



**MEMORANDUM
HUMAN RESOURCES**
County of Placer

TO: Honorable Board of Supervisors **DATE:** September 13, 2022
FROM: Kate Sampson, Director of Human Resources
SUBJECT: Amendments to Recruitment and Benefit Policies

ACTION REQUESTED

1. Adopt a codified ordinance, introduced August 23, 2022, to amend various sections of Chapter 3 of the Placer County Code relating to recruitment and benefit policies; and
2. Adopt an uncodified ordinance, introduced August 23, 2022, clarifying the opt-out feature in the Cafeteria Plan benefit.

BACKGROUND

On July 23, 2022, the Board of Supervisors adopted ordinances implementing pay and benefit changes for management employees. In part, the updates responded to a highly competitive labor market affecting business sectors across the nation. There are multiple factors impacting the County's ability to recruit and retain qualified management staff in the current environment. Low unemployment rates, a reduced workforce as the Baby Boomer generation retires, and the Great Resignation stemming from the global coronavirus pandemic all contribute to fewer applicants for key positions. For these reasons, exceptionally qualified management candidates enjoy their choice of employers in today's market.

Amendments to Chapter 3 of the Placer County Code

Human Resources collects feedback from hiring managers and department heads regarding the County's compensation package and their ability to leverage the pay and benefits to recruit and retain management staff. Analysis of this data forms the basis for the following recommended adjustments to County policies codified in Chapter 3, in complement to the Board's previous actions.

Leave Balances

The County Executive Officer (CEO) is currently authorized to approve up to eighty (80) hours each of sick leave and vacation as a starting balance to a new management or confidential employee. As highly qualified managers become increasingly scarce, departments frequently attempt to recruit long-tenured individuals from other public agencies. These candidates often have accrued significant leave balances over years with their current employer and are hesitant to start over with limited balances at Placer County, particularly as many employees consider the cash value of leaves in their retirement planning. Starting balances can also be viewed as a form of signing bonus, a recruitment tool often utilized in the private sector. For these reasons, removing the current cap and extending the CEO the authority to determine an appropriate

starting leave balance for new hires is recommended for maximum flexibility in securing key hires for critical service areas.

Similarly, management leave is allocated to managerial positions in recognition of extended hours often worked by salaried employees. The annual allocation of hours is currently prorated throughout the calendar year. The proration is identified as a barrier to recruitment, as well as arduous to administer. The full 100-hour allocation of management leave supports strong employment offers with beginning leave balances to qualified applicants for critical positions. To address the potential inequity presented by the prospect of new managers hired toward the end of the calendar year, a partial first year allotment of 50 hours is recommended on or after September 1.

Salary Protection Plan

The County currently offers salary protection benefits to management and confidential employees for extended medical leaves of absence. Conversely, general and professional employees participate in the State Disability Insurance program, which also provides paid family leave benefits. Managers report that the lack of benefits available for family leaves is a barrier to both retaining and recruiting staff. In recognition of the myriad demands on management and confidential employees in maintaining a healthy balance between work and home lives, amendments to the Salary Protection Plan are recommended.

The proposed ordinance incorporates wage replacement benefits for a leave of absence up to eight weeks in duration in order to care for a family member with a serious health condition, or to bond with a newborn child or a child newly placed in the employee's home via adoption or foster care. These benefits are consistent with the eligibility and duration of the State's Paid Family Leave program.

In the event of an employee's own serious medical condition, the current plan offers tiered benefits over a period of six months, beginning with 100 percent and decreasing to 50 percent wage replacement. The changing benefit tiers are administratively burdensome and can be difficult for employees to understand, track, and incorporate into their financial plans. Proposed is a consistent benefit at 80 percent wage replacement for the same duration, providing a total benefit value of just four percent more than the current plan. Employees will integrate leave balances to achieve full regular salaries, as available. The same replacement rate will apply to family-related leaves for the shorter eligibility period. Also recommended is an adjustment of the waiting period from 20 to 10 working days, which is more closely aligned with the State program.

