ordering party. Each party shall make arrangements for and pay expenses of witnesses who are called by such party, except that any County employee called as a witness shall be released from work without loss of compensation or other benefits to attend the disciplinary hearing.
- H. Any hearing expense incurred as the result of a postponement or cancellation of a hearing shall be borne by the postponing or canceling party.
- I. The neutral is authorized to dismiss the appeal if the employee fails to appear at the hearing after being notified in writing of the date and time.
- J. Within 21 days following the submission of the appeal, the neutral shall submit written findings of fact, conclusions of law, and the

decision to the parties together with a copy of the appeal and a summary of the evidence taken at the hearing. The decision of the neutral shall be final, subject to the right of either party to seek judicial review under Section 1280 et. seq. of the California *Code of Civil Procedure*.

K. General Rules

1. The neutral shall confine the decision to issues raised by the statement of charges, including all the supporting documentation, and responses. The neutral shall act in judicial, not legislative manners. The neutral shall not amend, modify, nullify, ignore, add to, or subtract from the provisions of this Resolution but, rather, shall interpret and apply its terms.
2. The neutral will not substitute his/her discretion and judgment for that of management for sustained charges unless the neutral finds that discrimination, capriciousness, or arbitrary action by the County is proven.
3. In the case of suspension/reduction in compensation or demotion, if the action is modified or rescinded, the appellant shall be entitled to restoration of pay and/or fringe benefits in a manner consistent with the neutral's decision.
4. In the case of termination, if the neutral finds the order of termination should be modified, the appellant shall be either demoted to an appropriate classification or reinstated to a position in the classification held immediately prior to termination subject to forfeiture of pay and fringe benefits for any period of suspension imposed by the neutral.
5. If the neutral finds the order of termination should be rescinded, the appellant shall be reinstated to a position in the classification held immediately prior to termination and shall receive pay and fringe benefits for all of the period of time between the termination and reinstatement.
6. The County shall not be liable for restoring pay and fringe benefits for any period(s) of time the appellant was reduced or removed from duty which results solely from the appellant's request for written briefs in the appeal proceedings.
7. Restoration of pay and/or benefits shall be subject to the employee's obligation to take reasonable steps to mitigate his/her loss. This will include but not be limited to deduction of all unemployment insurance and outside earnings which

the appellant received since the date of termination which would not have been earned had the appellant not been disciplined. The appellant shall supply such outside employment earning records during the period of time in question when requested.

8. The neutral shall render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to advise a reviewing court of the basis for the neutral's decision. If the neutral fails to do so either party may request in writing within thirty (30) days of the issuance of the decision that the neutral render such findings.

Sec. 1211 Evidence and Procedures Applicable to Major Disciplinary Hearings:

- A. Hearings need not be conducted according to the technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs.
- B. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support disciplinary action as defined in Section 1201.a. herein, unless it is the type of hearsay admissible over objection in a civil action.
- C. Irrelevant and unduly repetitious evidence shall be excluded.
- D. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. In addition, communications between Human Resources Department employees, non-attorney advocates, management or employees of County agency/departments involved in an appeal hearing, and communications between the representative and the employee who is the subject of a personnel action shall be confidential and not subject to disclosure in the appeal hearing.
- E. Oral evidence shall be taken only on oath or affirmation. Any written statements, declarations, or affidavits admitted as evidence shall be made or sworn under penalty of perjury.
- F. Employees not testifying in their own behalf may be called and cross-examined.
- G. The employee and the agency/department head shall have these rights:

1. To call and examine witnesses;
 2. To introduce exhibits;
 3. To cross-examine opposing witnesses on any matter relevant to the issue, even though the matter was not covered in the direct examination;
 4. To impeach any witness regardless of which party first called the witness to testify; and
 5. To rebut any derogatory evidence.
- H. The hearing shall be a private proceeding among the County and the employee.
- I. The intention of the parties is that appeals be adjudicated as efficiently and economically as possible. The use of legal counsel in the appeal process can result in excessive delays, longer hearings, and increased costs. The parties to a disciplinary appeal hearing hereby commit to instructing their legal counsel to conform to the intention of this Resolution and to take all necessary steps to expedite the appeal hearing and minimize the cost of the hearing.

In cases involving hearings in excess of three (3) days the parties must engage in a case management process with the neutral. The case management meeting must be held no later than thirty (30) days prior to the first scheduled date for the hearing and may be held telephonically. The neutral shall consider:

- a. the simplification of the issues,
- b. the possibility of obtaining admissions or stipulations which might facilitate the hearing,
- c. the quantum of damages, in the appropriate case,
- d. any preliminary application by either party,
- e. any other matters that may aid in the disposition of the action or the attainment of justice.

At the case management conference the neutral may, whether or not on the application of a party, order that:

- a. a party file and deliver, within a fixed time, to each other party as specified by the neutral, any relevant documents,
- b. any preliminary applications be brought within a fixed time or by a specified date,
- c. a statement of agreed facts be filed within a fixed time or by a specified date,
- d. a party deliver a written summary of the proposed evidence of a witness within a fixed time or by a specified date,
- e. experts who have been retained by the parties confer, on a without prejudice basis, to determine those matters on which

- they agree and to identify those matters on which they do not agree,
- f. the hearing be rescheduled,

and, on making an order the neutral may give other directions that he/she thinks just or necessary.

If the neutral, upon application by either party to the appeal hearing, determines that legal counsel for the other party has unnecessarily prolonged the hearing and/or increased the cost of the hearing beyond the reasonable expectations of the parties at the commencement of the hearing then the neutral is authorized to impose sanctions on the offending party including, but not limited to, ordering such offending party to pay all or part of the non-offending party's increased costs of the hearing, to pay all or part of the non-offending party's attorney fees, to pay all or part of the non-offending party's cost of the neutral, to pay all or part of the non-offending party's costs of the transcripts, or such other relief that the neutral deems appropriate in the circumstances.

Sec. 1212 Non-Discrimination: Disciplinary actions shall be taken without regard to any protected class under federal or state law.

ARTICLE 13 HOLIDAYS

Sec. 1301 Paid Holidays:

A. County Holidays:

- January 1, New Year's Day
- Third Monday in January, Martin Luther King, Jr.
- February 12, Lincoln's Birthday
- Third Monday in February, Washington's Birthday
- Last Monday in May, Memorial Day
- July 4, Independence Day
- First Monday in September, Labor Day
- Second Monday in October, Columbus Day
- November 11, Veterans' Day
- Fourth Thursday in November, Thanksgiving Day (unless otherwise appointed)
- Friday following Thanksgiving
- December 24 and 31 when they fall on Monday
- December 25, Christmas Day
- December 26 and January 2, when they fall on a Friday
- Friday preceding January 1, February 12, July 4, November 11 or December 25, in lieu of such date when such date falls on

Saturday; the Monday following in lieu of such date when it falls on a Sunday.

