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12.2 Personnel Management

- **12.2.2 Introduction**

This Chapter shall apply to the department heads of the County. By enacting this Chapter, the County is not bestowing any right on any employee or any obligation on itself or its officers. The provisions herein may be modified at the County's sole discretion.

- **12.2.4 Workweek**

A. Definition. The official workweek for the County of Glenn shall commence at 12:01 a.m. Sunday and end at 12:00 p.m. Saturday of each calendar week unless specified otherwise in this policy.

B. Hours of Operation. All County offices shall be open from 8:00 a.m. until 5:00 p.m. every day except Saturdays, Sundays and holidays, except as otherwise provided by statute, ordinance, or resolution of the Board and as follows:

1. Those offices with no regularly appointed full time deputy, which, therefore, may be closed during the hour from 12:00 noon to 1:00 p.m.
2. Those officers that have satellite offices separate and apart from their main offices may adjust the hours of operation of such satellite offices as they may deem appropriate.

- **12.2.6 Classification Plan**

A. Classification Plan. The Classification Plan shall consist of the List of Personnel Classes adopted by resolution of the Board of Supervisors and amendments thereto.

B. Board of Supervisors Authority. The Board of Supervisors may create new classes, reclassify existing

positions to appropriate classes, allocate new positions to appropriate classes or abolish existing classes.

C. Maintenance of Classification Plan. The Personnel Officer shall maintain the classification plan as directed by the Board of Supervisors and shall prepare class specifications for all positions other than elected officials and those positions exempted from the classification plan. Upon order of the Board of Supervisors, the request of an appointing authority, or upon his own initiative, the Personnel Officer shall conduct a classification study.

D. Classification Study Procedures.

1. Whenever an appointing authority proposes that a new class be established or a significant change has occurred in the duties and responsibilities of an existing position, the appointing authority shall report the facts in writing to the Personnel Director.

2. The Personnel Director shall conduct a study by reviewing the written facts presented, auditing the duties of the position and sending the appointing authority the results of the director's findings.

3. If the Personnel Director determines that a new classification should be established or a position should be reclassified he or she shall send a recommendation to the Board of Supervisors. The recommendation may include reclassification of the incumbent with the position. The appointing authority may submit a separate recommendation.

4. The Personnel Director may also recommend to the Board of Supervisors changes in salaries due to classification actions or recruitment problems.

E. Classification Plan. In recommending a classification plan or amendments thereto the Personnel Director shall prepare such in the broadest terms feasible.

F. Use of Class Titles. The title of the class of which any position is allocated shall be used in all official personnel transactions and personnel records provided, however, that the use of class titles shall not preclude deputization of employees or the use of working titles within the department.

12.2.8 Leaves of Absence - General

A. Leave of Absence. A department head may grant any regular employee a leave of absence without pay upon his recommendation and approval by the Personnel Director, except that in the case of a leave of absence without pay of less than four (4) months, the approval of the Personnel Director shall not be required. A leave of absence without pay may be granted for any of the following reasons:

1. Illness or disability including pregnancy.

2. To take a course of study which will increase the employee's usefulness on return to his position;

3. For personal reasons acceptable to the department head and the Personnel Director.

B. Requests for Leave. Requests for leave of absence without pay may only be granted if made in writing to the department head and shall state specifically the reason for the request, the dates to begin and probable date of return. A copy of such leave request, as approved, shall be sent to the Personnel Department.

C. Length of Leave. A leave of absence without pay may be for a period not to exceed one (1) year. Such leave is not intended to protect the interests of an employee while engaged in other employment outside the service of the County.

D. Return from Leave. Whenever an employee who has been granted a leave of absence without pay desires to return to work before the expiration of such leave, the employee shall notify the department head as soon as possible in advance of the employee's return. An employee must immediately request and then receive approval to extend the leave of absence if the employee does not return on the probable return date. Otherwise, the employee will have been deemed to have abandoned the job.

