

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of: **AN ORDINANCE AMENDING  
SECTIONS 3.04.370, 3.04.395, 3.04.420, 3.04.490,  
3.04.500, 3.04.530, 3.04.540, 3.04.550, 3.04.580,  
3.04.650, 3.04.670, 3.08.1025, 3.08.1035 3.08.1060,  
3.08.1150, 3.08.1200, 3.08.1210, 3.08.1230,  
3.08.1240, 3.08.1250, 3.08.1260, 3.08.1280,  
3.08.1290, 3.08.1300, 3.12.060, 3.12.110, OF  
CHAPTER 3 OF THE PLACER COUNTY CODE**

Ordinance No: \_\_\_\_\_

First Reading: November 2, 2010

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Kirk Uhler  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_  
Ann Holman

\_\_\_\_\_  
THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,  
DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1: That Section 3.04.370 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.370 Limitations, general.**

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D. Deputy Sheriff's Association Employees. Employees absent on a medical leave of absence shall not be permitted to return to duty without a health care provider's certificate attesting to the employee's ability to perform his or her normal duties.

**Section 2: That Section 3.04.395 of Chapter 3 of the Placer County Code is hereby established and shall read as follows:**

**3.04.395 Health Insurance Continuation – Deputy Sheriff's Association**

- A. For those employees who are on a medical leave of absence under the family care leave Section 3.04.540, the county will pay its normal contribution for group medical insurance for the first twelve (12) workweeks of the leave in a twelve (12) month period. The employee will be responsible for their customary share of health insurance premium if any. This does not include payment for dental, vision, life or accidental death insurance. If the employee fails to return from medical leave the county will recover the premiums paid on the employee's behalf.
- B. If the medical leave of absence under the family care leave Section 3.04.540, extends beyond the first twelve (12) workweeks, the county will continue to pay its normal contribution for group medical insurance as long as the employee continues to utilize leave balances. Once leave balances have been exhausted, the employee will be responsible for the entire group medical premium (county share and employee share) for the remainder of the leave. This does not include payment for dental, vision, life or accidental death insurance. If the employee fails to return from medical leave the county will recover the premiums paid on the employee's behalf.
- C. For those employees on a medical leave and not eligible for the family care leave under Section 3.04.540, the county will pay its normal contribution for group medical insurance while the employee utilizes leave balances. Once the employee exhausts leave balances, the employee will be responsible for the entire group medical premiums

(county share and employee share). This does not include payment for dental, vision, life or accidental death insurance.

**Section 3: That Section 3.04.420 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.420 Termination of employment**

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J. ~~Deputy Sheriffs' Unit Association~~ Employees. Any employee represented by the DSA retiring from county service and eligible to receive ~~State Employee Retirement System~~ California Public Employees' Retirement System (CalPERS) benefits at the time of such retirement may select one or more of the following options; however, the selection must be made prior to retiring from county service and once the selection is made it is irrevocable:

1. If requested by the retiree, all or part of the employee's accumulated sick leave balance on record at the end of pay period 3, July 23, 2004 at five p.m., may be used to apply toward an early retirement on a day-for-day basis (e.g., an employee retiring at sixty-five (65) on December 31st, and having ten (10) days of accumulated sick leave may leave ten (10) working days before December 31st, and draw full compensation until December 31st), however, sick leave used to apply toward an early retirement, under this subsection, shall not be subject to any additional vacation or sick leave accruals. No sick leave earned beyond pay period 3, July 23, 2004 at five p.m., may be used to apply toward the early retirement benefit. However, if an employee's balance falls below the accumulated sick leave balance on record at the end of pay period 3, July 23, 2004 at five pm., any additional hours earned after that date, up to the previous balance, may be used for the early retirement benefit; or

2. All sick leave accrued **prior** to July 23, 2004 at 5:01 p.m. may be cashed out at the employee's option, in accordance with the following sick leave cash out schedule, and all sick leave earned beyond the balance on record of the first day of pay period 4, beginning July 23, 2004 at 5:01 p.m., will be cashed out as follows:

(a) Ten (10) years of full time and continuous employment with Placer County (20,800 paid hours exclusive of overtime) equals a fifty (50) percent cash out,

(b) Each additional year of full time and continuous employment (2080 paid hours exclusive of overtime) with Placer County equals an additional five percent cash out up to a maximum of one hundred (100) percent of the accrued balance at 41,600 paid hours exclusive of overtime (twenty (20)-years). or-

3. The cash value of all eligible sick leave may be deposited into a deferred compensation account(s) (401(k) and 457) subject to the annual IRS limitations and the following schedule:

(a) 100% of the accumulated sick leave balance that was on record at the end of pay period 3, July 23, 2004,

(b) 50% of the accumulated sick leave balance on record with 20,800 paid hours exclusive of overtime (ten years) of continuous employment with Placer County, 5% additional cash-out for each additional year of full-time and continuous year of employment with Placer County up to a maximum of one hundred percent (100%) of the accrued balance being cashed out at 41,600 hours (twenty years).