B. Qualifying Factors

1. Only regular employees in a current paid status shall be eligible for paid holidays. "Current paid status" does not include payments received from outside sources (e.g. County disability benefit plans or Worker's Compensation benefits).
2. A new employee whose first working day is the day after a paid holiday shall not be paid for the holiday.
3. An employee who is in an unpaid status for either the regularly scheduled working day before the holiday, or the regularly scheduled working day after the holiday shall not be paid for the holiday.

C. Payment for the Holiday:

1. Working the Holiday. All full-time regular employees covered under the provisions of this Resolution who work on a paid holiday shall be paid at their base hourly rate for the time actually worked.

In addition, such full-time regular employee shall have a choice of:

- a. Banking holiday hours not to exceed eight (8) hours for such holiday or;
 - b. Payout for the equivalent holiday hours worked at the base hourly rate of pay not to exceed eight (8) hours for such holiday.
2. Not Working the Holiday. A full-time regular employee whose regularly scheduled day off falls on a paid holiday shall be entitled to bank holiday hours equal to the regularly scheduled workday not to exceed eight (8) hours for such a holiday.

When a holiday falls on a normal workday and the employee does not work, an FLSA Non-Exempt employee shall be paid for not more than eight (8) hours of holiday pay. An FLSA non-exempt employee on an alternative work schedule of more than eight (8) hours a day shall use accrued vacation, holiday time or compensatory time off to make-up the required hours in excess of eight (8).

When a holiday falls on a normal workday and the employee does not work, an FLSA Exempt employee shall be paid for the holiday based on the employee's regularly scheduled work hours on such holiday.

3. Part-Time Employees. A regular part-time employee who actually works on a paid holiday shall be paid at their base hourly rate for the time actually worked. In addition, a regular part-time employee shall have the choice to receive holiday pay or bank holiday hours for the holiday, or portion thereof, which coincides with their regularly scheduled working hours not to exceed eight (8) hours pay (e.g., a part-time employee who regularly works four (4) hours each Monday shall receive four (4) hours holiday pay for any holiday falling on a Monday). If the part-time employee regularly works more than eight (8) hours a day, the part-time employee shall use accrued vacation, holiday time or compensatory time off to makeup the required hours worked in excess of eight (8) hours on the holiday.

If a regular part-time employee does not have a regular shift schedule, the employee shall receive holiday pay in an amount equal to the reduction of hours for that scheduled workweek not to exceed eight (8) hours pay (e.g., a part-time employee with an irregular schedule who normally works twenty (20) hours per week but who, as a result of the holiday, only works sixteen (16) hours that week shall receive four (4) hours holiday pay for that week). If the regular hours of work for such employee are not reduced during the holiday week, then no holiday pay is due.

4. Scheduling Holiday Banked Time Off. Holiday banked time off shall be scheduled in the same manner as regular time off (e.g., annual leave or vacation) and shall be granted within a reasonable time following the request.

ARTICLE 14 LAYOFF AND REINSTATEMENT

Sec. 1401 Seniority:

- A. Definition of Seniority: Seniority shall be defined as the length of an employee's continuous service with the County, in a regular position, and is based on most recent date of hire.
- B. Definition of Department: Department, for the purposes of this procedure, shall be defined as an agency, department, or district of the County.
- C. Whenever more than one (1) employee in a Department has the same most recent date of hire, seniority shall be determined in the following order: hours of County service from the most recent date of hire, seniority in classification, and seniority in the Department or agency.

- D. Except as otherwise provided in this procedure, an employee shall lose seniority upon resignation, retirement, termination, or removal from all Departmental Reinstatement Lists.

Sec. 1402 Reduction in Force:

- A. When it becomes necessary to reduce the work force in a Department, the agency/department head shall designate the job classification(s) to be affected, and the number of employees to be eliminated within the Department. No regular employee shall be laid off in any job classification if there are temporary employees or seasonal employees in an active status in the same job classification within the Department. It is not the intention of the County to use per diem employees for a replacement of regular laid off employees.
- B. Any reduction in the number of regular employees holding a job classification designated by an agency/department head for layoff shall be made in the following order of employment status:
 - 1. Temporary promotion employees (return to former classification);
 - 2. Probationary new employees;
 - 3. Probationary transfer employees, probationary promotional employees, and all other regular employees.
- C. Layoffs of employees within each classification shall be based primarily on merit and ability, as determined by the Department Head or designee, and reflected in the employee's most recent performance evaluation, with a rating of at least "meets standard" (or equivalent). In the event that two or more employees have at least a "meets standard" rating then the layoff shall be based on seniority, with the least senior employees being laid off first. Whenever an agency/department head believes the best interest of the County requires the retention of an employee with special qualifications, skills, abilities or fitness for his/her position, the agency/department head may prepare a written request to the Human Resources Director to grant an exception to the order of layoff. Subsequent to conducting a review of the request, the Human Resources Director shall forward the request, together with his/her recommendation, to the County Executive Officer for final action. An employee who is laid off out of seniority shall be given written notice of this action.
- D. After consultation with the Human Resources Director or a designee, the agency/department head shall give notice to each regular employee affected by a reduction in force at least fourteen (14) days prior to the effective date of the action. A list containing the names of the employee(s) to be laid off shall be given to the Human Resources Director. The notice shall include:

1. The reason for layoff;
2. The effective date of the action;
3. If laid off out of seniority.

E. If an employee who has received official notice of layoff has previously held regular status in another job classification in the County, was not removed therefrom for disciplinary reasons, and the Department Head, or designee, is satisfied that the employee has the merit and ability to perform such job, such employee shall, upon his/her request, be given a transfer or demotion within the Department to such other classification in lieu of layoff unless such action cannot be accomplished without authorization of another position or displacement of an employee with greater seniority, and only if it can be accommodated with the positions funded under the layoff plan. The affected employee must request such transfer or demotion within seven (7) days of written notification of layoff by personal delivery or mailing of a certified letter to the agency/department head.

Regular employees who elect to demote under this provision shall be placed at the salary nearest their present salary within the salary grade of the classification to which they are demoting provided such salary shall not exceed present salary.