12.2.9 Catastrophic Illness/Injury Leave Policy

A. General. This policy establishes an employer sponsored voluntary leave sharing arrangement by which one regular county employee may donate vacation time to another regular county employee who is experiencing a catastrophic illness or injury; subject to the conditions set forth in this policy. This policy is not applicable to extra-help or probationary employees.

B. Definition of terms (as used in this policy).

1. ?Catastrophic Illness/Injury? is a non-industrial illness/injury of more than fourteen calendar days duration to an employee which presents an undue financial burden on the employee, or is an illness/injury of more than fourteen calendar days duration to an immediate family member of the employee which requires the employee to be present to care for the family member.

2. ?Immediate Family Member? is the spouse, child(ren), and the father, mother, sister, brother of the employee or of the employee's spouse. For the purposes of this policy only, ?Immediate Family Member? includes a person whose sex is opposite that of the employee, who is living with the employee in an unmarried domestic relationship, and who is legally able to marry the employee.

3. ?Accrued Time Off? is vacation, sick leave, and compensatory time.

C. Responsibility. The Personnel Director and the Auditor-Controller are responsible for the administration of this program to include ensuring that all program requirements are met.

D. Voluntary. Participation in this program by both donors and recipients is voluntary. No one shall be coerced, intimidated or threatened with reprisal for either participating or not participating in this program. Employees who believe that they are being forced to participate in this program shall immediately report their concerns to their department head, the Auditor-Controller, or the Personnel Director. An investigation shall be conducted and the findings shall be communicated to the Board of Supervisors who will direct what action shall be taken based on the findings.

E. Criteria for Establishing a Leave Sharing Account for an Individual.

A leave sharing account may be established for an individual employee provided the following conditions are met:

1. The employee or the employee's family member must be experiencing a catastrophic illness/injury.
2. The employee must have exhausted or will soon exhaust all of the employee's accrued time off.
3. The employee has requested in writing to the department head that the leave sharing account be established in the employee's behalf.
4. The department head must have approved the request for the establishment of the leave sharing account.

F. Procedure for Establishing the Leave Sharing Account.

1. In order to establish a leave sharing account the employee requests in writing to the department head that a leave sharing account be established in his/her behalf.
 - a. To support this request the employee must submit a completed GCPER 30 (Treating Physician's Statement) verifying the illness/injury. (NOTE: If the request is based on illness/injury of a family member the family member must authorize their treating physician to complete the GCPER 30 and the employee must include a completed copy of the GCPER 30 pertaining to the family member's illness/injury).
 - b. The employee must execute a statement authorizing the county to publish announcements soliciting donations of leave time on the employee's behalf. If the request is based on the illness/injury of a family member both the employee and the family member must sign the authorization.
2. Upon approval, the department head will forward the request with all supporting documents to the Personnel Director.
3. The Personnel Director in conjunction with the employee will develop language for the solicitation of donations.
4. Upon agreement as to the language of the solicitation the Personnel Director will distribute to all departments a copy of the solicitation of donations for distribution to all department employees.

G. Criteria for Donations.

1. Donations must be for 4 or more hours in whole hour increments.
2. Donations must be of vacation accruals only.
3. Donors must have a minimum of 100 hours of accrued time-off credited to their account after the donation is made.
4. Donations can only be made to an employee for which a leave sharing account has been established.
5. Donations must be made to a specific employee.

6. Donations will be deducted from the donor's account based on the donor's effective base hourly rate of pay.
7. Donations will be credited to the recipients account based on the recipient's effective base hourly rate of pay.
9. Donations once made are irrevocable and remain credited to the recipient's account.
10. Taxation.
 - a. Donations made under this program are considered by the Internal Revenue Service to be non-taxable and are not imputed to the donor's gross income.
 - b. Recipients will be taxed on the donations received as they are used in the same manner as any other paid time-off.