(c) If the employee chooses the option of having the sick leave cash value deposited into their deferred compensation account(s), and this value, plus any prior contributions, exceed the IRS annual deferred compensation limits, the excess over the limitations will be cashed out to the employee.

34. Employees covered by the CalPERS Miscellaneous Retirement Plan may convert accumulated unused sick leave to CalPERS service credit pursuant to Government Code Section 20965.

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**Section 4: That Section 3.04.490 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.490 When to be taken.**

A. The time at which vacation leave shall be taken shall be determined by the appointing authority. If such authority does not provide a specific time for vacation leave, an employee may take, as a matter of right, by giving oral notice, the accumulated vacation to his or her credit during the last month of the year following the year in which the vacation credit was earned. For PPEO represented employees, the department head or designee shall approve, disapprove or modify a vacation request within ten (10) days of the receipt of the request. For DSA represented employees, an employee on a leave of absence shall be required to use accrued vacation after sick leave has been exhausted for his/her regular work schedule prior to taking unpaid leave.

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**Section 5: That Section 3.04.500 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.500 Termination of employment.**

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E. Safety management Any employee retiring from Placer County service and eligible to receive California Employees Retirement System (CalPERS) benefits at the time of such retirement may have the full cash value of their vacation deposited into their deferred compensation account(s) (401(k) and 457) subject to the annual IRS limitations. If the employee chooses the option of having the vacation cash value deposited into their deferred compensation account(s), and this value, plus any prior contributions, exceed the IRS annual deferred compensation limits, the excess over the limitations will be cashed out to the employee. (Ord. 5529-B § 2, 2008; Ord. 5478-B (Attach. A), 2007: prior code § 14.430)

**Section 6: That Section 3.04.530 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.530 In general.**

A. PPEO General and Professional Units, Safety Management, Management, Confidential and Unclassified non-management employees. Extended Leaves. The personnel director, upon the consent of the appointing authority and with the civil service commission's knowledge, may grant a leave of absence without pay, for a period of not less than thirty (30) days and not longer than one year for illness, disability, or personal reasons. The maximum extent to which the initial approval of a leave of absence will be granted is six months. The director may grant an extension not to exceed an additional six months. Extensions beyond one year, up to a maximum of one additional year, may be approved by the civil service commission in increments of not more than six months; however, such extensions must be clearly based on unusual circumstances or, where the leave is for medical reasons, there must be a favorable prognosis for recovery and a predicted date of return to work.

1.       

2.       

B. Deputy Sheriff's Association. Extended Leaves. The personnel director, upon the consent of the appointing authority and with the civil service commission's knowledge, may

grant a leave of absence without pay, for a period of not less than thirty (30) calendar days and no longer than one year for illness, disability, or personal reasons. The maximum extent to which the initial approval of a leave of absence may be granted is ninety (90) calendar days. The appointing authority may grant extensions in thirty (30) calendar day increments not to exceed one (1) year; however, such extensions must be clearly based on unusual circumstances or, where the leave is for medical reasons, there must be a favorable prognosis for recovery and a predicted date of return to work. The appointing authority may only grant a leave beyond one (1) year if awaiting a determination on the approval of a CalPERS disability retirement.

1. Pregnancy Disability Leave. An appointing authority shall grant not less than four months pregnancy disability leave if requested by the affected employee (per California Government Code Section 12945(b)(2)). This section does not prohibit an appointing authority from approving pregnancy disability leaves in excess of four months subject to the terms and conditions stated in subsection B of this section or Section 3.04.540, family care and medical leave.

BC. Temporary Leaves. Temporary leaves may be granted without pay by the appointing authority for a temporary period which shall not exceed thirty (30) days. Upon granting the temporary leave, the appointing authority shall immediately notify the personnel director, in writing, of the fact of the leave, the length thereof, and the reasons therefore. Leaves of absence of five days or less during each fiscal year need not be reported to the personnel director.