Administrative Adjustments

Also proposed for consideration are administrative clean-up items to correct typographical errors in the code or codify existing practices.

Clarification of Opt-Out Feature

Employees in all labor groups have the ability to obtain health insurance coverage through a Cafeteria Plan. In the event an employee declines coverage and provides evidence that they have minimum essential coverage through other means, the employee may opt out and receive \$140 per pay period in lieu of the health insurance benefit. The proposed uncodified ordinance clarifies this existing benefit in keeping with Internal Revenue Service regulations.

FISCAL IMPACT

The impact of the proposed amendments will be based on the frequency each provision is used. For leave balances upon hire, the CEO will consider the value of the hours offered in conjunction with the hiring department's available budget and ability to bear the fiscal impact of the associated liability over time. For the Salary Protection Plan, total benefit amounts will remain approximately equal to the current plan, but the expanded eligibility criteria may increase use of the program. Since wages are a budgeted expense, any new impact is anticipated to be related primarily to productivity during employee leaves, rather than fiscal.

The proposed clarification to the opt-out feature does not change the cost of existing benefits and has no fiscal impact.

ATTACHMENTS

Attachment 1 – Ordinance Amending Chapter 3 with Exhibit A

Attachment 2 – Ordinance Clarifying the Opt-Out Feature with Exhibit A

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

In the matter of: An ordinance amending the Placer
County Code, Chapter 3, at Sections 3.04.295, 3.04.360,
3.04.440, 3.04.475, 3.04.520, 3.04.540, 3.08.510,
3.08.1360

Ordinance No.: _____

Introduced: August 23, 2022

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:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

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

Section 1: That the following sections of Chapter 3 of the Placer County Code are hereby amended to read as indicated in Exhibit A, attached hereto and incorporated by reference:

3.04.295, 3.04.360, 3.04.440, 3.04.475, 3.04.520, 3.04.540, 3.08.510, 3.08.1360

Section 2: This ordinance shall be effective the first pay period following adoption.

Section 3: This ordinance is adopted as a codified ordinance.

Attachment

Exhibit A Placer County Code Chapter 3 Amendments

EXHIBIT A

Placer County Code Chapter 3 Amendments

The Placer County Code is hereby amended as follows: (Additions to ordinance shown in bold and underline, deletions shown with strike-through.)

3.04.295 Split shift stand-by pay – Bus Driver.

* * *

D. Stand-by duty shall be compensated at a flat rate of thirty-five dollars (\$35) ~~for~~ per split shift worked.

* * *

3.04.360 How computed.

A. Each full-time county employee shall be entitled to sick leave with pay which shall accrue on the basis of .0462 hours for each paid regularly scheduled working hour of full-time employment. Part-time permanent employees shall be entitled to sick leave with pay which shall accrue in the same proportion to one day for each full month's continuous service that their work time bears to the normal workday for a full-time employee. These provisions for permanent part-time employees shall not be applicable to permanent part-time employees not having definite hours of employment.

B. Unused sick leave with pay may be accumulated from year to year.

PPEO Represented and Unclassified Nonmanagement Employees. Effective pay period 8, September 22, 2012, employees shall not accrue more than seven hundred fifty (750) hours of sick leave. Employees who have a sick leave balance in excess of seven hundred fifty (750) hours shall not have sick leave hours accrue until such time as that sick leave balance falls below seven hundred fifty (750) hours.

1. Beginning 8/19/17 the sick leave accrual cap will be eight hundred fifty (850) hours.

2. Beginning pay period 1 2018/19 (6/9/18—6/22/18), the sick leave accrual cap will be one thousand (1,000) hours.

C. Probationary Employees. All permanent full-time and part-time employees shall be allowed to use accrued sick leave as earned whether or not on probationary status.

D. **Management, Safety Management, PCLEMA, Unclassified Nonmanagement, and Confidential Employees.** The appointing authority, upon approval of the county executive officer, may offer a beginning balance of sick leave ~~up to eighty (80) hours~~ upon hire to an eligible candidate.