H. Procedure for Processing Donations

1. Donations will be made only to employees for whom a leave sharing account has been established on the form designated by the Personnel Department.
2. Donor's will complete the donation form and send the form to the Personnel Director in a sealed envelope.
3. The Personnel Director or his designee will review all donations to ensure that they meet the criteria set forth in this policy.
4. The Personnel Director or designee will hand deliver the donation forms to the Auditor-Controller for processing.
5. The Auditor-Controller or designee will process donations concurrent with the processing of payroll.
6. Donation information is to be treated as confidential information by all parties who process the donations. Failure to maintain this confidentiality could result in disciplinary action.
7. Total donations received by an individual cannot exceed the lesser of the amount needed to cover the absence or 2080 hours.

G. Coordination with Short Term Disability (STD) Insurance.

If an individual who receives donations under this program is also eligible to receive payments under the County sponsored STD Insurance, all vacation credits received under this program must be exhausted before payment under STD is made.

12.2.10 Industrial Leave

A. Entitlement to Sick Leave Payments. Any employee, other than an extra help employee, who is compelled to be absent from work because of illness or injury arising out of, and in the course of, his or

her employment shall receive sick leave payments equal to the difference between the employee's base salary and the weekly temporary disability benefits, up to the amount of the employee's accumulated sick leave time. Such payments shall be made on the basis of a prorata charge to sick leave based on the difference between the employee's base salary and the weekly compensation benefits. Such prorata charges to sick leave will be made to the nearest one-quarter (1/4) day.

B. Use of Vacation Benefits. At such time as sick leave is exhausted, the employee may be placed on vacation status at the discretion of the County until such time as any accumulated vacation time is exhausted. Such charges against accrued vacation time shall be on the same formula set forth in paragraph (A) above.

C. Accrual of Benefits. An officer or employee who is entitled to temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, shall retain the employee's other employment status and continue to accrue benefits while receiving temporary disability indemnity.

D. Leave of Absence Without Pay. Should the employee be unable, or unwilling, to return to work after exhausting both accumulated sick leave and vacation, the County may place the employee on leave of absence without pay. While on leave of absence without pay, seniority and benefits shall not accrue. Leave of absence may be terminated, at the option of the County.

E. Law Enforcement Employees. An employee engaged in law enforcement, as defined in Section 4850 of the Labor Code, shall be entitled to his or her full salary in lieu of compensation payments if he or she should suffer an injury or illness arising out of and in the course of employment for the period of disability and until the condition is determined to be permanent and stationary, but not to exceed one year. An employee receiving such benefits shall relinquish to the County all compensation payments for such period of absence. The employee's accrued sick leave and vacation shall not be charged.

12.2.11 Medical Leave/Family Leave and Medical Act (FMLA)/Family Care Leave-California Family Rights (CFRA)

A. FMLA and CFRA leave will be granted as provided by law.

B. Pay status while on FMLA and/or CFRA Leave:

1. Sick leave must be used for an approved leave of absence, and
2. Vacation must be used for an approved leave of absence when sick leave is exhausted. Vacation use for FMLA and/or CFRA may NOT be denied. Note, employees are eligible to maintain a balance of eighty (80) hours of vacation leave. CTO may be used for an approved leave of absence when vacation is exhausted.

C. Notice to the Employer

1. Employees must request leave under FMLA and/or CFRA 30 days in advance, if possible. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. Leave requests shall be made to the County Personnel Department.
2. When an employee seeks leave for a FMLA and/or CFRA qualifying reason, the employee need not expressly assert FMLA and/or CFRA rights or even mention the FMLA or CFRA.

12.2.12 Jury Duty & Witness Leave

A. Pay for Jury Duty or Witness Duty. A regular employee summoned for attendance to any court for jury duty or called as a witness arising out of and in the course of county employment shall be deemed to be on duty and shall be entitled to regular pay, provided the employee deposits any fee for such service, exclusive of mileage, with the County Treasurer.

B. Compensation for Witness Leave in Private Matter. A regular employee who appears in court as a witness in a private matter shall not be entitled to receive his regular pay during such absence, but may use accrued vacation for this purpose.

- ### **12.2.13 Military Leave**

A. Military Leave shall be granted by the appointing authority in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) as well as Military and Veterans Code. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of such military regulations to determine when such leave shall be taken and shall provide the appointing authority with a copy of the military orders.