GD. Filling Vacancies. An allocated position held by an employee on authorized leave of absence must be filled by the appointing authority in the same manner as any other position in the classified and unclassified service. If such position is filled by a probationary or permanent appointee and the position is in the classified service, such appointee, at the time of appointment, shall be informed by the personnel director of the possibility of lay off under Section 3.08.1090 et seq. (Ord. 5478-B (Attach. A), 2007: prior code § 14.500)

D. Deputy Sheriff's Association. Use of Leave Balances. An employee granted a leave of absence shall be required to utilize all leave balances (with the exception of sick leave while on a personal or education leave) for the duration of the leave or until his or her leave balances have been exhausted. Once such leave balances have been exhausted, the employee will be placed on an unpaid leave of absence for the duration of the approved leave.

**Section 7: That Section 3.04.540 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.540 Family care and medical leave.**

C. ....

7. The appointing authority may require the employee to use any accrued vacation or compensating time off during this period. For DSA represented employees, the appointing authority shall require the employee to utilize leave balances during this period. Once such leave balances have been exhausted the employee will be placed on an unpaid leave of absence for the duration of the approved leave.

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**Section 8: That Section 3.04.550 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.550 Educational leaves of absence**

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B. Deputy Sheriff's Association: Without Compensation. A leave of absence for up to one year six (6) months may be granted, without pay, to attend a private or public college or university for the purpose of improving job skill and knowledge, and performance technique which will benefit the department in which the applicant is employed. An employee granted such leave will be required to utilize all leave balances (excluding sick leave) for the duration of the leave. Once such leave balances have been exhausted the employee will be placed on an unpaid leave of absence for the duration of the approved leave. Such leave shall be granted in accordance with, and upon the terms and conditions outlined in Section 3.04.530(A).

BC. Continuing Education With Pay—Professional and General Units. Employees in the registered nursing classifications, the classification of pharmacist, and the classification of licensed vocational nurse shall be eligible for paid educational leave, for the purpose of attending continuing education classes only. The following conditions shall apply:

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**Section 9: That Section 3.04.580 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.580 Return from leave of absence.**

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C. Deputy Sheriff's Association. Return from medical leave. When returning to work following a medical leave of absence, the employee must provide a health care provider's certificate stating the effective date of the return to work and attesting to the employee's ability to perform his or her normal duties.

**Section 10: That Section 3.04.650 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.650 Progression in steps.**

A. PPEO General and Professional Units. Normally, and as a general rule, upon progress and productivity, employees may be considered eligible for increases in salary according to the following general plan:

1. The numbers 1, 2, 3, 4 and 5, respectively denote the various steps in the salary grade.
2. Step 1 will normally be paid upon initial employment, for a period of six months' continuous full-time service.
3. Step 2 will normally be paid upon satisfactory completion of the six months' continuous, full-time service.
4. Employees will be considered for increase to Step 3 at the satisfactory completion of one year's continuous full-time service in Step 2.
5. Employees will be considered for increase to Step 4 at the satisfactory completion of one year's continuous full-time service in Step 3.
6. Employees will be considered for increase to Step 5 at the satisfactory completion of one year's continuous full-time service in Step 4.

B. Deputy Sheriff's Association, Safety Management, Management, Confidential and Unclassified non-management employees:

1. The numbers 1, 2, 3, 4 and 5, respectively denote the various steps in the salary grade.
2. Step 1 will normally be paid upon initial employment.
3. Employees will be considered to be eligible for an increase to Step 2 at the satisfactory completion of 1040 paid hours, exclusive of any form of overtime, at step 1.
4. Employees will be considered to be eligible for an increase to Step 3 at the satisfactory completion of 2080 paid hours, exclusive of any form of overtime, in Step 2.

5. Employees will be considered to be eligible for an increase to Step 4 at the satisfactory completion of 2080 paid hours, exclusive of any form of overtime, in Step 3.

6. Employees will be considered to be eligible for an increase to Step 5 at the satisfactory completion of 2080 paid hours, exclusive of any form of overtime, in Step 4.

BC. No advance in pay shall be automatic upon completion of the periods of service outlined hereinabove. All increases shall be made on the basis of merit as established by the employee's service and after the recommendation of the department head and approval by the civil service commission. Increase in pay shall be withheld in cases of inferior work, lack of application, or indifferent attitude.

CD. ~~The provisions of subsection B of this section shall apply, also, to the unclassified service.~~ The ~~Board~~ Board of Supervisors shall approve or disapprove recommendations for step advancement in the unclassified service.