3.04.440 Salary protection plan.

A. Management, Safety Management, PCLEMA Represented, and Confidential Employees.

Management and confidential employees who go on extended approved medical leave, shall be eligible, after twenty (20) consecutive work days (the waiting period) on that leave to receive the following salary protection benefit (plan):

The employee shall receive one hundred (100) percent of his or her regular pay, for the first five pay periods after the waiting period; seventy-five (75) percent for the next four pay periods; and fifty (50) percent for the following four pay periods. During the pay periods where the employee receives less than one hundred (100) percent pay under this plan, employees may integrate use of sick leave hours; or vacation or administrative leave hours, with appointing authority approval, to continue to receive one hundred (100) percent of regular pay.

Regular pay is that gross amount received by the employee for regularly scheduled hours at the employee's established hourly rate of pay. (For example, a full-time employee would receive his or her established hourly rate of pay multiplied by eighty (80) hours for a single pay period.)

In no event may an employee receive more than eight hundred (800) plan benefit hours, or thirteen (13) pay periods of coverage (whichever comes first) of plan participation in a rolling twelve (12) month period measured backward from the day the employee uses the plan. These plan hours shall be prorated accordingly for part-time employees based on regularly scheduled hours. An employee shall only be required to observe one waiting period per illness, per rolling benefit year, and any time period spent absent from work for the same illness will be eligible to count towards the waiting period. Employees who utilize the plan benefits do not accrue service hours, which will affect all service hour related pays and benefits; vacation, sick leave, management leave, supplemental compensation and cafeteria plan benefits will be prorated based upon the number of salary protection hours used.

The county may, as a condition of granting this benefit, require a doctor's certificate indicating an opinion that the employee can reasonably be expected to recover sufficiently to return to work.

B. Management, Safety Management, and Confidential Employees.

Effective January 1, 2023, active management, safety management, and confidential employees shall be eligible for salary protection benefits when on an extended qualifying leave of absence as outlined in this section. Plan participation is voluntary on the part of the employee.

1. Eligibility. Employees must be employed by the County for at least six (6) months (one-thousand forty [1,040] paid hours) at the beginning of the continuous leave of absence.

2. Rolling Period. A twelve (12) month period measured backward from the day employees use the plan. Plan hours shall be pro-rated accordingly for part-time employees based on regularly scheduled hours.

3. Qualifying Reasons. Salary protection benefits may be granted for extended approved leaves for the following qualifying reasons:

a. The employee's own serious health condition that makes the employee unable to perform the functions of their position.

b. To care for the employee's qualifying family member as defined in 3.04.350(B), who has a serious health condition.

c. To bond with the employee's newborn child, or newly adopted child, or newly placed foster care child. Bonding must be concluded within one year of the child's birth or placement.

4. Certification. As a condition of granting this benefit, the county will require certification prior to approving use of the salary protection benefit.

a. For a medical leave of absence for their own serious health condition, employees must submit certification from a qualified physician which includes the medical necessity for the leave of absence due to a serious health condition; the beginning date of the disability; the probable duration; and that the employee can reasonably be expected to recover sufficiently to return to work.

b. For a leave of absence to care for a qualifying family member with a serious health condition, employees must provide certification from the family member's health care provider which includes the name of individual requiring care; the need for the employee by name to provide care; the relationship of the employee to the person needing care; the beginning date; and the expected end date.

c. To bond with their newborn child, or newly adopted child, or newly placed foster care child, employees must submit in writing at least thirty (30) days prior to the start of the leave their request for leave and the salary protection benefit.

5. Waiting Period.

a. After a waiting period of ten (10) consecutive work days (which could include working a consecutive work day reduced work schedule), employees shall be eligible to receive the salary protection benefit.

b. Employees shall only be required to observe one waiting period per illness or other qualifying reason, per rolling benefit year, and any consecutive time period spent absent from work for the same illness or other qualifying reason will be eligible to count towards the waiting period.

c. Employees must use leave balances during the waiting period prior to going into an unpaid status with the exception of sick leave which may not be used for bonding purposes.