Sec. 1403 Reassignment:

A. An employee not expected to be laid off may in lieu of reassignment elect to be laid off and be placed on the Departmental Reinstatement List if both of the following conditions exist:

1. The employee is being reassigned to a position previously occupied by an employee who was laid off within twenty (20) working days of the effective date of the reassignment; and
2. The new work location is more than forty (40) miles from the employee's current work location or the employee's home, whichever is closer;

An employee who chooses to be laid off and have his/her name placed on the Departmental Reinstatement List under this section shall notify the agency/department head in writing of the decision at least three (3) working days prior to the effective date of reassignment. Such layoff shall be on the same date as the reassignment would have been effective.

Sec. 1404 Employment Counseling and Referral: Prior to the effective date of layoff, every employee given notice of layoff for a period of time

longer than one (1) pay period, may schedule an employment counseling session with the Human Resources Department for assistance in determining other employment opportunities within the County for which the employee may qualify.

- A. Only employees who have either been given layoff notices or are currently on a Departmental Reinstatement List shall be referred first to any agency/department requesting a recruitment for classifications from which the employees were laid off.
- B. Employees who meet the minimum qualifications and have either been laid off or have been given layoff notices shall be referred first to agency/departments requesting recruitments for all equal or lower classifications.
- C. Agency/departments are required to notify Human Resources in writing why these candidates are unacceptable before outside candidates will be referred.
- D. Employees who exercise their option under Section 1402(E) of this Resolution or who have accepted any regular County position following notice of layoff will not be eligible for subsections A or B of this Section however, the employee will remain on the Departmental Reinstatement List in accordance with the provisions of Section 1405 of this Resolution.

Sec. 1405 Departmental Reinstatement List:

- A. The name of every regular employee who is laid off, transfers, or demotes in the same Department to a formerly held classification for longer than one (1) pay period due to a reduction in force, or who is laid off in lieu of reassignment under subsection (C) above, shall be placed on the Departmental Reinstatement Lists for all classifications of a currently equal or lower salary grade in which the employee ever held regular status, provided the Department is allocated any positions of such classifications.
- B. Any vacancy to be filled within a Department shall be offered first to individuals named on the Departmental Reinstatement List based on merit and ability, as determined by the Department Head or designee. In the event that two or more employees have relatively equal merit and ability the position shall be offered in order of greatest seniority for the classification of the position to be filled.
- C. An employee's name shall be removed from Departmental Reinstatement Lists, for specific classifications, for any of the following reasons:

1. The expiration of two (2) years from the date of placement on the list.
2. Failure to report to work within seven (7) days of mailing of a certified letter containing a notice of reinstatement to a position which is less than forty (40) miles from the last work location or the employee's home, whichever is closer.
3. Failure to respond within seven (7) days of mailing of a certified letter regarding availability for employment. It shall be the responsibility of the employee to notify their agency/department head, in writing, of the employee's current mailing address.
4. Request in writing to be removed from the list.

Sec. 1406 Status on Reinstatement: Reinstatement is defined as recall by the same Department, from a Departmental Reinstatement List, into a regular position. Upon reinstatement, the employee shall be entitled to:

- A. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.
- B. Continuation of seniority.
- C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave or vacation.
- D. Placement on the salary grade at the previously held salary prior to layoff or reduction, or the salary which is nearest the employee's current pay rate, whichever is higher. The anniversary date for salary advance may be expressly fixed, to allow credit for all or a portion of the applicable period of service prior to the layoff.

Sec. 1407 Reemployment:

- A. Status on Reemployment: Reemployment is defined as being employed by the same or other agency/department into a regular position, only while on a Departmental Reinstatement List, other than that from which the employee had reinstatement rights to. If reemployed while the employee's name is current on any Departmental Reinstatement List, the employee shall be entitled to:
 1. Restoration of all sick leave credited to the employee's account on the date of layoff that have not been paid into a post-employment account.

2. Continuation of seniority shall be credited to the employee upon successful completion of the applicable probationary period.
3. Credit for all service prior to layoff for the purpose of determining the rate of Annual Leave accrual or vacation accrual.

ARTICLE 14A
MANDATORY FURLOUGH

- Sec. 1401A Scope and Implementation: The mandatory furlough will be effective when authorized by the County Executive Officer and may be terminated at any time by the County Executive Officer. When implemented in an agency/department, the mandatory furlough is applicable to all employees covered by this Resolution within that agency/department.
- Sec. 1402A Length of Furloughs: Employees shall furlough the number of hours or days established for the agency/department by the County Executive Officer or designee during each fiscal year.
- Sec. 1403A Scheduling: The agency/department head shall work with the County Executive Officer to determine how the mandatory furlough will be implemented in accordance with the budgetary and operational needs of the agency/department. Part-time employees shall furlough on a pro-rata basis.
- Sec. 1404A Additional Mandatory Furloughs: In the event the County Executive Officer determines that additional mandatory furloughs, beyond the number of hours or days originally established, are required for the agency/department then the affected employees shall be given two (2) pay periods notice of the additional furlough requirements and the reasons therefore, except when the additional furlough requirements are in response to a fiscal emergency that makes providing two pay periods notice impossible or impractical (e.g. external funding is cut off).
- Sec. 1405A Voluntary Furloughs: Employees will be permitted to take additional voluntary furlough time beyond the mandatory furlough required herein in accordance with Board of Supervisors Policy C-31. As indicated in Policy C-31, supervisors and managers are encouraged to approve these requests unless operational needs preclude them from doing so. However, voluntary furloughs will not be granted if they will result in the need for another employee to work overtime to perform the duties that would otherwise be completed by

the furloughed employee or otherwise result in net loss of County revenue.

Sec. 1406A Credit for Voluntary Furlough Hours: In the event a mandatory furlough is implemented, an employee who has taken a voluntary furlough pursuant to Board of Supervisors Policy C-31 adopted 12/23/08 shall be credited the hours taken under the voluntary furlough program towards the hours required by the mandatory furlough program.

Office Closure: If, as part of its mandatory furlough plan, an agency/department closes its office(s) on specified days, making it impossible for an employee who has already fulfilled his/her furlough obligation for the calendar year to report to work on those days, then the employee shall either make alternative work arrangements with the agency/department for the period of the closure or use accrued leave, other than sick leave, to cover the period of the closure.

Sec. 1407A Restrictions: Except as indicated below, no annual leave, vacation, extra vacation, sick leave, overtime, compensatory time off, or other banked leave may be used to offset mandatory furlough time.

Employees may not perform County work while on a mandatory furlough or work additional hours during the workweek in which the mandatory furlough falls to make up for the mandatory furlough time. The mandatory furlough time will not count as hours worked under the *Fair Labor Standards Act* (FLSA) or be counted towards qualification for overtime under the provisions of this Resolution.