DE. As a result of severe financial crisis facing the state and the county, the provisions set out in this section relating to approval or disapproval of merit increases for all unclassified employees and for classified management employees are hereby suspended for the period from July 1, 2010 through June 30, 2011. During this period of suspension, no appointing authority may recommend a step or merit increase for any such employee, nor shall any such employee gain eligibility for a step or merit increase. All paid hours earned during the period of time from July 1, 2010 to June 30, 2011 shall not be counted toward eligibility for a step or merit increase. (Ord. 5594-B § 1, 2010; Ord. 5478-B (Attach. A), 2007; Ord. 5006-B (part), 1999; prior code § 14.710)

**Section 11: That Section 3.04.670 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.04.670 When advancement in salary effective.**

1. PPEO General and Professional Units.

A. As provided in Section 3.04.650 advancement in salary rate of an employee from one step to the next step shall be made on the first day of the pay period in which the employee's anniversary date falls following the employee's completion of a year of continuous service in such class if such advancement is approved by the civil service commission.

B. For computing continuous service see definitions, Section 3.08.170.

C. It shall be the department's sole responsibility to submit requests for step increases, accompanied by performance reports to the civil service commission prior to the employee's anniversary date. During any period in which the board of supervisors has suspended merit increases for any classified or unclassified employees, the department head

shall not submit requests for step increases to the civil service commission for classified employees or to the board of supervisors for unclassified employees and the anniversary date for eligibility shall be extended for the period of suspension. (Ord. 5594-B § 2, 2010; Ord. 5478-B (Attach. A), 2007; prior code § 14.720)

2. Deputy Sheriff's Association, Safety Management, Management, Confidential and Unclassified non-management employees.

A. As provided in Section 3.04.650 progression from one step to the next step shall be made on the first day of the pay period in which the employee completes the eligibility requirement in such class if such progression is approved by the civil service commission or Board of Supervisors.

B. It shall be the appointing authority or designee's sole responsibility to submit requests for step increases, accompanied by performance reviews documenting the performance to the civil service commission or Board of Supervisors prior to the employee's eligibility date for step advancement. During any period in which the board of supervisors has suspended merit increases for any employees, the department head shall not submit requests for step increases to the civil service commission and the eligibility date for a step increase shall be extended for the period of suspension. (Ord. 5478-B (Attach. A), 2007; prior code § 14.720)

**Section 12: That Section 3.08.1025 of Chapter 3 of the Placer County Code is hereby established and shall read as follows:**

3.08.1025 Fitness for Duty Evaluation During Employment – Deputy Sheriff's Association

A. When, in the judgment of the appointing authority, an employee's health, or physical or mental condition is such that it is desirable to evaluate his or her capacity to perform the duties of his or her position, the appointing authority shall require the employee to undergo a fitness for duty medical or psychological evaluation. Such evaluation shall be by a physician or psychologist selected by the county.

B. The examining physician or psychologist shall state whether, in his or her opinion, the employee is able to properly perform the essential job duties/functions of the position. Such determination shall be based upon the essential job duties/functions and the diagnosis or injury/illness, and whether the employee's condition can be remedied within a reasonable period of time.

C. If the examining physician or psychologist finds the employee unfit to perform the essential job duties/functions of his or her position, the employee may, within fourteen (14) calendar days after notification of the determination, submit a written request to the county

disability management administrator to provide additional information to the examining physician or psychologist for review. The additional information provided must be relevant to the nature and extent of the medical condition(s) which relates to the employee's inability to perform essential job duties/functions. All costs associated with obtaining/providing additional medical information relating to this appeal are the financial responsibility of the employee.

D. Further medical information provided by the employee will then be submitted directly to the examining physician or psychologist who completed the initial review. The physician or psychologist will review the additional information and determine whether or not the employee can properly perform the essential job duties/functions of his or her position. The employee shall not be entitled to a second evaluation by another physician or psychologist.

**Section 13: That Section 3.08.1035 of Chapter 3 of the Placer County Code is hereby established and shall read as follows:**

**3.08.1035 Disability Review Process: Action by the appointing authority – Deputy Sheriff's Association**

A. If it is determined that the employee cannot perform the essential job duties/functions of the classification in which he/she is employed, with or without reasonable accommodation, due to a medical or psychological condition that meets the disability criteria under federal and state statutes, the County may take the following actions, as appropriate:

1. Engage in an interactive process with the employee and as a reasonable accommodation may consider reassignment to an alternate classification based on the following criteria:

- a) Employee's ability to meet the minimum qualifications of the alternative classification;
- b) Employee's ability to perform the essential job duties/functions of the alternative classification;
- c) Rules governing lateral transfer and voluntary demotion; and
- d) Availability of the position at the time of acceptance, as determined by the County Executive Office.