6. Benefit Amount.

a. After the waiting period, employees shall receive eighty (80) percent of their regular pay up to a maximum of thirteen (13) pay periods.

b. Employees must integrate their leave balances with the salary protection benefit beginning with sick leave (with the exception of bonding) to continue to receive one hundred (100) percent of their regular pay. Once leave balances are exhausted, the employee will be unpaid for all hours not-covered by the salary protection benefit.

c. Regular pay is that gross amount received by the employee for their regularly scheduled hours at their established base hourly rate of pay which shall be defined as the hourly rate on

the salary schedule, plus confidential pay, additional pays that are percentage based, and/or longevity pay if applicable. For example, a full-time employee would receive their established hourly rate of pay multiplied by eighty (80) hours for a single pay period.

d. Holidays are included in the salary protection benefit.

7. Benefit Coverage.

a. In no event may employees receive more than eight hundred thirty-two (832) plan benefit hours or thirteen (13) pay periods of coverage (whichever comes first) of plan participation in a rolling twelve (12) month period measured backward from the day employees begin use the plan. These plan hours shall be pro-rated accordingly for part-time employees based on regularly scheduled hours.

b. The annual salary protection benefit pay shall not exceed thirteen (13) pay periods for a single leave and/or a combination of multiple leaves within a rolling year.

i. For a medical leave of absence for their own serious health condition, employees may receive up to a maximum of thirteen (13) pay periods.

ii. For a leave of absence to care for a qualifying family member with a serious health condition, employees may receive up to a maximum of four (4) pay periods.

iii. To bond with their newborn child, or newly adopted child, or newly placed foster care child, employees may receive up to a maximum of four (4) pay periods.

c. Employees must be on a continuous full-time leave of absence or working a reduced work schedule, not taking time off on an intermittent basis.

d. Salary protection benefits are not provided in conjunction with other wage replacement or temporary disability benefits including Workers' Compensation and Unemployment Insurance benefits.

8. Service Hours. Employees who utilize the salary protection benefits do not accrue service hours which will affect all service hour related pays and benefits including computing probationary periods, seniority, merit increases, longevity pay, vacation and sick leave accrual rates, supplemental compensation, cafeteria plan benefits, and/or any other service hours related pay or benefits which will be prorated based upon the number of salary protection benefit hours used. Salary protection benefit hours do not apply towards FMLA/CFRA leave entitlement eligibility for the next eligibility period.

3.04.475 Vacation.

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D. Management, Safety Management, PCLEMA, Unclassified Nonmanagement and Confidential Employees.

1. All employees designated as management or confidential by the board of supervisors shall not have in a vacation account more than five hundred twenty (520) vacation hours.

2. The county executive officer may adjust the vacation accrual rate of management and unclassified nonmanagement employees.

3. The appointing authority, upon approval of the county executive officer, may offer a beginning balance of vacation leave up to eighty (80) hours upon hire to an eligible candidate.

3.04.520 Management, district attorney and child support attorney leave.

Management, **Safety Management, and PCLEMA Represented Employees.** ~~district attorney and child support attorney~~ **Management** leave amounts will be allocated each calendar year coinciding with the applicable IRS tax year based upon pay check dates.

A. Employees hired, or initially promoted or transferred into a management position classification, prior to December 14, 2013.

1. Department heads shall receive eighty (80) hours of management leave each calendar year.

2. Management and safety management employees shall receive seventy-two (72) hours of management leave each calendar year.

3. Management employees are eligible to receive additional hours if four percent of the employee's annual salary exceeds one thousand five hundred dollars (\$1,500.00). The amount of additional hours will be determined by subtracting one thousand five hundred dollars (\$1,500.00) from the four percent amount and dividing the difference by the hourly wage in effect on January 1st of the new calendar year. The annual salary used for this calculation will be the employee's hourly rate on the salary schedule plus longevity if applicable.