Employees will not be permitted to be in their work areas or to perform their official duties during the period of mandatory furlough. Supervisors may not direct employees to work and employees are not to perform work for the County on their own during the period of mandatory furlough.

Supervisors shall not permit an employee, and employees shall not seek or volunteer to work overtime in a week in which mandatory furlough time is taken. Permitting an employee to earn overtime during a week in which the employee takes mandatory furlough hours would reduce the savings achieved by the mandatory furlough.

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they take a budget-required furlough and for which their pay is accordingly reduced (i.e. mandatory furlough but not voluntary furlough). These employees must report their actual hours of work during the week of furlough. Exempt employee shall refrain from working any additional hours during the remainder of the furlough week beyond their normal

work day in order to avoid the payment of overtime for that week and/or the recapture of time that otherwise would be furloughed.

If required by the operational needs of the department, the employee's agency/department head or designee may revoke a previously scheduled mandatory furlough and the employee will be rescheduled to take the mandatory furlough at some other time prior to June 30th of the same fiscal year.

Sec. 1408A Retirement: Employees who submit a letter of intent to retire from the County during any fiscal year in which mandatory furloughs have been authorized will still be required to furlough but may use any banked leave, except sick leave, to receive payment for their mandatory furlough hours. None of these leave hours paid for this purpose will be considered in determining eligibility for overtime.

Should any employee who submits such a notice not retire during the fiscal year identified in the letter of intent then an additional amount of paid leave equal to the amount of paid leave that was used to cover the mandatory furlough time during that fiscal year will be deducted from the employee's leave balances at the end of the fiscal year. In the event the employee has insufficient leave to cover this deduction then the amount will be deducted from the employee's leave accruals in the following fiscal year(s) or from the employee's final paycheck should the employee fail to restore the leave balances prior to his/her departure from the County.

Sec. 1409A Holidays: Mandatory furlough hours taken before or after a paid holiday will not affect payment for the holiday unless the employee specifically requests to voluntarily furlough the holiday as well. Additionally an employee, subject to department approval, may take mandatory furlough hours adjacent to other forms of paid leave.

Sec. 1410A Benefits: Employees subject to mandatory furlough will be allowed to maintain the same level of County contributions for flexible credit allowance, as well as continuation of their other employee benefit plans. They will retain their work status for benefit purposes. Mandatory furlough hours will have no effect on the following benefits:

- Flexible benefit allowance
- Medical/dental/vision/life insurance eligibility and coverage
- Rate of differential and premium pay that is included in the compensation base for pension calculation, except to the extent that they are based on the actual number of hours worked. This includes bilingual pay, shift differentials, etc.

Mandatory furlough hours will not cause a break in service or a reduction in employees' service credit for the purposes of seniority, probationary period, or anniversary date/merit salary adjustment.

Mandatory furlough participants who are required to take a block of time off in excess of a full pay period will need to arrange payment of the normal required employee contributions for benefit plans during the relevant pay period(s).

Sec. 1411A FMLA/CFRA/PDL Leave: Employees on FMLA/CFRA/PDL qualifying leave on a day (or days) they have been scheduled for mandatory furlough will be required to substitute mandatory furlough hours (unpaid leave) for paid leave on that day (or days) during the FMLA/CFRA/PDL leave.

Sec. 1412A Military Leave: Employees on paid military leave will not be scheduled for mandatory furloughs during such leave but will participate in the mandatory furlough at all other times during the fiscal year.

Sec. 1413A Payroll Issues: A special time entry code will be established to capture all mandatory furlough hours taken off, and to facilitate continuation of seniority, health and retirement benefit accruals, contributions, and payments. Employer taxes and withholdings will be calculated based on the actual hours worked and benefits received.

Participation in the mandatory furlough will reduce the employee's immediate take home pay. In scheduling mandatory furlough times, the department head or designee should attempt to ensure that employees will continue to receive adequate wages to cover their normal payroll deductions (e.g., tax withholdings, deferred compensation contributions, RSA dues, life insurance, etc.).

Employees who are exempt from the overtime provisions of the FLSA will lose their exemption during any week in which they furlough. In these furlough weeks these employees shall accurately report the hours worked each day on their timesheet for that week.

Sec. 1414A Workload: The County acknowledges and recognizes that as a result of the mandatory furlough less work may be performed and that certain delays and/or reductions in service may result. Work expectations shall be commensurate with the reduced schedule.

ARTICLE 15 SPECIAL ADJUSTMENTS & DIFFERENTIALS

Sec. 1501 Special Medical Care Assignments:

- A. Critical Care: Any Assistant Director of Nursing Services shall be entitled to a salary differential of \$2.00 per hour above their regular rate of pay when assigned in the following critical care areas:

Emergency Room/Trauma Services
Intensive Care Unit
Labor and Delivery
Neonatal Intensive Care Unit
Operating Room
PACU
PCU
Pediatrics
Pediatrics Intensive Care Unit
Psychiatry

No critical care differential will be paid for working in the critical care area (as herein defined) unless proof of certificate, as required, is on file with the Human Resources Officer at RUHS. Newly hired employees must have or obtain required certification prior to receiving any critical care differential. The Nursing Office, Human Resources Officer, and/or Staff Development Office will advise all Registered Nurses working in critical care areas as to their status of certification. This shall include certificates needed and names, dates, time(s), and places when courses will be given.

- B. Psychiatrist - Mental Health Medical Program: In accordance with Sections 621 and 522 of Title 9, California Administrative Code, when the Program Chief, Mental Health Service position is vacant, or if occupied by a non-medical incumbent, the Mental Health Director may assign medical program responsibility for all those acts of diagnosis, treatment, or prescribing or ordering of drugs which may only be performed by a licensed physician to the incumbent of a Psychiatrist position who shall then be compensated at an hourly rate which is 10.2% above his/her regular rate of pay while performing these services.
- C. Any Staff Psychiatrist I, II, III, or IV shall be entitled to a salary differential of \$2.40 per hour worked above their regular rate of pay when assigned to the Emergency Treatment Services Facility, Inpatient Treatment Facility or Detention Health Facility.
- D. Any Staff Psychiatrist I, II, III, and IV shall be entitled to an hourly differential of forty-two dollars (\$42.00) per hour, in addition to their base rate of pay, for all time worked during an evening shift, on a weekend, or on a holiday in the Emergency Treatment Services Facility (ETS) or Inpatient Treatment Facility (ITF). For the purposes of this provision, an evening shift is defined as all hours worked

between 8:00 p.m. and 8:00 a.m.; a weekend shift is defined as all hours worked between 12:01 am Saturday and 11:59 pm Sunday; a holiday is defined as all hours worked during the twenty-four (24) hour period of a County holiday.

