



**MEMORANDUM
HUMAN RESOURCES**
County of Placer

TO: Honorable Board of Supervisors **DATE:** September 12, 2023
FROM: Kate Sampson, Director of Human Resources
BY: Nicole Lopez, Assistant Director of Human Resources
SUBJECT: Amendment of various sections of Placer County Code Chapter 3

ACTION REQUESTED

Introduce a codified ordinance, waive oral reading, to amend various sections of Chapter 3 of the Placer County Code to update policies and achieve alignment with current labor agreements, classification updates, and current practice.

BACKGROUND

Human Resources staff periodically conduct regular content reviews of Chapter 3 of the County code to identify any necessary updates. The reviews focus on any discrepancies with current Memoranda of Understanding; Board-approved side letters; department or classification title updates; and/or compliance with current laws, regulations, and policies.

The proposed revisions in the attached ordinance bring various sections of the Code into alignment with current labor agreements, technology, and practice or are intended to enhance clarity and efficiency, including the following:

- Improvements to eligible list and continuous recruitment practices;
- Clarification of the pre-employment psychological evaluation process;
- Streamline exception approvals and update classification titles related to nepotism;
- Removal of redundant or outdated language within the Code; and
- Updates to align with current labor agreements.

FISCAL IMPACT

The proposed updates to the County Code are not expected to result in any fiscal impact.

ATTACHMENT

Attachment A – Ordinance Amending Chapter 3 with Exhibit 1

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

In the matter of: An ordinance amending sections of Placer County Code Chapter 3 including 3.04.080, 3.04.500, 3.04.690, 3.04.820, 3.08.610, 3.08.800, 3.08.810, 3.08.1015

Ordinance No.: _____

Introduced: September 12, 2023

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 amended as set forth in Exhibit 1, attached hereto and incorporated herein by reference:

- 3.04.080
- 3.04.500
- 3.04.690
- 3.04.820
- 3.08.610
- 3.08.800
- 3.08.810
- 3.08.1015

Section 2. This ordinance shall be effective the first full pay period following adoption unless otherwise set forth in Exhibit 1.

Section 3. That this ordinance is adopted as a codified ordinance.

EXHIBIT 1

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.)

3.04.080 Nepotism.

It is the policy of the county to regulate, restrict or prohibit the employment of relatives when it may have a detrimental effect on supervision and morale, and is necessary for proper and efficient operation and delivery of county services.

A. No relative of an elected or appointed county official or employee may serve in or be appointed, promoted, demoted or transferred to a position which involves a direct supervisor-subordinate relationship. For purposes of this rule, the department head, and the assistant department head or chief deputy or deputy department head are considered in the direct line of supervision of all employees in that department.

1. "Direct line of supervision," as defined for purposes of this rule, includes any situation in which the official or employee would be in a position to effect the terms and condition of another's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation.

2. A "relative" is defined as spouse, mother, father, brother, sister, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law of the employee or spouse, children of the employee or spouse's children, employee's grandchildren, or any other person whose relationship to the employee is that of a dependent.

B. Employees who become relatives, after the effective date of this rule and work in a direct supervisor-subordinate relationship shall also be subject to this rule.

1. In applying this subsection the county will initially allow the affected employees to determine which employee will remain in their current position. If the affected employees have no preference, the director of human resources, with permission of the ~~civil service commission~~ **county executive officer**, shall determine which of the employees will remain in their current position, giving consideration to the work history and seniority of the employees affected.

2. As to the other employee, the director of human resources will attempt to make a mutually acceptable transfer to a similar position in another department. If a mutually acceptable transfer cannot be made, that employee shall be subject to layoff as defined in Sections [3.08.1090](#) through [3.08.1120](#).

C. **With the concurrence of the director of human resources, the county executive officer** ~~The civil service commission~~ may waive this rule with an acceptable showing of unusual or exceptional circumstances when this rule would otherwise prohibit the promotion, transfer, or demotion of a permanent employee. To be considered ~~by the civil service commission~~, such action must be initiated by the appointing authority or the employee and recommended by the appointing authority **to the director of human resources, who will coordinate final review and approval by the county executive officer.** The foregoing waiver process must be completed prior to certification from an eligible list, approval of transfer or approval of a voluntary demotion of an employee into a situation that would cause nepotism, as defined by this rule.

D. The following exceptions apply to this section:

1. An exception to this nepotism rule shall be in the case of a voluntary transfer or demotion due to a layoff. However, every effort should be made to avoid creating a supervisor-subordinate relationship as a result of the transfer or demotion.