B. Employees hired, or initially promoted or transferred into a management position classification, on or after December 14, 2013 shall receive a flat amount of one hundred (100) hours of management leave each calendar year.

1. Management and Safety Management Employees. New employees hired on or after September 1st shall receive a partial allotment of fifty (50) hours in the year they are hired.

C. PCLEMA Represented Employees.

1. Although management leave hours are credited to the employee at the beginning of the calendar year, these hours are considered to be earned on a pro rata basis over the course of the calendar year each pay date.

D2. Employees appointed to eligible positions after the beginning of the calendar year will receive management leave hours on a prorated basis for the pay dates remaining in that calendar year

ED. Employees may elect to utilize their management leave hours on payroll as paid leave and/or may receive cash payment for such management leave hours.

1. Use of management leave hours for paid leave shall be subject to the same limitations as the use of vacation leave; useable in one-half hour increments, except that no minimum period of employment shall be required before management leave hours may be so utilized.

2. Cash payment for such management leave hours will be at the employee's hourly rate from the salary schedule, including additional pays that are percentage based; the hourly proration of any POST, Special Teams, and Wellness incentive monthly allowances based on two thousand eighty (2,080) hours annually; and longevity if applicable.

3. All management leave hours shall be taken as paid time off or paid in cash by the last pay check of the calendar year in which the management leave hours are earned.

F. **PCLEMA Represented Employees.** Employees separating from county employment, or vacating an eligible position, will receive a prorated amount of management leave hours based upon the number of pay dates completed within that calendar year.

1. Employees who have utilized or cashed out more management leave hours than earned prior to separation from the county, or a position change, are obligated to repay the county for those unearned hours utilized or cashed out.

G. **Deputy District Attorney/Child Support Attorney Leave.** Non-management employees designated as deputy district attorneys or child support attorneys shall receive seventy-two (72) hours of district attorney/child support leave at the beginning of each calendar year coinciding with the applicable IRS tax year based upon the pay check dates. Although district attorney/child support leave hours are credited to the employee at the beginning of the calendar year, these hours are considered to be earned each pay date, on a prorated basis, over the course of the calendar year.

1. Employees appointed to eligible positions after the beginning of the calendar year will receive district attorney/child support leave hours on a prorated basis for the pay dates remaining that calendar year.

2. Employees may elect to utilize their district attorney/child support leave hours on payroll as paid leave and/or may receive cash payment for such leave hours.

3. Use of district attorney/child support leave hours for paid leave shall be subject to the same limitations as the use of vacation leave; useable in one-half hour increments, except that no minimum period of employment shall be required before district attorney/child support leave hours may be so utilized.

4. While on a leave of absence, employees will be required to use all district attorney/child support leave balances prior to going into an unpaid status. If integrating with State Disability Insurance (SDI), Paid Family Leave (PFL), or Workers' Compensation benefits, unpaid hours will only be authorized for the amount of time required for integration purposes.

5. Cash payment for such district attorney/child support leave hours will be at the employee's hourly rate from the salary schedule, including additional pays that are percentage based and longevity if applicable.

6. All district attorney/child support leave hours shall be taken as paid time off or paid in cash by the last pay check of the calendar year in which the leave hours are earned.

7. Employees separating from county employment, or vacating an eligible position, will have their district attorney/child support leave hours reconciled (use versus earned) based upon the number of pay dates completed within that calendar year. Employees who have utilized or cashed out more district attorney/child support leave hours than earned prior to separation from the county, or a position change, are obligated to repay the county for those unearned hours utilized or cashed out.

3.04.540 Family Medical Leave Act, California Family Rights Act and related leaves.

* * *

3. Rolling Period.

a. DSA Represented, PPEO Represented and Unclassified Nonmanagement Employees. The twelve (12) month period is a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken.

b. **PCLEMA Represented Employees.** The twelve (12) month period is a rolling twelve (12) month period measured forward from the first date leave is taken and continuous with each additional leave day taken.

c. Management, Safety Management, and Confidential Employees. The twelve (12) month period is a rolling twelve (12) month period measured backward from the first date leave is taken and continuous with each additional leave day taken.