B. Appeal Process: The employee may appeal an offer of, or refusal to offer, reasonable accommodation by submitting a written request to the county disability management administrator within fourteen (14) calendar days of the offer. The request shall be in writing and set forth the offered accommodation, if any, the reason the offered accommodation or denial of accommodation is unreasonable, and any accommodation the employee feels would be reasonable.

1. The county disability management administrator will review the appeal, obtain any additional information from the appointing authority and submit the request to the County Executive Officer for consideration. After consultation with County Counsel, the county disability management administrator, and the appointing authority, the County Executive Officer shall make one of the following findings:
- a) Further consideration of alternatives needed;
  - b) The appeal is upheld; or
  - c) The appeal is not justified and denied.

The decision of the County Executive Officer shall be final.

C. If the interactive process described above does not result in resolution, the County will submit an application for disability retirement on the employee's behalf in accordance with the Public Employees Retirement Law if the employee is eligible.

D. Separation of the employee from County service for medical cause will occur if 1) the employee is not eligible for, or denied, disability retirement under the Public Employees Retirement Law; or 2) the employee declines an offer of reasonable accommodation; or 3) the employee fails to engage in the interactive process or reasonable accommodation cannot otherwise be satisfactorily achieved by the employee and the County. In taking such action to separate the employee for medical cause, the appointing authority shall follow the process set out in Article 3.08, Part 12, Disciplinary Action, as applicable, although the separation shall not be considered disciplinary action.

**Section 14: That Section 3.08.1060 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1060 Performance appraisal.**

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D. Step Increase. An employee performance evaluation form shall be submitted prior to an employee's anniversary date with a recommendation for merit salary increase.

1. Deputy Sheriff's Association, Safety Management, Management, Confidential and Unclassified non-management employees: An employee performance evaluation form shall be submitted prior to an employee's eligibility date for a step increase with a recommendation regarding merit salary increase.

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**Section 15: That Section 3.08.1150 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1150 Reinstatement following resignation or voluntary demotion.**

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A. Employees granted reinstatement will not be placed higher than the same salary, in dollars, that was attained prior to resignation. On reinstatement, the new salary step will be that which most closely approximates the prior monthly salary; however, in any event, it will be no lower than Step I of the current salary grade. Upon the recommendation of the appointing authority, the county executive officer may adjust the step of an employee within the limits of the salary grade in the same manner as delineated under Section 3.04.680, Appointment at higher step. The new anniversary date for purposes of establishing eligibility for merit increases shall be the date of reinstatement.

1. Deputy Sheriff's Association, Safety Management, Management, Confidential and Unclassified non-management employees: Employees granted reinstatement will not be placed higher than the same salary, in dollars, that was attained prior to resignation. On reinstatement, the new salary step will be that which most closely approximates the prior monthly base salary exclusive of additional pays; however, in any event, it will be no lower than Step 11 of the current salary grade. Upon the recommendation of the appointing authority, the county executive officer may adjust the step of an employee within the limits of the salary grade in the same manner as delineated under Section 3.04.680, Appointment at higher step. ~~The new anniversary date for purposes of establishing eligibility for merit increases shall be~~ The date of reinstatement will be used to establish when the employee meets the required paid hours, exclusive of any form of overtime, for purposes of step progression.

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**Section 16: That Section 3.08.1200 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1200 Initiating discipline—Review by county executive officer.**

A. ~~1. DSA Represented Employees. Prior to initiating any discipline as hereinafter provided, an appointing authority considering discipline consisting of discharge, suspension without pay for four or more days, demotion or cancellation of wages for four or more days, shall first review the matter with the county executive officer.~~

2. ~~DSA and PPEO Represented Employees, Classified Management and Confidential.~~ Prior to initiating any discipline as hereinafter provided, an appointing authority considering discipline consisting of discharge, suspension without pay for thirty-two (32) or more scheduled work hours, demotion or reduction of wages shall first review the matter with the county executive officer.

~~B. DSA Represented Employees. No appointing authority shall impose any discipline greater than that recommended by the county executive officer except by express authorization of the board of supervisors.~~

GB. PPEO Represented Employees, Classified Management and Confidential. No appointing authority shall dismiss any disciplinary action or impose any discipline less than that recommended by the county executive officer, without the express authorization of the county executive officer.

C. DSA Represented Employees. No appointing authority shall dismiss any disciplinary action or impose any discipline less than that recommended by the county executive officer without reviewing the matter with the county executive officer.