- E. Engineering, Survey, Architect Licensure: The incumbent of a professional engineering position who is not required by the classification plan to be registered, but who is registered as a Professional Engineer by the State of California, shall be compensated at the rates applicable to the salary grade which is 5.5% higher than that specified for such position, at the option of the employee's department head.

- F. Peace Officer Standards and Training (POST) Pay: Any Sheriff's Communications Manager who proves that he/she possesses a valid Intermediate Certificate, but not an Advanced Certificate, issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall receive a 6% POST differential. If they prove that they possess a valid Advanced Certificate issued to them by said Commission, whether or not they possess the Intermediate Certificate, they shall receive a 11% P.O.S.T. differential. Employees are only eligible for one POST differential.

- G. RUHS Incentive: Qualifying classifications may be eligible to receive up to \$50,000 annually as incentive pay for exceptional performance, provided the Riverside University Health System meets revenue or budget projections and has available funds for this incentive (as determined by the County Executive Officer). The parameters of the incentive shall include, but are not limited to: productivity, quality, and citizenship measures. These parameters will be developed by the Riverside University Health System and submitted to the Assistant CEO/Human Resources Director prior to each calendar year. Once the parameters are approved by the Assistant CEO/Human Resources Director, the parameters will be provided to eligible employees. Eligibility for the incentive may be granted on a quarterly basis (up to a maximum of \$12,500 per quarter) based on the approved formula. A list of eligible employees who the Riverside University Health System determined has exceeded performance will be submitted to the Assistant CEO/Human Resources Director for review and final approval of the incentive. The incentive payment shall be processed no later than the second full pay period following each quarter. Incentive pay is not guaranteed to employees, nor shall it be considered a part of base salary, and shall not be calculated into any other component of compensation.

The job classifications qualifying for this incentive will be determined at the recommendation of the Chief Medical Officer and with the

approval of the Assistant County Executive Officer – Health Systems and the Assistant CEO/Human Resources Director.

ARTICLE 16
ALCOHOL AND DRUG ABUSE POLICY

The Board of Supervisors Policy C-10 was enacted to eliminate substance abuse and its effects in the workplace. The policy provides that employees shall not be under the influence of alcohol or drugs while on duty or on a standby or an on-call status; or consume alcohol or illicit drugs while on County property or at work locations or while on duty; or possess controlled substances or prescription drugs without a prescription while on duty. Employees shall not: manufacture, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person while on duty unless authorized by law; or sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

Employees are expected to be familiar with and comply with Policy C-10, which is included in this Resolution by reference.

For cause, management may condition further employment on successful passage of a drug or alcohol test. A refusal to test shall be considered a positive result.

ARTICLE 17
FLEXIBLE BENEFIT PROGRAM AND OPTICAL INSURANCE

Sec. 1701 Flex Benefits Programs.

The County's monthly Flexible Benefit contribution for current, regular employees covered under the provisions of this Resolution who select a County medical plan shall be as follows:

| <u>GROUPS</u> | <u>SEMI-MONTHLY CONTRIBUTION</u> |
|---------------|----------------------------------|
| All Groups | Eff. PP 25-13 \$411.50 |

The County's monthly Flexible Benefit contribution for current, regular employees who were hired prior to November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

| <u>GROUPS</u> | <u>SEMI-MONTHLY CONTRIBUTION</u> |
|---------------|----------------------------------|
| All Groups | Eff. PP 25-05 \$267.00 |

The County's monthly Flexible Benefit contribution for current, regular employees who were hired or rehired on or after November 13, 2003, covered under the provisions of this Resolution who waive County medical shall be as follows:

GROUPS

SEMI-MONTHLY CONTRIBUTION

All Groups

Eff. PP 25-19 \$100.00

To be eligible for the above contribution, an employee must participate in the Flexible Benefit Program and be in a paid status or be on an approved FMLA/CFRA/PDL leave during the pay period. The contribution will be paid in the first two pay dates of the month; no contribution is made in the third pay date of the month.

Flex for Part-Time Employees. Part-time regular employees hired after January 11, 1990, or current employees who become part-time regular employees, are eligible for the Flexible Benefit Program on the following basis:

Employees working 20 to 29 hours per week: 50% of the applicable County of Riverside Flexible Benefits Program contribution for full-time regular employees per month per employee.

Employees working 30 to 39 hours per week: 75% of the applicable County of Riverside Flexible Benefits Program contribution for full-time regular employees per month per employee.

A. Plan Selection Requirement. Employees who fail to either timely elect medical coverage or waive all participation in the flexible benefit plan will be placed in the lowest-priced employee-only PPO medical plan available.

B. Waiving Medical Coverage. Employees may elect to not take medical health insurance coverage, if the employee provides evidence of other group hospital and medical health plan coverage from their spouse or other qualifying group plans as defined by Human Resources and signs a statement that they are enrolled and covered under another group hospital and medical health plan. Evidence is defined as a dated certificate of coverage, plan enrollment card, policy, etc. Notice of waiver form showing other hospital and medical coverage shall be received by the Human Resources Department within sixty (60) days from date of hire or qualified status change as defined by the Internal Revenue Service (IRS) or when requested by Human Resources.

C. Effective November 7, 2019 if monies remain after deduction of elected benefits, said monies shall be forfeited.

Sec. 1702 Optical Insurance. The County provides an optical plan to employees covered under the provisions of this Resolution with no premium cost to the employee. Such optical plan is not part of the Flexible Benefits Program described under the provisions of this Article.

Sec. 1703 Medical Premium Subsidies. Effective May 20, 2021, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of \$200.00
- Employees with two-party coverage: Monthly premium subsidy of \$50.00

Effective the beginning of the 2023 Plan Year, the County shall subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

- Employees with family coverage: Monthly premium subsidy of \$300.00
- Employees with two-party coverage: Monthly premium subsidy of \$75.00

The subsidies shall have no cash value.

Sec. 1704 Retiree Health Contributions

A. The County shall contribute a monthly amount toward the payment of premiums for a Riverside County-sponsored medical and hospital health plan for eligible retirees and their eligible dependents.

To be eligible, the following conditions must be met:

1. Employee must retire (begin receiving your pension) within 120 days from the date of separation from employment with the County of Riverside;
2. Employee must receive a retirement allowance from CalPERS;
3. Employee must have been eligible for enrollment in a County-sponsored health plan on the date of separation from the County of Riverside.