* * *

3.08.510 Work-out-of-class pay.**A. DSA Represented Employees**

1. In line with the principle that an employee assigned higher level work or is assigned to work in a position having discernibly higher job duties should receive higher pay, positions within the classified service may be applicable for work-out-of-class assignment are as set forth in subsection B of this section.

B2. Individual employees may be certified by the personnel department as being eligible for work-out-of-class pay when so assigned by the appointing authority or designee of that appointing authority.

C3. Procedure.

1a. Positions will be eligible for work-out-of-class pay when work conditions warrant. Other positions shall be considered as current developments cause work-out-of-class assignments.

2b. The personnel department shall verify that employees in certain positions are eligible to receive work-out-of-class pay.

3c. A work-out-of-class assignment shall be made by a personnel action form:

Ai. When the position is vacant due to absence of the incumbent when ill, on vacation, or other valid reason.

bii. When workloads necessitate the assignment of employees to supplement a specific position or perform new assignments.

4d. A work-out-of-class assignment for training purposes may be excluded from work-out-of-class compensation, provided such training purposes can be adequately demonstrated.

5e. Administration of the work-out-of-class procedure shall be as follows:

aj. No work-out-of-class compensation will be considered or paid for assignments of two workdays or less.

bii. Additional compensation for working out-of-class shall be no less than a minimum of five percent or exceed a maximum of fifteen (15) percent.

eiii. Work-out-of-class pay may be approved by the appointing authority for up to fourteen (14) days; from fifteen (15) days up to and including one hundred eighty (180) days requires approval of the director of human resources. Any extension beyond one hundred eighty (180) days shall require the concurrence of the county executive officer.

6. The personnel department shall hear any contention that an employee is actually working out-of-class.

In the event of an adverse decision by the ~~personnel~~**human resources** department, the employee concerned and/or his or her ~~their~~ employee representative shall have the right to appeal such decision to the civil service commission.

B. PPEO General and Professional Units, Classified Management, and Confidential Employees.

Work-out-of-class pay is distinguished from temporary upgrade pay in that the latter is for assignments in which the employee is performing the full scope of an upgraded classification, whereas work-out-of-class pay is in recognition of duties performed in addition to their regularly assigned duties. Work-out-of-class pay is not in recognition of workload volume but to the additional higher-level duties assigned that fall outside the employee's classification.

1. Work-Out-of-Class Pay

a. **In line with the principle that an employee assigned higher level job duties outside the scope of the current classification should receive additional compensation in recognition of these additional duties, an employee may be eligible for work-out-of-class pay as set forth below.**

b. **Work-out-of-class requests shall be approved by the appointing authority and submitted to the Human Resources Department for verification of eligibility and/or approval.**

c. **A work-out-of-class assignment for training purposes may be excluded from work-out-of-class compensation provided such training purposes can be adequately demonstrated.**

d. **No work-out-of-class compensation will be considered or paid for assignments of two workdays or less.**

e. **Additional compensation for working out-of-class shall be five percent (5%) of the employee's base hourly rate, plus longevity if applicable, and start at the beginning of the pay period, unless approved by the Human Resources Director or designee.**

f. **Work-out-of-class pay may be approved by the appointing authority for up to fourteen (14) calendar days; from fifteen (15) calendar days up to and including one hundred eighty (180) calendar days requires approval of the Human Resources Director. Any extension beyond one**

hundred eighty (180) calendar days shall require the concurrence of the County Executive Officer.

g. The Human Resources Department shall hear any contention that an employee is working out-of-class. In the event of an adverse decision by the Human Resources Department, the employee concerned and/or their employee representative shall have the right to appeal such decision to the Civil Service Commission.