2. An employment contract for a ~~district aide~~ **district staff supporting the board of supervisors** which satisfies all of the following: (a) the employee is not a dependent as defined in [Revenue and Taxation Code](#) Section 17056; (b) approval of the contract will not result in a violation of [Government Code](#) Section 1090 in the opinion of County Counsel; and (c) the contract is approved by the board of supervisors in open session. Employment contracts shall have an initial term of one year or less and with the option of additional one year terms not exceeding the term of the particular supervisor. Any such contract shall include the following provision: "Any and all disputes arising from this employment contract, including but not limited to, any disputes arising from other county employees working with the contracting employee shall be subject to all standard county policies and procedures, including early termination of the contract."

E. No supervisor-subordinate relationship between relatives shall be permitted to be created from and after May 11, 1992, except as provided for in subsections C and D of this section. All such relationships existing prior to May 11, 1992, shall not be the cause for transfer, demotion or termination of any employee.

* * *

3.04.500 Termination of employment.

A. Vacation Cash Out at Termination.

1. PPEO Represented, Management, Safety Management, Unclassified Nonmanagement and Confidential Employees. Employees leaving the county service will be paid the monetary value of their earned vacation leave.

2. DSA and PCLEMA Represented Employees. Employees leaving the county service after having been paid more than one thousand forty (1,040) hours, excluding overtime, will be paid the monetary value of their ir earned vacation leave.

B. If terminating employees take accrued vacation leave immediately prior to the effective day of their termination, it shall not be necessary to keep the position vacant for the equivalent time of the vacation period.

C. 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.

* * *

3.04.690 Applicable pay rates following promotion.

A. In the event of a promotion of an employee to a position in a class with a higher pay grade, such employee shall be entitled to receive the rate of compensation in the entrance step of the class to which they have been promoted.

B. In cases where the pay grade overlaps, promotion shall be effected to the next higher salary in the grade of the new class which will provide for an increase of not less than five percent but not to exceed ~~Step 5~~**the top step** of the salary grade.

C. For purposes of eligibility for future step increases, a new anniversary date shall be established as of the effective date of the promotion.

D. If the grade mentioned in subsection A of this section does not overlap, but such employee is found to possess extraordinary qualifications for such new position, their prospective department head may request, in writing, authority to enter such new employee at the second step of the new grade. Such request shall be submitted to the director of human resources, who shall approve or disapprove such request. If such new position is in the unclassified service, such request shall be submitted to the county executive officer, who shall approve or disapprove such request.

E. Educational or other special pay shall not be included when calculating the appropriate pay rate mentioned in subsections A and B of this section.

F. Employees appointed from a re-employment eligible list shall be placed at the same step in the salary grade that was attained immediately prior to layoff.

Upon recommendation of the appointing authority, the board of supervisors 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 will be the date of reemployment. (Ord. 6068-B § 1, 2021; Ord. 5478-B (Attach. A), 2007; prior code § 14.730)

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3.04.820 Holiday ~~worked overtime and rate of pay.~~

DSA Represented, PPEO Represented and Confidential Employees.

A. When an employee works on a county holiday regardless of whether the day is the employee's regular workday or regular day off (RDO), the employee shall be entitled to overtime compensation **at time and one half their base hourly rate** or compensatory time off for actual hours worked in addition to holiday pay. (Example: A full-time employee who works eight hours on a holiday would receive eight hours of overtime at time and one half of ~~his or her~~ **their** base hourly rate in addition to eight hours of holiday pay paid at their base hourly rate of pay.) **Non-exempt employees may elect to receive compensatory time off in lieu of compensation unless they meet the criteria in (C) below, in which case the time must be paid.**

B. Part-time employees who work on a holiday shall be entitled to ~~either holiday overtime or CTO~~ **compensation at time and one half their base hourly rate** regardless of the number of hours they have worked in the holiday week. **Non-exempt employees may elect to receive compensatory time off in lieu of compensation.**

C. Holiday Worked Pay (HWP). If an employee works on a holiday on what would have been an employee's regular work day, the earnings received for working on the holiday, up to a maximum of eight hours, is a PERS-able earning reported as special compensation only when working on the holiday is not discretionary due to the business being performed, i.e., jail, dispatch, wastewater treatment plant, ACCESS, etc. Employees shall receive pay for time worked (up to eight hours) in the pay period the time was earned. This provision will be monitored for compliance with the Public Employees' Retirement System's (PERS) requirements.

1. Any hours worked over eight on a holiday are ~~considered regular overtime~~ and not reportable to PERS.

2. An employee who works on a holiday at the discretion of the supervisor or manager is not eligible to have the compensation reported to PERS as special compensation.

* * *

3.08.610 Continuous examination, administration.

A. For classes of positions in which there has been a demonstrated difficulty in maintaining adequate eligible lists, the director **of human resources** may receive applications, conduct examinations, and create eligible lists continuously. The names of all eligibles who took the same or comparable examination on different dates may be ranked on one eligible list for purposes of certification in the order of final earned rating.

B. Examinations will be scheduled by the director **of human resources** in accordance with the demand in filling vacancies. Successful candidates will remain on the eligible list for the calendar year the eligible list was established, or until the final filing date, whichever occurs first. Candidates will be eligible to reapply and take an examination if a new recruitment opens the following calendar year.