An eligible retiree who chooses not to enroll in a medical plan when first retired may elect coverage at any subsequent open enrollment, and receive County contributions toward such coverage.

B. The monthly retiree health contributions for retirees who meet the eligibility conditions listed above is as follows:

1. Effective September 1, 2019, the County shall provide a monthly retiree medical contribution of \$256.00 per month, or the minimum PEMHCA amount required by CalPERS, whichever is greater, toward the premiums for a Riverside County-sponsored health plan in which the retiree is enrolled.

ARTICLE 18
DISCRIMINATION COMPLAINT PROCEDURE

The County has established a strong commitment to prohibit and to prevent unlawful harassment and/or discrimination in employment, and has set forth a procedure for investigating and resolving internal complaints in Board of Supervisors Policy C-25, which policy is included in this Resolution by reference.

ARTICLE 19
VOLUNTARY TIME-BANK

Sec. 1901 Procedure. Any agency/department considering establishing a Time-Bank for its eligible employees shall follow the guidelines below:

- A. Definition of eligible employees. Only employees in budgeted ("regular") positions are eligible to participate in the Riverside County Voluntary Time-bank Policy.
- B. Definition of catastrophic illness or injury. Catastrophic illness or injury is a severe illness or injury which is expected to completely and totally incapacitate the employee for at least two (2) weeks and which creates a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member (i.e., the spouse, son, daughter, step-son, step-daughter, foster-son, foster-daughter, parents, grandparents, brother or sister of the employee, registered domestic partner, or child of a registered domestic partner) that results in the employee being required to take time off from work for at least two (2) weeks to care for the family member creating a financial hardship because the employee has exhausted all accumulated leave at the time the application is submitted.
- C. Conditions and procedures under which a Time-Bank for catastrophic illness/injury may be established.
 1. The Human Resources Department will establish and maintain all Time-Banks.

2. Only the agency/department head, upon concurrence from the Human Resources Director, may request establishment of a Time-Bank for an employee within the agency/ department who is suffering a financial hardship due to a catastrophic illness or injury.
 3. When the agency/department head has determined that an employee would benefit from the establishment of a Time-Bank, the agency/department head will contact the employee to determine if the employee desires to participate in a Time-Bank program. If the employee desires to participate in the Time-Bank program, the agency/ department head will contact the Human Resources Department and recommend the establishment of the program.
 4. The Time-Bank will be established on behalf of an individual employee. The bank will accept donations of leave from one or more donors.
 5. The Time-Bank will be operated by the Human Resources Department. The agency/department head will take actions to help ensure that individual employee decisions to donate or not donate to a Time-Bank are kept confidential and that employees are not pressured to participate.
 6. On establishing a Time-Bank program, the Human Resources Department should ensure that only credits that are necessary are donated. Human Resources will apply donated credits to the recipient's Annual Leave or vacation balance on a pay period by pay period basis to mitigate the recipient being in an absent without pay (AWOP) status.
- D. Conditions under which leave credits may be donated to a Time-Bank.
1. Any employee may donate Annual Leave, vacation, or holiday accrual. Sick leave and compensatory time may not be donated.
 2. Donations of Annual Leave, vacation, or holiday accrual must be in increments of eight (8) hours and drawn from one bank only.
 3. The donation of leave hours that have been added to the recipient's leave balance are irreversible. Should the person receiving the donation that has been applied not use all donated leave for the catastrophic illness/injury, any balance

will remain with that person or will be credited to them upon separation.

4. An employee may not donate leave hours which would reduce his/her accrued leave balances of Annual Leave, vacation, holiday accrual, compensatory time, or sick leave to less than 168 hours.
 5. Donated leave that has been added to the recipient's balance shall be changed to its cash value and then credited to the recipient in equivalent hours at the recipient's base hourly rate of Annual Leave or vacation leave. Donated leave will only be applied to the recipient's Annual leave or vacation leave after the recipient has exhausted their available leave balances.
 6. Employees will use a provided form to submit donations directly to the Human Resources Department. Adjustment to donors and recipient's paid leave balances will be made.
- E. Conditions under which leave credits in a Time-Bank may be used.
1. Only the employee for whom the Time-Bank has been established may receive leave credits from the Time-Bank. Such leave credits shall be added to the employee's Annual Leave or vacation balance.
 2. The affected employees will provide verification of their (or immediate family member's) illness or injury on an Attending Physician's Statement to Support Leave or Return from Leave while using time donated under this program.
 3. The use of donated credits may be for a maximum of twelve (12) continuous months for any one catastrophic illness request.
- F. Steps to be taken by the agency/department to establish a Time-Bank program.

An agency/department head who decides that the agency/department will participate in a Time-Bank program will arrange with the Human Resources Department for the establishment of the Time-Bank for the individual. The procedure to be followed must include:

1. Receipt of written approval from the employee to announce the need for a Time-Bank transfer.

2. Notify the Human Resources Department of the need for the program and coordinate the program's establishment.
3. Require that employee donations be made directly to the Human Resources Department to ensure that employee's decision to donate or not donate is kept confidential.

The Human Resources Department will:

1. Establish, operate, and maintain all approved Time-Banks to ensure compliance with these procedures.
2. Receive from the employee benefiting from the Time-Bank proof of eligibility and a signed agreement allowing publication of the employee's situation.
3. Determine qualification, under the standards above, for the establishment of a Time-Bank.
4. The employee benefiting from the Time-Bank and the Human Resources Department will agree on the content of the publicity.
5. Publicize the establishment of the Time-Bank program. The notice will inform all employees of:
 - a. The establishment of the voluntary program.
 - b. Their opportunity to donate.
 - c. How donations are submitted.
6. Notify the agency/department head immediately if the program cannot be established and the reason(s).
7. Immediately investigate any allegations of pressure or coercion in the solicitation of donations for the Time-Bank and take appropriate action.

ARTICLE 20 SALARY AND BENEFIT ADJUSTMENTS

The salary and benefit adjustments described below are applicable to all employees covered by this Resolution except for Elected Officials and attorney classifications now represented by a collective bargaining group.

- A. Effective May 20, 2021, the minimum base salary range for classifications covered by this Resolution shall be increased by eight and thirty-five hundredths percent (8.35%). Employees who are below their classification's minimum salary range at the time of implementation

will receive an increase in pay to place the employee at the new minimum salary for their classification's salary range and the employee's anniversary date shall be reset to the effective date of the salary increase.