D. The appointing authority may review minor proposed discipline with the county executive officer.

E. Employees classified as exempt under the Fair Labor Standards Act shall not be disciplined by suspension without pay for less than a full work week, unless it is a penalty imposed in good faith for infractions of safety rules of major significance. (Ord. 5577-B § 2, 2009; Ord. 5478-B (Attach. A), 2007; Ord. 5044-B (part), 2000; prior code § 14.2213)

**Section 17: That Section 3.08.1210 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1210 Initiating discipline—Notice of proposed action.**

Except as provided in Section 3.08.1250, disciplinary action shall be commenced by an appointing authority preparing a written notice of proposed action containing the following:

- A. The name of the employee.
- B. The section number or numbers of the rules or regulations violated constituting the charges.
- C. The reasons for which the disciplinary action is proposed to be taken on such charges.
- D. Any materials upon which the action is based.

E. A statement informing the employee of his or her rights to respond, either orally or in writing, to the appointing authority within seven calendar days, ~~or five working days for DSA represented employees.~~ (Ord. 5577-B § 3, 2009; Ord. 5478-B (Attach. A), 2007: prior code § 14.2215)

**Section 18: That Section 3.08.1230 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1230 Filing charges.**

At the expiration of the time specified in Section 3.08.1210(E), and after (or after for DSA represented employees) investigating and considering such responses, oral or written, as the employee may have made, the appointing authority may file, within forty (40) calendar days, ~~or thirty (30) working days for DSA represented employees,~~ a written order initiating discipline containing the following:

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**Section 19: That Section 3.08.1240 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1240 Filing and service of order.**

A. ~~DSA Represented Employees. The appointing authority or designated representative shall personally serve one copy on the employee and send one copy to the personnel director not later than three working days after the date of the disciplinary action. No copy of such order may be placed in such employee's personnel file until the proposed discipline has become effective as provided in Section 3.08.1260.~~

B. Deputy Sheriff's Association and ~~\_\_\_\_\_~~ PPEO Represented Employees, Classified Management and Confidential. The appointing authority or designated representative shall personally serve one copy on the employee and send one copy to the personnel director. No copy of such order may be placed in such employee's personnel file until the proposed discipline has become effective as provided in Section 3.08.1260. (Ord. 5577-B § 5, 2009; Ord. 5478-B (Attach. A), 2007: prior code § 14.2222)

**Section 20: That Section 3.08.1250 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1250 Interim suspension (administrative leave) with pay.**

~~A. 1. DSA Represented Employees. Pending investigation by the appointing authority of charges against an employee, the appointing authority may, in writing, order the employee placed on immediate paid leave of absence until charges are filed under Section 3.08.1230, or for a specified period of time not to exceed fifteen (15) working days, whichever comes first. Such suspension may only be made if the appointing authority determines that the security or efficient operation of the department requires such suspension. Such suspension shall be accompanied by the notice specified by Section 3.08.1210.~~

2A. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. Pending investigation by the appointing authority of charges against an employee, the appointing authority may, in writing, and with the approval of the CEO order the employee placed on immediate paid administrative leave of absence until charges are filed under Section 3.08.12430. Such interim suspension may only be made if the appointing authority and CEO determine it is in the best interest of the department or county to do so.

~~B. 1. DSA Represented Employees. If charges are thereafter filed under Section 3.08.1230, the appointing authority may, in writing, order that such paid leave of absence continue until such discipline becomes effective as provided in Section 3.08.1260, or such charges are dismissed. Such further suspension may only be made if the appointing authority determines that the security or efficient operation of the department requires such further suspension.~~

2B. PPEO Represented Employees, Classified Management and Confidential. If notice is served under Section 3.08.1210, the appointing authority may with CEO approval, in writing, order that such interim suspension continue until such interim discipline becomes effective as provided in Section 3.08.1260, or such charges are dismissed. Such further suspension may only be made if the appointing authority determines that it is in the best interest of the department or county to do so.

C. DSA Represented Employees. If charges are filed under Section 3.08.1210, the appointing authority may with CEO approval, in writing, order that such suspension continue until such interim discipline becomes effective as provided in Section 3.08.1260, or such charges are dismissed. Such further suspension may only be made if the appointing authority and the County Executive Officer determines that it is in the best interest of the department or county to do so.

