WHEREAS, the Sutter County Board of Supervisors deems it proper and in the best interest of the County to apply appropriate changes in salaries and benefits, Rules Governing Employee Compensation, Benefits and Working Conditions, and Personnel Rules and Regulations for Management employees, and hereinafter referred to as “employees.”

NOW, THEREFORE, BE IT RESOLVED that the following changes be made to the current salaries and benefits, Rules Governing Employee Compensation, Benefits and Working Conditions, and Personnel Rules and Regulations for Management employees:

ARTICLE I       SALARY

1. County will pay each employee a non-pensionable lump sum payment equivalent to two percent (2%) of the employee’s annual base wage. To receive the lump sum, employee must be continuously employed by the County from the time the successor agreement is adopted by the Board of Supervisors and on the date of payment of the lump sum. Payment of the lump sum to be made by the second full pay period after Board adoption. Employees who received a lump sum payment while a member of another bargaining unit shall not be eligible.

2. County will pay each employee a non-pensionable lump sum payment equivalent to one percent (1%) of the employee’s annual base wage. Payment of the lump sum to be made by the first full pay period in July 2019.

ARTICLE II       VACATION

Amend Section 11.0, Vacation Leave, Subsection 11.14, Conversion of Accumulated Vacation, of the Rules Governing Employee Compensation, Benefits and Working Conditions, to read as follows:

11.14 Conversion of Accumulated Vacation

In November of each year, an employee who has used at least forty (40) hours of vacation during the current calendar year may elect to convert up to one hundred and twenty (120) hours of accumulated but unused vacation to the employee’s deferred compensation account provided that, following the conversion, the employee has at least forty (40) hours of accumulated vacation remaining.
ARTICLE III  
EDUCATIONAL INCENTIVE PAY AND TUITION REIMBURSEMENT

Amend Section 30.0, Educational, Training, Certification and Professional License Fees, Subsection 30.9, B, Training and Tuition Reimbursement Program – Management Unit, of the Rules Governing Employee Compensation, Benefits and Working Conditions, to read as follows:

30.9  Training and Tuition Reimbursement Program

B.  Management Unit

Training and Seminar Programs

There shall be established a County Training and Seminar Program for Deputy County Counsels, Assistant County Counsel and Management employees, as included in the annual Adopted Budget. The County Administrative Officer is authorized to approve special training for County employees to prepare them to meet the changing demands of their jobs.

Any ancillary expenses such as parking, travel, meals, lodging, and other incidental costs are reimbursable only to the extent they are covered by the County's travel and reimbursement program or as specifically approved by the Board of Supervisors or County Administrative Officer.

Tuition Reimbursement

There shall also be established a tuition reimbursement program to encourage employees to continue their self-development by enrolling in college course work which will educate them in new concepts and methods in their occupational fields and prepare them to meet the changing demands of their jobs or for continuing education classes required to maintain licensing, certification or registration as required for their position.

The conditions of this program will be as follows:

1. Application for tuition reimbursement shall be submitted to the Human Resources Director. The Human Resources Director will forward the application request to the County Administrative Officer for his/her consideration.

2. The County Administrative Officer may consider length of service, overall job performance, benefit of the college program to the County, availability of funds, and other appropriate factors in reaching his or her decisions.

3. Courses must be related to the work of the employee's position or occupation.

4. Courses must be taken on employee time.

5. Courses must be taken at accredited institutions.

6. Reimbursement may be made for tuition, books, registration fees, and laboratory fees, up to a maximum of $1,000 each calendar year.
7. Expenses for parking, travel, meals, lodging and other incidental costs are not reimbursable.

8. Reimbursement shall be made to the employee upon completion of the course with a minimum final grade of C or its equivalent in an undergraduate college course, or a B or its equivalent in a graduate level college course or upon certification of completion for post-graduate continuing education classes.

9. Reimbursement received from other sources for tuition, books, registration fees, and/or lab fees will be deducted from the cost of such expenses in determining the amount which the County will pay.

10. All approved claims shall be submitted to the Auditor’s Office with a copy to the Human Resources Department and shall include a copy of the transcript showing the final grade earned.

Employees who have obtained a degree related to the work of the employee’s current position or occupation will be allowed to utilize the tuition reimbursement toward student loan repayment provided adequate documentation is provided which demonstrates the amount owed for a current loan and the payment received by lender. Employees who are required to obtain a license and/or certification renewal in order to perform their duties may utilize tuition reimbursement toward licensure/certification renewal. In no event will the amount reimbursed to the employee under this section exceed one-thousand dollars ($1,000) per calendar year.

ARTICLE IV     SALARY UPON PROMOTION

Amend Section 12.0, Salary Upon Promotion, Demotion, Transfer, Reclassification, or Temporary Assignment, Subsection 12.1, B, Promotion, of the County Personnel Rules and Regulations to read as follows:

12.1 Promotion

B. Management Unit

A regular employee who is promoted to a position in a class with a higher salary range shall be placed at the step in the new salary range that provides the employee with a minimum of a five percent (5%) increase in salary in the new salary range, except when such increase is in conflict with the merit provisions herein. Changes in salary ranges and/or steps pursuant to this section shall become effective the first day of a biweekly pay period. An employee who is promoted shall have no change in his or her anniversary date, except when such employee:

(a) Is promoted to step 1 on the new range. However, if such employee would receive his/her merit increase at an earlier date had his/her anniversary date not changed, he/she shall have no change in his/her anniversary date.