2. Temporary Upgrade Pay

a. Employees that are required by their appointing authority to work in an upgraded classification for a limited duration shall be eligible for temporary upgrade pay.

b. The Human Resources Department must certify prior to the assignment that the duties the individual employee will be working for a limited duration will be the full scope of the duties of the upgraded classification and that the employee meets the minimum qualifications of the upgraded classification.

c. Employees will be eligible for temporary upgrade pay when work conditions warrant.

d. A request for a temporary upgrade assignment shall be made by the appointing authority to the Human Resources Department:

e. When the position is vacant due to an absence of the incumbent; or,

f. When workloads necessitate the assignment of employees to supplement a specific position or perform new assignments.

g. A temporary upgrade assignment for training purposes may be excluded from temporary upgrade pay, provided such training purposes can be adequately demonstrated.

h. Temporary upgrade pay up to and including one hundred eighty (180) calendar days requires approval by the Director of Human Resources or designee, and durations in excess of one hundred eighty (180) calendar days shall require the concurrence of the County Executive Officer.

i. No temporary upgrade pay will be considered or paid for assignments of fourteen (14) calendar days or less.

j. Temporary upgrade pay shall be no less than a minimum of five percent (5%) or exceed a maximum of fifteen percent (15%). The pay shall fall on the closest step in the upgraded classification that results in at least a five percent (5%) increase and shall start at the beginning of a pay period, unless approved by the Human Resources Director or designee.

k. The Human Resources Department shall hear any contention that an employee is working in a temporary upgraded assignment. In the event of an adverse decision by the Human Resources Department, the employee concerned and/or their employee representative shall have the right to appeal such decision to the Civil Service Commission.

3.08.1360 Work_out-of-class_pay/temporary upgrade pay.

A. PCLEMA Represented Employees.

1. In line with the principle that an employee assigned higher level work or assigned to work in a position having discernibly higher job duties should receive higher pay, positions within the unclassified service may be applicable for work-out-of-class premium pay, as set forth below.

B2. Individual employees may be certified by the human resources department as being eligible for work-out-of-class pay when so assigned by the appointing authority or designee of that appointing authority.

C3. Procedure.

1a. Positions will be eligible for work-out-of-class pay when work conditions warrant. Other positions shall be considered as current developments cause work-out-of-class assignments.

2b. The human resources department shall verify that employees in certain positions are eligible to receive work-out-of-class pay.

3c. A work-out-of-class assignment shall be made by a personnel action form:

ai. When the position is vacant due to absence of the incumbent or other valid reason.

bii. When workloads necessitate the assignment of employees to supplement a specific position or perform new assignments.

4d. A work-out-of-class assignment for training purposes may be excluded from work-out-of-class compensation.

5e. Administration of the work-out-of-class procedure shall be as follows:

ai. No work-out-of-class compensation will be considered or paid for assignments of ten (10) workdays or less.

bii. Additional compensation for work-out-of-class shall be no less than a minimum of five percent or exceed a maximum of fifteen (15) percent.

eiii. Work-out-of-class pay may be approved by the department head for up to fourteen (14) days; from fifteen (15) days up to and including one hundred eighty (180) days requires approval of the human resources director. Any extension beyond one hundred eighty (180) days shall require the concurrence of the county executive officer.

B. Unclassified Management and Unclassified Non-Management Employees.

Work-out-of-class pay is distinguished from temporary upgrade pay in that the latter is for assignments in which the employee is performing the full scope of an upgraded classification, whereas work-out-of-class pay is in recognition of duties performed in addition to their regularly assigned duties. Work-out-of-class pay is not in recognition of workload volume but to the additional higher-level duties assigned that fall outside the employee's classification.

1. Work-Out-of-Class Pay

- a. In line with the principle that an employee assigned higher level job duties outside the scope of the current classification should receive additional compensation in recognition**

of these additional duties, an employee may be eligible for work-out-of-class pay as set forth below.