~~—— C. 1. DSA Represented Employees. No suspension under subsection A or B of this section shall be valid unless first approved by the county executive office.~~

2D. DSA and \_\_\_\_\_ PPEO Represented Employees, Classified Management and Confidential. No interim suspension under subsection A or B of this section shall be valid unless first approved by the CEO. (Ord. 5577-B § 6, 2009; Ord. 5478-B (Attach. A), 2007: prior code § 14.2225)

**Section 21: That Section 3.08.1260 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1260 Effective date of discipline.**

....

B. Deputy Sheriff's Association ~~Unit~~.

1. Discipline not involving termination shall become effective when either the employee has not filed a request for appeal hearing (within the ten (10) calendar days as required under Section 3.08.1280 or at the conclusion of a hearing when findings have been made by the commission).

2. In the event the order initiating discipline involves discharge from employment or termination, the discipline shall become effective when the appointing authority has served the employee with a copy of the order and filed the original order with the personnel director pursuant to Section 3.08.1240. (Ord. 5577-B § 7, 2009; Ord. 5478-B (Attach. A), 2007: prior code § 14.2228)

**Section 22: That Section 3.08.1280 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1280 Appeal—Procedure.**

An employee desiring to appeal shall file with the hearing body an answer admitting or denying, in whole or in part, the allegations of the order. Matters not admitted by the filed answer shall be deemed denied. Such answer must be filed within ten (10) calendar days, ~~ten (10) work days for DSA represented employees,~~ of receipt of such order by such employee. The clerk of the hearing body shall stamp on the answer the date it was filed and shall:

....

**Section 23: That Section 3.08.1290 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1290 Appeal—Hearing.**

~~A. 1. DSA Represented Employees. Within twenty (20) days after the date the answer is filed with the hearing body, such body shall hold a hearing at special meeting to determine whether such disciplinary action shall be sustained.~~

2A. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. After the date the answer is filed with the hearing body, such body shall hold a hearing at special meeting to determine whether such disciplinary action shall be sustained. The hearing shall be scheduled at the earliest possible date taking into consideration adequate time to schedule the parties, commissioners and counsel.

~~B. 1. DSA Represented Employees. The appointing authority and employee each shall have the right to be represented by legal counsel.~~

2B. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. The appointing authority or designee and employee each shall have the right to be represented by legal counsel.

C. The hearing body shall have the right to the assistance of counsel in the conduct of the hearing.

~~D. 1. DSA Represented Employees. Hearings shall be private and all persons excluded there from except the appointing authority, employee, attorneys involved, court reporter, and witnesses actually testifying, unless the employee files a written request for a public hearing with the hearing body.~~

2D. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. Hearings shall be private and all persons excluded there from except the appointing authority, or designee, personnel director, secretary to the commission, employee, employee organization representative, attorneys, legal assistants or investigators as designated by an employee organization representative or attorney for either party, court reporter, and witnesses actually testifying, unless the employee files a written request for a public hearing with the hearing body.

~~E. 1. DSA Represented Employees. The appointing authority shall present his or her evidence first. The employee may then present his or her evidence. Each shall then have the right to present evidence in rebuttal.~~

2E. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. All testimony shall be given under oath. The hearing body or counsel to the hearing body shall have the authority to administer the oath. All facts must be established by a preponderance of the evidence. The appointing authority shall have the burden to prove the grounds for the disciplinary action and that the proposed sanction is appropriate. The appointing authority shall be required to present its case first. The hearing

body and its counsel shall have the right to ask questions of the parties and of any witnesses and each party shall have the right to present evidence in rebuttal.

~~\_\_\_\_\_ F. 1. DSA Represented Employees. Any evidence may be received relevant and material to the disciplinary action and the hearing body shall not be bound by the formal rules of evidence required of a formal court hearing.~~

2F. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. Any evidence which is relevant and material to the disciplinary action may be received and the hearing body shall not be bound by the formal rules of evidence required of a formal court hearing.

**Section 24: That Section 3.08.1300 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.08.1300 Appeal—Findings.**

~~A. 1. DSA Represented Employees. At the conclusion of the hearing, the hearing body, being governed by a preponderance of evidence, may sustain the major discipline, modify it in whole or in part, or order reinstatement of the employee.~~

2A. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. At the conclusion of the hearing, the hearing body may sustain, modify or reverse the discipline imposed by the appointing authority and may make such findings and enter such orders as it deems appropriate.

~~B. 1. DSA Represented Employees. Findings by the hearing body, other than reinstatement, shall be effective as prescribed by Section 3.08.1260.~~

2B. Deputy Sheriff's Association and —PPEO Represented Employees, Classified Management and Confidential. If the hearing body orders reinstatement of the employee the findings shall specify the effective date of the reinstatement. (Ord. 5577-B § 10, 2009; Ord. 5478-B (Attach. A), 2007: prior code § 14.2245)

....