- B. Effective July 1, 2021, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.
- C. Effective July 14, 2022, the maximum base salary range for classifications covered by this Resolution shall be increased by two percent (2.0%). Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which the 2.0% increase to the maximum salary of the range is implemented will concurrently receive a 2.0% increase to their salary in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.
- D. Effective July 13, 2023, the maximum base salary range for classifications covered by this Resolution shall be increased by two and one-half percent (2.5%). Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which the 2.5% increase to the maximum salary of the range is implemented will concurrently receive a 2.5% increase to their salary in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.
- E. The salary ranges for the Deputy County Counsel – CE classification series shall be established in accordance with an internal salary benchmark of five and one-half percent (5.5%) above the represented Deputy County Counsel series. Employees who have been at the maximum of their classification's salary range for one year or longer as of the beginning of the pay period in which a salary adjustment is implemented as a result of the internal salary benchmark will concurrently receive the equivalent increase to their salary, up to a maximum of 4.0%, in order to place them at the new maximum in the salary range in which case the employee's anniversary date will be reset

to the beginning of the pay period in which the increase to the maximum salary of the range is implemented.

- F. Board of Supervisors salary shall be established in accordance with Ordinance 780.
- G. Independent Elected Officials shall receive salary and/or cost of living adjustments in accordance with Ordinance 781.

ARTICLE 21
SALARY AND FRINGE BENEFIT ADJUSTMENTS
LAW ENFORCEMENT EXECUTIVE MANAGEMENT

This Article provides salary and/or fringe benefit adjustments (as specified) for employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff’s Administration, Correctional Chief Deputy, Chief District Attorney Investigator or Assistant Chief District Attorney Investigator classifications. Unless specifically provided herein, this Article is not intended to alter, amend, add to, or subtract from the existing wages, hours, and other terms and conditions of employment set forth for these employees in applicable County Ordinances, Resolutions, or minute orders.

Please refer to Article 17, Flexible Benefit and Optical Insurance for Law Enforcement Executive Management Flexible Benefit Adjustments.

Sec. 2101 Annual Leave: The provisions of Sections 2101 through 2105 are only applicable to employees in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff’s Administration, Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

A. Employees in the classifications described above shall neither accrue vacation and sick leave nor be granted administrative leave. They shall, instead, earn annual leave according to each biweekly pay period of service commencing with the employee’s initial anniversary date assigned to an employee during his/her latest period of County employment according to the following schedule. Absence or time not worked and part-time employment shall cause said pay period’s accrual of annual leave credits to be reduced on a pro-rata basis.

B. Accrual Rates:

| <u>MONTHS OF SERVICE</u> | <u>BI-WEEKLY ACCRUAL</u> |
|--------------------------|--------------------------|
| (0 - < 36 months) | 8.92 hours |
| (36 - < 108 months) | 10.46 hours |

(108 or more months)

12.00 hours

Sec. 2102 Annual Usage: During the first twenty-six (26) pay periods of employment, employees shall be encouraged to use no less than forty (40) hours of annual leave and, thereafter, employees shall be encouraged to use no less than eighty (80) hours of annual leave in each succeeding twenty-six (26) pay periods of employment. While on annual leave, sick leave, holiday leave, or compensatory time off, an employee shall be compensated and receive benefits at the same rate as if he/she were on the job.

Sec. 2103 Maximum Accrual:

- A. Employees in the classifications described in Section 2101 shall not accrue more than 2600 hours of annual leave.

It is the mutual responsibility of the employee and the agency/department head to assure that no employee shall exceed said maximum accrual.

- B. Vacation Conversion: Effective February 11, 1999, accrued vacation banks (including extra vacation) for then current employees in one of the classifications described in Section 2101 were converted to Annual Leave on an hour-for-hour basis to a maximum of 2,400. Any regular employee who subsequently transfers or promotes into one of these classifications shall have his/her accrued vacation balance similarly converted to annual leave on an hour for hour basis at the time of such transfer/promotion.

C. Prior Sick Leave Accruals:

1. Effective February 11, 1999, current sick leave balances were frozen provided, however, that up to 50% of the sick leave balances was converted to annual leave. The combined maximum hours of sick leave so converted, when added to vacation hours converted under (B.) above, did not exceed the maximum accruals set forth in Sec. 2103 (A.) above. Any remaining sick leave hours may be used until the sick leave is exhausted or, upon retirement, disability retirement, or death of the employee, it may be paid as provided under the provisions of Section 708 of this Resolution.
2. Any regular employee who transfers or promotes into a classification described in Section 2101 of this Resolution shall, at the time of such transfer/promotion, have his/her sick leave balance converted and/or frozen in the manner described in 2103 (C)(1).

Sec. 2104 Annual Leave Redemption: An employee may request to receive pay in lieu of up to forty (40) hours per calendar year of Annual Leave. Effective July 1, 2010, an employee may request to receive pay in lieu of up to eighty (80) hours (160 hours upon approval of the agency/department head) per calendar year of Annual Leave.

Sec. 2105 Other Provisions: Those provisions contained in Article 7 of this Resolution which are not specifically modified by Sections 2101 through 2104 above and are otherwise appropriate to this Article shall be included by reference.

Sec. 2106 Deferred Compensation:

A. Effective September 14, 2006, the County shall increase the contribution from \$20.00 to \$50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in an Undersheriff, Assistant Sheriff, Chief Deputy Sheriff, Chief Deputy Director, Sheriff's Administration, Correctional Chief Deputy, Chief District Attorney Investigator, or Assistant Chief District Attorney Investigator classification.

B. Effective July 29, 2010, the County shall contribute \$50.00 per biweekly pay period to a 401(a) money purchase plan for each enrolled regular employee in the Correctional Chief Deputy classification.

For all employees identified in this section the \$50 per biweekly pay period contribution will be reduced to \$25 per biweekly pay period from June 4, 2009, to June 30, 2010.

Such repayment will only be made if the employee is still in the employ of the County on the date of the repayment.

Sec. 2107 P.O.S.T. Certificate Pay

Any Assistant Sheriff, Chief Deputy Sheriff, Chief District Attorney Investigator, or Asst. Chief District Attorney who proves that he/she possesses a valid Intermediate Certificate, but not an Advanced Certificate, issued to them by the Commission on Peace Officer Standards and Training of the State of California, shall be compensated at a rate applicable to the position which is 7.0% higher than otherwise specified for such position. If they prove that they possess a valid Advanced Certificate issued to them by said Commission, whether or not they possess the Intermediate Certificate, they shall be compensated at a rate which is 12.0%

higher than that specified for such position. The increase in P.O.S.T. pay is effective June 28, 2012.