- ### **12.2.14 Reassignment Due to Physical Condition**

A. Reassignment. A regular employee who because of illness or injury is incapable of performing the employee's regular duties in a department either on a temporary or permanent basis, but who is capable of performing other duties, may be assigned those duties that the employee is capable of performing either in the same or a different department, with the approval of the Personnel Director and the respective department heads.

B. Reassignments will be made in the following manner:

1. Temporary Reassignments. A regular employee who is temporarily incapable of performing the employee's regular duties as determined by the employee's treating physician shall be offered a position in a Bridge Assignment using the Bridge Assignment Matrix developed by Norman Peterson and Associates.

a. The duties of the bridge assignment will be provided to the employee's treating physician to determine if the employee is capable of performing the duties of the bridge assignment.

b. Once the treating physician approves the bridge assignment for the employee the employee will be placed in the abridge assignment for up to two weeks.

c. While performing duties in the bridge assignments the employee shall receive the basic rate of pay received for the position held prior to the illness or injury.

d. At the end of the two week period the employee's limitations will be reevaluated by the treating physician to determine employee's limitation. The employee will be placed in another bridge assignment

for up to two weeks and the process shall be repeated until the treating physician can release the employee to the employee's normal duties or the treating physician determines that the employee has a permanent limitation that prevents the employee from returning to the duties held prior to the illness or injury.

e. Should the employee's treating physician determine that the employee cannot return to work in either the employee's regular assignment or in any bridge assignments, the employee shall be placed on worker's compensation leave/FMLA Leave/CFRA Leave/ or Short-term Disability Leave, as appropriate.

f. At no time will the County place an employee who has received medical treatment in an assignment that has not been pre-approved by the treating physician. A physician approved assignment is a "work prescription" to aid the employee to full recovery.

2. Permanent Reassignment

a. In order for a permanent reassignment to be made, a vacancy in the assigned classification must exist.

b. Reclassification. An employee assigned to other duties because of a permanent limiting physical condition shall be reclassified to the new position.

c. Salary on Reassignment. The salary of an employee reassigned due to a limiting physical condition to a classification with a lower salary range shall be placed on the step on the salary range that is closest to the rate received prior to the illness or injury. Should the setting of this step result in a reduction in the base pay of greater than 15%, the employee's pay shall be set at 85% of the rate received prior to injury or illness and the employee's pay rate shall be y-rated at this level until such time the normal pay rate for the classification exceeds the y-rate.

12.2.16 Personnel Records

A. Employee Personnel Records. The Personnel Director shall maintain the official employee personnel records, which shall include a record of the appointment and subsequent changes in classification or compensation of each employee in County service and shall include dates of service, positions held, salaries received, and such other related information as the Personnel Director may consider appropriate.

B. Access to Personnel Files. In order to insure maximum security and confidentiality of Personnel Department files, the following procedures are established.

1. Information requested regarding official status will be released. This type of information is: employee's name, class title, current salary range, date of employment and length of employment.

2. Information of a personal nature will not be released. This type of information includes but is not limited to: birthday, medical information, birthplace, spouse's name, home phone number, and address.

3. Only Personnel Department staff members and other specifically authorized personnel are allowed to review any personnel records, except in the following cases:

a. An employee may, in the presence of a Personnel Department staff member, review the employee's own personnel file at reasonable times.

b. With the approval of the Personnel Director, a County department head may review the records of

employees in his or her department or other employees being considered for appointment in his or her department.

c. Access to personnel files must be approved in any other case by the Personnel Director. Examples include access in response to subpoenas, investigations, audits or other showing of good cause approved by the Personnel Director.

4. Any problem which arises in enforcing this policy will be referred to the Personnel Director. It is very important that the public be served, but at the same time it is important that the privacy of the employee be protected.

C. No personnel file will be removed from the area of the Personnel Department without the specific prior approval of the Personnel Director.

- **12.2.18 Code of Ethics**

A. Discrimination. There shall be no discrimination in any County activity because of race, color, national origin, religion, sex, age, citizenship, physical handicap or political affiliation.