**Section 25: That Section 3.12.060 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.12.060 Longevity stepPay.**

....

B. ~~Deputy Sheriff's Unit Association and Safety Management. Effective pay period 14, December 10, 2004 at 5:01 p.m., current p~~Permanent employees represented by the ~~Deputy Sheriffs' Association and meeting the following criteria shall be eligible to receive a two-step, ten (10)~~five percent (5%) ~~increases~~ increases in their then current salary ~~hourly rate from the salary schedule, which shall be referred to as "longevity pay." As to either step alternative, a break in service will result in a new calculation for a new five or ten (10) year period, and no service prior to the break will be counted as part of the new five or ten (10) year period. Extra help time and time off without pay will not be included as part of this calculation. Time off without pay for disciplinary reasons or unpaid leave of absence will not constitute a break in service. Time off for these reasons will not count toward the completion of the required service time.~~

1. ~~—Longevity Step Pay 1 (5%): An employee is eligible for five percent (5%) longevity pay upon meeting the requirements in EITHER item a OR b, but cannot earn both~~
  - a. ~~—Each permanent employee represented by the Deputy Sheriffs' Association, who has been at step 5 of his or her salary grade in the same classification for 10,400 paid hours (for five years full time paid service) with Placer County or more years, or who has at least ten (10) years of continuous service (20,080 hours) with Placer County, shall receive a one-time five percent (5%) increase in his or her then current salary base hourly rate.~~
  - b. ~~Each permanent employee who has at least 20,800 paid hours An employee may receive either a five percent step increase of his or her current base salary for the 5-step alternative or a five-step increase of his or her current base salary for the (ten (10) years of full-time paid service) with Placer County shall receive a five percent (5%) increase in their then current base hourly rate. alternative, but not both. As to the step 5 alternative, the five-year period shall be calculated based upon the employee's anniversary date of continuous service at step 5. As to the ten (10) years of service alternative, the ten (10) year period shall be calculated based upon each employee's full-time continuous service with the county of Placer.~~
2. ~~Longevity Step Pay 2 (additional five percent 5% for a total of ten (10) percent 10%)~~—Each permanent employee represented by the ~~Deputy Sheriffs' Association, who has at least 41,600 paid hours (twenty (20) years of continuous service (forty one thousand six hundred (41,600) hours full time paid service) with Placer County, shall receive an additional five percent (5%) increase of his or her then current base hourly rate. salary. The twenty (20) year period shall be calculated based upon each employee's full-time continuous service with the county of Placer. (Ord. 5478-B (Attach. A), 2007; Ord. 5309-B (part), 2004; Ord. 5058-B (Attach. 29), 2000; prior code § 14.3050)~~

3. Employees who separate from County service, but who reinstate at a future date will follow the reinstatement provisions for eligibility for longevity pay; within two (2) years maintains prior eligibility; 2 years or more is treated as a new employee.
4. Any form of overtime hours, extra help hours and time off without pay regardless of the reason will not be included for purposes of eligibility for longevity.
5. Once such longevity increase(s) (longevity pay 1 or 2) have been provided to an employee, that employee shall have no further right to a longevity increase. The longevity increase(s) will remain with the employee regardless of any future position or classification changes.

....

**Section 26: That Section 3.12.110 of Chapter 3 of the Placer County Code is hereby amended and shall read as follows:**

**3.12.110 County payment—Employee share of CalPERS**

....

C. Deputy Sheriff's Unit Association—CalPERS Miscellaneous Employees. Effective pay period 9, September 26, 2009, for those employees represented by the PCDSA and included in the CalPERS miscellaneous retirement plan, the county will pick up six percent total of the employee's contribution of the CalPERS cost. The employee will pay two percent of the employee contribution of the CalPERS cost. New employees hired on or after pay period 16, January 1, 2011 will pay seven percent of their employee CalPERS contribution.

D. Deputy Sheriff's Unit Association—CalPERS Safety Employees. For those employees represented by the PCDSA and included in the safety retirement plan effective pay period ~~9~~ 16, September 26, 2009 January 1, 2011, the county will pick up ~~six and one-half~~ seven percent total of the employee's contribution of the CalPERS cost. The employee will pay two ~~and one-half~~ percent of the employee contribution of the CalPERS cost. New employees hired on or after pay period 16, January 1, 2011 will pay the full nine percent of their employee CalPERS contribution.

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