The applicable rate for possession of the Intermediate Certificate shall be indicated in the Table and Index by the letter "A" following the classification title, and for the Advanced Certificate, by the letter "B", each with an appropriate code number, but in the departmental sections the basic position code number and classification title shall be deemed to include positions occupied by incumbents possessing either of said certificates.

Sec. 2108 Salary Adjustments

- A. Effective October 11, 2018, the classification of Chief District Attorney Investigator (Job Code 37678) base rate of pay shall be benchmarked with Chief Deputy Sheriff B (Job Code 37584) base rate of pay.
- B. Effective October 11, 2018, the classification of Assistant Chief District Attorney Investigator (Job Code 37672) base rate of pay shall be benchmarked with Sheriff's Captain B (Job Code 37619) base rate of pay. In addition, the Assistant Chief District Attorney Investigator classification shall receive an additional 5.5% above the Sheriff's Captain B classification to compensate for the "At-Will" status.

Sec. 2109 Uniforms

Pursuant to California Code of Regulations 571(a) Uniform Allowance is compensation paid or the monetary value for the purchase, rental and/or maintenance of required clothing (in an amount not to exceed one thousand dollars (\$1,000) annually), including clothing made from specially designed protective fabrics, which is a ready substitute for personal attire the employee would otherwise have to acquire and maintain. This excludes items that are solely for personal health and safety such as protective vests, pistols, bullets, and safety shoes.

- A. Uniform Allowance as Compensation Earnable for Classic Members:
 - 1. Effective June 2, 2006, the benefits received pursuant to the provisions of this Article 21, Section 2110 shall be considered compensation earnable for CalPERS purposes for CalPERS classic members.
- B. Uniform Allowance as Pensionable Compensation for New Members:

1. Employees hired on or after January 1, 2013 shall be considered new members under the Public Employees' Pension Reform Act (PEPRA) of 2013.
2. Effective January 1, 2013, the benefits received pursuant to this section shall be considered pensionable compensation for CALPERS purposes under regulations of the Public Employees' Pension Reform Act (PEPRA) of 2013.

ARTICLE 22
SALARY ADJUSTMENTS FOR MANAGEMENT ATTORNEYS AND
UNREPRESENTED ATTORNEYS

| | |
|-------|---|
| 74254 | County Counsel |
| 78517 | Chief Assistant County Counsel |
| 78515 | Principal Deputy County Counsel |
| 78518 | Chief Deputy County Counsel |
| 78528 | Chief Assistant District Attorney |
| 78539 | Assistant District Attorney |
| 78535 | Chief Deputy District Attorney |
| 78527 | Managing Deputy District Attorney |
| 78536 | Supervising Deputy District Attorney |
| 74245 | Public Defender |
| 78557 | Assistant Public Defender |
| 78555 | Supervising Deputy Public Defender |
| 37490 | Chief Deputy Child Support Attorney |
| 37491 | Supervising Deputy Child Support Attorney |

- A. Effective October 11, 2018, the classification of Chief Assistant District Attorney (Job Code 78528) base rate of pay shall be benchmarked with the Undersheriff (Job Code 74541) base rate of pay.
- B. Effective October 11, 2018, the classification of Assistant District Attorney (Job Code 78539) base rate of pay shall be benchmarked with the Assistant Sheriff B (Job Code 37607) base rate of pay.

ARTICLE 23
SEPARABILITY

If any paragraph, sentence, clause, or phrase of this Resolution, for any reason, is held to be unconstitutional or invalid, such shall not affect the remaining portions of this Resolution, and the Board of Supervisors hereby declares it would have passed each paragraph, sentence, clause, and

phrase thereof, irrespective of the fact that any one, or more than one sentence, clause, or phrase thereof be declared unconstitutional or invalid.

ARTICLE 24
SUPERSESION

This resolution supersedes Resolution - 2019-149 in its entirety.

| | | |
|------------------------------------|------------------------------------|------------------------------------|
| Reference: | | |
| Minute Order 3.41 dated 06/23/98 | Resolution 2007-016 dated 01/09/07 | Resolution 2014-187 dated 11/04/14 |
| Resolution 98-322 dated 10/13/98 | Resolution 2007-318 dated 06/08/07 | Resolution 2015-245 dated 12/15/15 |
| Resolution 99-080 dated 03/09/99 | Resolution 2007-436 dated 09/18/07 | Resolution 2016-212 dated 04/11/17 |
| Resolution 2000-044 dated 02/01/00 | Resolution 2007-542 dated 11/20/07 | Resolution 2017-110 dated 05/23/17 |
| Resolution 2002-195 dated 06/04/02 | Resolution 2008-031 dated 01/08/08 | Resolution 2018-192 dated 10/02/18 |
| Resolution 2002-240 dated 06/25/02 | Resolution 2008-245 dated 05/13/08 | Resolution 2019-117 dated 05/21/19 |
| Resolution 2003-071 dated 02/18/03 | Resolution 2008-364 dated 07/29/08 | Resolution 2019-149 dated 06/25/19 |
| Resolution 2003-228 dated 05/20/03 | Resolution 2008-487 dated 11/18/08 | |
| Resolution 2003-513 dated 12/09/03 | Resolution 2009-120 dated 04/07/09 | |
| Resolution 2004-235 dated 05/18/04 | Resolution 2009-261 dated 07/21/09 | |
| Resolution 2004-420 dated 10/19/04 | Resolution 2010-033 dated 06/08/10 | |
| Resolution 2004-520 dated 12/14/04 | Resolution 2010-200 dated 07/13/10 | |
| Resolution 2005-280 dated 06/07/05 | Resolution 2010-230 dated 07/27/10 | |
| Resolution 2005-372 dated 08/23/05 | Resolution 2011-278 dated 11/15/11 | |
| Resolution 2005-475 dated 11/01/05 | Resolution 2012-137 dated 06/12/12 | |
| Resolution 2006-323 dated 08/29/06 | Resolution 2012-177 dated 07/31/12 | |
| Resolution 2006-395 dated 10/03/06 | Resolution 2012-243 dated 11/27/12 | |
| Resolution 2006-466 dated 12/12/06 | Resolution 2014-152 dated 06/17/14 | |

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| Standby | 7 |
| Substance Abuse | 72 |
| Suspension | 50 |

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| Temporary Promotion | 21 |
| Time-Bank | 75 |
| <u>Tuition</u> | 11 |

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| Vacation | 40 |
| Veterans Preference | 28 |

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| Workers' Compensation | 45 |
| Written Reprimand | 50 |