(b) Was at step 5 on the old range and is promoted below step 5 on the new range.

(c) Was receiving salary step 6 or above for all units except Fire and Law and salary step 7
or above for Fire and Law units on the old range and is promoted below step 5 on the new range.

(d) If the employee was already receiving salary step 6 or above for all units except Fire and Law and salary step 7 or above for Fire and Law units on the old range and is promoted to or reaches step 5 on the new range, they would be eligible to go back to their eligible steps above step 5.

In such instances the employee shall receive a new anniversary date. The provisions of Section 13 shall be applicable in determining the eligibility of the employee for step increases within the higher salary range.

ARTICLE V DISCIPLINE

Amend Section 18.0, Discharge, Dismissal, Suspension, Reprimand, Reduction In Rank, And Right of Appeal, Subsection 18.5, A, Causes For Discipline, of the County Personnel Rules and Regulations to read as follows:

18.5 Causes for Discipline

A. Management Unit

Any of the following causes are sufficient causes for reprimand, dismissal, suspension or demotion; but the list is indicative rather than inclusive or restrictive, and reprimands, dismissals, suspensions or demotions may be based on reasons other than those specifically mentioned:

a. Intentional misrepresentation or concealment of any material fact in connection with obtaining employment.

b. Unsatisfactory performance.

c. Unexcused neglect of duty.

d. Insubordination.

e. Dishonesty.

f. Drunkenness on duty.

g. Violation of any of the provisions of Sutter County’s Alcohol and Drug Abuse Policy.

h. Unexcused absence without leave not constituting abandonment of employment as defined in Section 14.10 of the Sutter County Rules Governing Employee Compensation, Benefits and Working Conditions.

i. Conviction of a felony.
j. Discourteous treatment of the public or other employees.

k. Political activity which is in violation of federal or state laws.

l. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.

m. Violation of any of the provisions of Section 19.0, Prohibited Activities.

n. Negligent or willful damage to public property or waste of public supplies or equipment.

o. Misappropriation or misuse of county funds or property.

p. Failure or refusal to undergo any physical, medical, and/or psychiatric exam authorize by these rules.

q. Failure to comply with such safe working practices, as may be promulgated by the County, in the discharge of duties during work hours.

r. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, disability, sex, or age against the public or other employees while acting in the capacity of an employee.

s. Failure or refusal to cooperate in an investigation being conducted by the County.

t. Conviction of a misdemeanor involving moral turpitude.

u. Violation of the provisions of Section 23.0, Discriminatory Workplace Harassment Policy.

v. Knowingly making a false accusation or knowingly providing inaccurate information about an employee that could lead to disciplinary action of the employee if the information or accusation were true.

ARTICLE VI  ALCOHOL AND DRUG ABUSE POLICY

Amend Section 24.0, Alcohol and Drug Abuse Policy, Subsection 24.1, Purpose and 24.2, Policy, of the County Personnel Rules and Regulations to read as follows:

24.1 Purpose

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While Sutter 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. Our concern is that employees are 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. Drug and alcohol abuse increases the potential for accidents, absenteeism,
substandard performance, poor morale and damages the public services of Sutter County. Involvement with drugs and alcohol can take its toll on job performance and employee safety.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the County's Mental Health Department or under the County's health plan. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers.

Supervisors will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated, and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of County managers and employees. To that end the 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, up to and including termination, or in not being hired.

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 following policy against drug and alcohol abuse is hereby adopted by Sutter County.

24.2 Policy

It is Sutter County's policy to provide a drug free workplace for Sutter County employees and that employees shall not be under the influence of or in possession of alcohol or drugs while on County property, at work locations, or while on duty. Further-more, employees shall not use or be under the influence of alcohol or drugs, nor have their ability to work impaired as of the result of the use of alcohol or drugs while subject to being called to duty. Sutter County employees shall not manufacture, sell or otherwise provide drugs or alcohol to any other person, including a county employee, on duty or on standby.

Any employee who violates one or more of the prohibitions outlined in the regulations and County policy may be subject to discipline, up to and including termination pursuant to subsection 18.5 of the Sutter County Personnel Rules and Regulations.

However, an employee removed from work as a result of violating one or more of the prohibitions shall be placed on Leave of Absence With Pay pursuant to subsection 14.16 of the Sutter County Rules Governing Employee Compensation, Benefits, and Working Conditions until they return to work pursuant to the regulations and County Policy or discipline is imposed which would remove them from paid status.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of County equipment can result in discipline, up to and including termination. It is the intent of the County that this requirement is solely for the purpose of identifying physical or mental limitations that could impact the employee’s performance or safety. 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.

The County reserves the right to search upon reasonable suspicion without employee consent, all areas and property in which the County maintains control or joint control with the employee, except as provided by law. Otherwise, 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.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be assigned no duty for a reasonable time until he or she can be safely transported from the work site.

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

The County’s health plan provides medical care for employees with alcohol or drug problems. The County’s Mental Health department is also available with counselors trained in alcohol or drug abuse problems.

PASSED AND ADOPTED THIS 26th day of March, 2019, by the Board of Supervisors of the County of Sutter, State of California, as follows:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

Deputy Clerk of the Board