B. Acceptance of Gratuities. No officer or employee shall accept any fee, compensation, gift, payment of expense, or any other thing of significant monetary value in circumstances in which acceptance may result in, or create the appearance of resulting in, the use of public office for private gain; preferential treatment of any person; impeding governmental efficiency or economy; any loss of complete independence or impartiality; the making of a County decision outside official channels; or any adverse effect on the confidence of the public in the integrity of County government.

C. Ethical Responsibilities. Each officer and employee has an obligation to the citizens, to the people's elected representatives, to fellow employees, and to the administration to cooperate in accomplishing the County's goals, to expose corruption wherever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the County's assets, and to uphold these principles, ever conscious that public office is a public trust.

- **12.2.20 Chief Assistants**

A. Each department head in the County shall designate one or more chief assistants or chief deputies who shall have authority to administer the affairs of the office while the department head is on leave.

B. The designation required by subdivision (A) of this section shall be in writing and shall be on file with the clerk of the board of supervisors at all times. Such designation may be amended or changed from time to time by the department head in writing by delivery of such writing to the clerk of the board of supervisors.

C. For purposes of this section the authority to administer the affairs of the office shall mean those duties and powers necessary to operate the office on a day to day basis. This authority may be more specifically delineated or expanded by the department head in writing at the time the assistant or deputy is designated. The designated deputy or assistant is hereby authorized to carry out such duties.

D. Notwithstanding the limitations set forth in subdivision (C) of this section, in any case in which the department head becomes unable to discharge the powers and duties of his or her office, the chief assistant or deputy designated pursuant to subdivision (A) of this section shall discharge and is hereby authorized to discharge all such powers and duties provided such authority is confirmed by the board of supervisors.

E. The department head may authorize in writing, with approval of the Personnel Director, a five percent (5%) increase in salary for any employee designated pursuant to subdivision (A) of this section provided that the employee performs the duties described in subdivision (C) for at least ten (10) consecutive days. This salary increase shall apply to all periods of time during which the designated employee carries out the duties pursuant to subdivision (D).

- **12.2.22 Disciplinary Action**

In all cases in which an employee is to receive disciplinary action, all notices, letters, and actions (this includes Notices of Intent as well as Final Disposition of Discipline Notices) shall be reviewed and approved by the Personnel Director prior to such notice, letter or action being delivered or put into effect.

12.4 Alcohol & Drug Abuse Policy

- **12.4.2 Purpose**

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

B. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program (EAP). While Glenn County will be supportive of those who seek help voluntarily, Glenn County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

C. Supervisors will be trained to recognize abusers and become involved in this control process.

D. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of Glenn County managers and employees. To that end Glenn County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which

could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline.

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

12.4.4 Policy

A. It is Glenn County's policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property, at work locations, or while on duty or on a paid standby status, shall not utilize such substances while they are on a paid standby status; employees shall not sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on a paid standby status; and employees shall not report to the job site with their ability to work impaired as a result of the use of alcohol or drugs.

B. Prescription Drugs. While the use of medically prescribed medications and drugs is not per se a violation of this policy, the following policies shall apply to prescription drugs:

1. Failure by the employee to notify his or her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment can result in discipline.

2. In exercising the supervisor's discretion in assignments of duties in the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required by the County.

3. For purposes of this subdivision (B) "medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment" shall mean medications or drugs that have written warnings advising that the drug or medication could cause drowsiness or other side effects that could effect performance or judgment on the job.

C. The County reserves the right to search, with reasonable suspicion, all areas and property in which the County maintains control or joint control with the employee. Also, the County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County.

D. Employees reasonably believed to be under the influence of alcohol or drugs, upon order of the department head or the employee's immediate supervisor, shall not engage in further work until reasonable, appropriate and safe action can be taken to ensure the safety of the work place.

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

F. The County has established the EAP to assist those employees who seek help for alcohol or drug

problems. Employees should contact their supervisors, the Personnel Department or the EAP counselor for additional information.