- b. Work-out-of-class requests shall be approved by the appointing authority and submitted to the Human Resources Department for verification of eligibility and/or approval.
- c. A work-out-of-class assignment for training purposes may be excluded from work-out-of-class compensation provided such training purposes can be adequately demonstrated.
- d. No work-out-of-class compensation will be considered or paid for assignments of two workdays or less.
- e. Additional compensation for working out-of-class shall be five percent (5%) of the employee's base hourly rate, plus longevity if applicable, and start at the beginning of the pay period, unless approved by the Human Resources Director or designee.
- f. Work-out-of-class pay may be approved by the appointing authority for up to fourteen (14) calendar days; from fifteen (15) calendar days up to and including one hundred eighty (180) calendar days requires approval of the Human Resources Director. Any extension beyond one hundred eighty (180) calendar days shall require the concurrence of the County Executive Officer.
- g. The Human Resources Department shall hear any contention that an employee is working out-of-class. In the event of an adverse decision by the Human Resources Department, the employee concerned and/or their employee representative shall have the right to appeal such decision to the Civil Service Commission.

2. Temporary Upgrade Pay

- a. Employees that are required by their appointing authority to work in an upgraded classification for a limited duration shall be eligible for temporary upgrade pay.
- b. The Human Resources Department must certify prior to the assignment that the duties the individual employee will be working for a limited duration will be the full scope of the duties of the upgraded classification and that the employee meets the minimum qualifications of the upgraded classification.
- c. Employees will be eligible for temporary upgrade pay when work conditions warrant.
- d. A request for a temporary upgrade assignment shall be made by the appointing authority to the Human Resources Department:
- e. When the position is vacant due to an absence of the incumbent; or,
- f. When workloads necessitate the assignment of employees to supplement a specific position or perform new assignments.
- g. A temporary upgrade assignment for training purposes may be excluded from temporary upgrade pay, provided such training purposes can be adequately demonstrated.
- h. Temporary upgrade pay up to and including one hundred eighty (180) calendar days requires approval by the Director of Human Resources or designee, and durations in excess of one hundred eighty (180) calendar days shall require the concurrence of the County Executive Officer.

- i. No temporary upgrade pay will be considered or paid for assignments of fourteen (14) calendar days or less.
- j. Temporary upgrade pay shall be no less than a minimum of five percent (5%) or exceed a maximum of fifteen percent (15%). The pay shall fall on the closest step in the upgraded classification that results in at least a five percent (5%) increase and shall start at the beginning of a pay period, unless approved by the Human Resources Director or designee.
- k. The Human Resources Department shall hear any contention that an employee is working in a temporary upgraded assignment. In the event of an adverse decision by the Human Resources Department, the employee concerned and/or their employee representative shall have the right to appeal such decision to the Civil Service Commission.

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

In the matter of: An ordinance providing clarification of the opt-out feature in the Cafeteria Plan for employees represented by the Placer Public Employees Organization General and Professional Units, Deputy Sheriff's Association, and Placer County Law Enforcement Management Association; Classified and Unclassified Management and Safety Management Employees; and Elected Department Heads

Ordinance No.: _____

Introduced: August 23, 2022

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:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

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

Section 1: This ordinance provides clarification of the opt-out feature in the Cafeteria Plan for employees represented by the Placer Public Employees Organization General and Professional Units, Deputy Sheriff's Association, and Placer County Law Enforcement Management Association; Classified and Unclassified Management and Safety Management Employees; and Elected Department Heads as set out in Exhibit A, attached hereto and incorporated by reference.

Section 2: This ordinance shall be effective upon adoption.

Section 3: This ordinance is adopted as an un-codified ordinance.

EXHIBIT A

Cafeteria Plan Benefit for Employees Represented by the Placer Public Employees Organization General and Professional Units, Deputy Sheriff's Association, and Placer County Law Enforcement Management Association; Classified and Unclassified Management and Safety Management Employees; and Elected Department Heads

Eligible Opt-Out of Health Insurance – In-Lieu of Health

Employees that decline to enroll in the County's health coverage and that provide reasonable evidence that they, and any tax dependents, have, or will have minimum essential coverage (other than coverage through the individual market) during the period of coverage to which the opt-out arrangement applies, shall receive a \$140 per pay period cash in lieu of health coverage.