If a candidate fails any phase of the examination process, they will be deemed ineligible for employment in accordance with the above regulations **with the exception of certain standardized public safety written examinations which may allow applicants to retake an examination in accordance with applicable state regulatory agency standards (e.g., POST and/or BSCC).**

* * *

3.08.800 Life of eligible list.

A. Effective Date. Eligible lists shall become effective upon the certification by the director that the list was legally prepared and represents the relative ratings of the names appearing thereon.

B. Minimum and Maximum Life. Eligible lists shall remain in effect six months and may be extended by the director of human resources for additional ~~six~~**three**-month periods, but in no event shall a list remain in effect for more than two years. Continuous eligible lists shall expire by the end of the calendar year and a new continuous eligible list may be established the following calendar year, but in no event shall a continuous list remain in effect for more than one year.

C. Abolition of List. At any time the director of human resources may abolish a list.

D. Notification of Abolition. Any person on an eligible list that has been abolished shall be notified in writing of the next scheduled examination application filing period, if known.

E. Re-employment List as Eligible List. For purposes of this section, a re-employment list shall be treated in the same manner as an eligible list.

F. When, in the opinion of the director of human resources, a list of eligibles does not meet the service demands but has not expired, the director may order selection procedures to provide additional eligibles, and all successful applicants shall have their names placed on the eligible list in the order of their scores.

* * *

3.08.810 Removal from eligible list.

Names of eligibles may be removed from an eligible list by the director for any of the following reasons:

A. Fraud or false statements in the application or fraudulent conduct in connection with an examination.

B. Permanent appointment to a position in the class for which the eligible list was established.

C. After certification three times to the same department without appointment, provided such eligible is interviewed as a result of each certification.

D. Upon request, death, or upon resignation from the service of an eligible on a promotional eligible list.

E. Failure to appear or to arrange for an interview with an appointing authority within a reasonable time after notification of certification, or failure to appear for work after appointment.

F. Declination of an appointment three times in any given class in accordance with the conditions of employment specified by the eligible.

G. Whenever an eligible is removed, they shall be so notified in writing and informed of their right to appeal. This stipulation shall not apply to eligibles removed in accordance with subsections **BC** and **DE** of this section.

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3.08.1015 Pre-employment psychological evaluations.

A. The county may make a job offer that is conditioned upon the applicant's ability to pass a psychological evaluation designed to determine if the applicant can perform job-related functions or to respond to an applicant's request for reasonable accommodations if the following criteria are met:

1. The evaluation is job-related and consistent with business necessity; and

2. All applicants entering employment in the same job classification are subject to the same evaluations.

B. An applicant may be rejected due to disability only if:

1. They are unable to perform the job functions even with a reasonable accommodation; or

2. They cannot perform essential duties in a manner that would not endanger their health or safety or the health or safety of others even with reasonable accommodation.

C. Purpose. For certain job classifications in public safety where psychological evaluations are mandated or where assignments may include direct access to drugs, evidence, or weapons, a pre-employment psychological evaluation may be required post conditional job offer and prior to appointment to the position pursuant to applicable laws and regulations. The intent of this evaluation is not an examination of mental health, but rather to identify special characteristics related to the requirements of the classification, and the applicant's ability to perform the essential functions of the job.

1. Applicants will not undergo a post conditional offer pre-employment psychological evaluation until after the background investigation process is successfully completed.

D. Applicants will be evaluated by a psychological evaluator designated by the director of human resources in compliance with applicable rules and regulations. The psychological evaluator will render one of the following outcomes of the evaluation:

1. Suitable. Applicants in this group have been determined to meet the psychological requirements required to perform the essential job functions.

2. Unsuitable. Applicants in this group have been determined unable to meet the requirements of the position for which they applied based upon applicable laws and standards and disqualified.

E. **For non-POST certified classifications, the determination of the county designated psychological evaluator shall be final.**

F. Appeals/Second Opinions. An applicant for a POST-certified classification who is disqualified from the selection process as a result of their psychological evaluation may obtain a second opinion from a POST-certified psychological evaluator as defined by POST at their own expense.

1. Applicants have ten (10) calendar days from the date of the disqualification notification letter to submit their intent to appeal in writing to the director of human resources.

2. The director of human resources will serve as the appeal hearing officer. After reviewing the supporting documentation and consulting with relevant subject matter experts which may include **provided by each of the** psychological evaluators, ~~the county health officer, and department management,~~ the director of human resources will make a final decision regarding whether to approve or deny the applicant's appeal.

a. The director of human resources may consult with relevant subject matter experts, including but not limited to the county health officer, county counsel, and/or department management.

b. After consideration of all relevant information, the decision of the director of human resources shall be final.

b. ~~For non-POST certified classifications, the determination of the psychological evaluator shall be final.~~

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