G. The Employee Assistance Program may be offered employees as an alternative to employee disciplinary action, if appropriate

- **12.4.6 Application**

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

- **12.4.8 Employee Responsibility**

Employees have the following responsibilities:

A. They shall not report to work or be on paid standby status while their ability to perform job duties is impaired due to on or off duty alcohol or drug use.

B. They shall not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on paid standby status, on breaks, or at anytime while on County property.

C. They shall not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or on paid standby status.

D. They shall submit to an alcohol and drug test when requested pursuant to section 12.04.10 (B) below.

E. They shall notify their supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, as defined in paragraph (B) (3) of section 12.04.04, above.

F. They shall provide upon request a bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

- **12.4.10 Management Responsibilities and Guidelines**

A. Managers and supervisors are responsible for reasonable enforcement of this policy.

B. Managers and supervisors may request that an employee submit to a drug or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or on paid standby status.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's

ability to perform the functions of the job is impaired or the employee's ability to perform the job safely is reduced.

For example, any of the following may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking and movement;
4. An accident involving County property;
5. Physical altercation;
6. Verbal altercation;
7. Unusual behavior;
8. Non job required possession of alcohol or drugs;
9. Information obtained from a reliable person with personal knowledge.

C. Any manager or supervisor requesting an employee to submit to a drug or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

D. Any manager or supervisor encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor shall take appropriate, safe and reasonable action to ensure the safety of the employee, other employees and the work place in general.

E. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

F. Managers and supervisors shall notify their department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. If the department head or designee concurs that there is reasonable suspicion of illegal drug possession, the department head shall notify the appropriate law enforcement agency.

- **12.4.12 Physical Examination**

The drug and alcohol tests may test for any substance which could impair an employee's ability to effectively and safely perform the functions of the employee's job.

- **12.4.14 Results of Drug and Alcohol Analyses**

A. Pre-employment Physicals

1. A positive result from a drug or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs or alcohol could affect requisite job standards, duties or responsibilities.
2. If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours

of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

B. During Employment Alcohol/Drug Tests

1. A positive result from a drug or alcohol analysis may result in disciplinary action.
2. If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified the employee's supervisor pursuant to section 12.04.08 (E), the employee will be subject to disciplinary action.
3. If an alcohol or drug test is positive for alcohol or drugs, the County shall conduct an investigation to gather all facts. The decision to discipline or terminate will be carried out in conformance with applicable disciplinary policies.

- **12.4.16 Confidentiality**

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Director. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's consent, may also occur under the following circumstances:

- A. The information is compelled by law or by judicial or administrative process to be disclosed;
- B. The information has been placed at issue in a formal dispute between the employer and employee;
- C. The information is to be used in administering an employee benefit plan; and
- D. The information is needed by medical personnel for the diagnosis or treatment of the employee, who, as a patient, is unable to authorize disclosure.

12.6 Harassment, Discrimination and Retaliation Prevention Policy

- **12.6.2 Introduction**

It is the policy of Glenn County to comply with all applicable laws prohibiting discrimination, harassment, or retaliation in employment, defined here as including (but not limited to) all provisions of currently applicable federal and state employment statutes, their implementing regulations, and related precedential case law. Glenn County maintains a strict policy prohibiting harassment and discrimination

because of race, sex, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status or any other basis made unlawful by federal or state law or county ordinance. This policy applies to all persons involved in the operations of Glenn County. Glenn County does not tolerate discrimination, harassment, or retaliation against employees, applicants, contractors, or other individuals by another employee, vendor, customer, or other third party.

This policy applies to all aspects of employment and covers, for the County, all employees at all on-site and off-site workplaces, elected and appointed officials, applicants for employment, employee beneficiaries, providers/vendors, individuals performing work and/or services of the County, and volunteers.

12.6.4 Policy

A. Harassment Prevention:

Forms of prohibited unlawful harassment (conduct) or discrimination because of race, sex, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status, veteran status, or any other basis include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures.
3. Physical conduct such as unnecessary or unwanted touching, impeding, blocking of normal movement; or interfering with work directed at the employee because of sex or any other protected basis.
4. Retaliation for having reported or threatened to report harassment.
5. Threats and demands to submit to sexual requests to keep a job or avoid some other loss; and offers of job benefits and/or job advancement in return for sexual favors.

B. Sexual Harassment:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of the individual's employment;
2. Submission to or rejection of such conduct is used for the basis of employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful, or violate this policy. For example, hostile acts toward an employee because of their gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

C. Non-Discrimination:

Glenn County is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in county operations. Glenn County prohibits unlawful discrimination against any job applicant, employee, volunteer, or unpaid intern by any employee of the county, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

D. Anti-Retaliation:

Glenn County will not retaliate against an employee, applicant, or volunteer for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or co-workers.

E. An employee and/or other individual may have a claim of unlawful harassment or discrimination even if there has not been a loss of job or some other economic benefit. The law prohibits any form of harassment or discrimination that impairs an employee's working ability or emotional well-being at work.

F. If an employee and/or other individual believes they're being harassed or discriminated against because of race, sex, religion, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, gender information, gender identity, gender expression, marital status, age, military status, veteran status, or any other basis made unlawful by federal/state law, or county ordinance, or believes the comments, gestures or actions of any employee, including supervisors or members of management to be offensive, the employee and/or other individual should use the procedure outlined in this policy to file a complaint to have the matter investigated.

G. Reasonable Accommodation:

Discrimination can also include the failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Glenn County will engage in the interactive accommodation process and attempt to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant, employee, or volunteer who requires an accommodation in order to perform the essential functions of the job should contact the Personnel Department and discuss the need for an accommodation. Glenn County will engage in an interactive process with the employee to identify potential accommodations, if any, which will help the applicant or employee, perform the job. An applicant, employee, or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles), should also contact the Personnel Department and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, Glenn County will make the accommodation.

Glenn County will not retaliate against any employee, applicant or volunteer for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

H. All individuals performing work and/or services for the County are responsible for maintaining workplace environments free of discrimination, harassment, and retaliation.

I. County elected or appointed officials, administrative officers, supervisors, managers, and administrative personnel shall maintain non-discrimination, non-harassment, and non-retaliation in County public employment, public services, public accommodations, and public telecommunications. They are responsible for creating a working environment for all employees, free from harassment, discriminatory, and retaliatory practices.

12.6.6 Complaint Resolution Procedures

Glenn County is committed to preventing and correcting behavior that violates this policy. The County provides multiple avenues for individuals to notify the County of any perceived violation and conducts prompt investigations of complaints, and takes appropriate corrective and disciplinary action when policy violations are sustained.

The Personnel Director is designated as the Compliance Officer for Non-Discrimination and Americans with Disability Act (ADA)/Fair Employment and Housing Act (FEHA) per appointment by the County Board of Supervisors and has full authority and responsibility for:

1. Receiving and investigating complaints of perceived violations of this Policy, as appropriate;
2. Utilizing early resolution strategies to address perceived violations of this Policy;
3. Developing remedies to address perceived violations of this Policy;
4. Assessing the County's duty and ability to provide a reasonable accommodation and to assess American's with Disabilities needs;
5. Providing training and education to County employees and elected or appointed officials regarding the principles addressed in this Policy;
6. Reporting to the County Board of Supervisors and Administration on progress, issues, and needs related to equal employment opportunity and ADA compliance;
7. Generally ensuring County compliance with this Policy.

The Personnel Director may designate an individual(s) to assist in the performance of these and any other responsibilities described in this Policy.

Individuals may bring concerns of perceived violations of this Policy to the County's attention using any of the methods described below. The County encourages individuals to report concerns immediately. The County will promptly investigate the facts and circumstances of any claim that this Policy has been violated and take appropriate corrective and disciplinary action in response, up to and including termination.

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then he or she is encouraged to pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner.

A. The County recognizes internal reporting procedures:

An individual has a right to redress for harassment or discrimination. To secure this right, a written or oral complaint should be made to the employee's supervisor. If the complaint is not resolved, or the employee's supervisor is an issue, the employee is encouraged to pursue resolution through discussion with the next higher manager, department head, or directly to the Personnel Director as soon as possible after any incident believed to be prohibited harassment or discrimination. It would be best to communicate your complaint in writing, but this is not mandatory. Glenn County requests a written report that contains specific facts of the harassment so that it can be properly and fully investigated. The complaint should include details of the incident or incidents, the names of the individuals involved and the names of any witnesses.

B. Supervisors will refer all harassment or discrimination complaints to the department head. Department heads will refer all such complaints to the Personnel Director. All supervisors and/or department heads are required to refer complaints appropriately, regardless as to whether or not the complaint was given in confidence. The Personnel Director will immediately undertake an effective, thorough and objective investigation of the harassment or discrimination allegations. The Personnel Director may arrange for an outside investigator to investigate the complaint. This investigation will be completed and a determination regarding the alleged harassment or discrimination will be made and communicated as soon as practical.

C. If the Personnel Director determines that the unlawful harassment or discrimination has occurred, Glenn County will take effective remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any further harassment or discrimination. Glenn County will take appropriate and immediate disciplinary and/or corrective action to prevent future occurrences.

D. Glenn County will not retaliate against any employee and other individuals for filing a complaint and will not knowingly permit retaliation by management, employees or co-workers. Employees and other individuals are encouraged to report any and all incidents of harassment or discrimination forbidden by this policy immediately so complaints can be quickly and fairly resolved.

External Agencies:

In addition to the above, employees and applicants always have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below.

1. California Department of Fair Employment and Housing

2218 Kausen Drive

Elk Grove, CA 95758

(916) 478-7251

2. United States Equal Employment Opportunity Commission

450 Golden Gate Avenue

San Francisco, CA 94102-3661

(800) 669-4000

Fax (415) 522-3415

E. Confidentiality

Confidentiality of the employee will be maintained to the extent possible, but the County cannot guarantee complete confidentiality. A copy of the Harassment, Discrimination and Retaliation Prevention Policies will be provided annually to all employees with an acknowledgement form for the employee to sign and return. A copy of the signed acknowledgement will be retained by the Personnel Department in the employees Personnel file.

The Harassment Discrimination and Retaliation Prevention Policy will be on the County's website.

Each new hire will be provided with a copy of the harassment Discrimination and Retaliation Policy. It will be discussed with each new employee upon hire, during the new hire orientation.

12.8 Equal Employment Opportunity

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12.8.2 Policy

It is the Policy of Glenn County to provide equal employment opportunity for all applicants and employees. The County does not unlawfully discriminate on the basis of race, color, religion, sex, national origin, age, medical condition, handicap, veteran status, or marital status. The County also makes reasonable accommodations for handicapped and disabled veteran employees. Finally, the county prohibits the harassment of any individual on any of the bases listed in Chapter 12.06.

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12.8.4 Reporting Discrimination or Harassment

A. Any incident of discrimination or harassment against an employee should be reported by the employee to:

1. The employee's supervisor, department head, or the Personnel Director, in the case of allegations against a fellow employee.

2. The employee's department head or the Personnel Director, in the case of allegations against the employee's supervisor or the head of another department.

3. To the Personnel Director, in the case of allegations against the department head of the employee's

department.

4. To the Chairman of the Board of Supervisors, in the case of allegations against the Personnel Director.

B. The person to whom a report is made pursuant to subsection A of this section shall investigate the matter in consultation with the Personnel Director. However, when the allegations are against the Personnel Director, the investigation shall be conducted by the Chair of the Board of Supervisors, in consultation with the County Counsel.

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12.8.6 Responsibility

It is the responsibility of every County employee to conscientiously follow this policy.

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12.8.8 Affirmative Action Plan

The County has adopted an Affirmative Action Plan and is committed to making a good faith effort towards achieving the objectives of the Plan.

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12.8.10 Equal Opportunity Officer

The Personnel Director is designated as the Equal Opportunity Officer.

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12.8.12 Questions Regarding the Plan

Any employee having questions regarding this policy should discuss it with the employee's supervisor, department head, or the Personnel Director.

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