

EXHIBIT A

Personnel Code Legal Updates and Proposed Changes 2025

Item	Section	Proposed Change
1	6.6 Recruitment Incentive	Adds a new section to this chapter pertaining to recruiting incentives. Takes what's been in side letter fashion and regularizes it by placement in PC.
2	14.1: POST Training Incentive Pay	Unnecessary in PC because it is listed in applicable MOUs.
3	14.5: Confidential Differential	Adds language to clarify pay differential increase is 5% of base salary. Need to clarify in order for it to be reportable to PERS.
4	18.2.i: Causes of discipline	Adds language to include discrimination and status protected by state or federal law. Complies with law.
5	21.5.d: Sick leave	Delete d entirely. Employees accrue sick leave at the beginning of employment. Outdated section has been removed.
6	21.5.m: Sick Leave	Adds: "Designated person" and description of who that is. Complies with law.
7	21.5.m: Sick Leave	Adds language to clarify use of sick leave in cases of domestic violence. Complies with law.
8	21.6.a: Pregnancy Leave	Changes language to say "an employee" instead of "female employee." Complies with law.
9	21.7: Reproductive Loss Leave	Adds language about use of leave for reproductive loss. Complies with law.
10	21.9: Military Leave	Changes language to clarify use of leave for military purposes. Complies with law.
11	21.10.B.c: Court/Jury Duty	Adds language about use of leave for court/legal purposes due to domestic violence. Complies with law
12	21.16: State Disability Insurance/Paid Family Leave Integration	Simplifies language.
13	24.2.C: Eligibility Restrictions on Coverage	Removed. Outdated, no longer applies to current employees.
14	P-3: Family and Medical Care Leave, Definitions	Language changed to align with FMLA and CFRA definitions, as well as for clarity. Complies with law.
15	P-4: Personnel files policy, 7.B: Public Information	Language added to better align with Public Records Act. Complies with law.
16	P-10: Policy against violence in the workplace	Add language about temporary restraining orders on behalf of the employee. Complies with law.

ITEM 1 REDLINE and CLEAN: (new section 6.6 added)

6.6 RECRUITMENT INCENTIVE

An appointing authority may make a request for one or more recruitment incentives to apply to the selection process for a hard to recruit classification/series when submitting a requisition for recruitment. Upon authorization from the **County Executive Officer**, one or more recruitment incentives may be applied to the recruitment.

Recruitment Incentives:

1. Recruitment incentive between \$1,000 to \$5,000 paid over a 1-year period (either new or lateral hires into regular status classifications) paid in two equal parts, the first part (half) upon hire. The second part (half) is paid upon probation completion at the end of the original 12-month probation completion date. If the new hire leaves by choice within the first 6-months, they must pay back the entire amount that was paid to them upon hire. If the new hire fails probation at any point during the 12-month probation period, there is no obligation to pay back recruitment incentive. Repayment may be made through cash, check, or the payment may be withheld from their final paycheck.

Recruitment incentives between \$1,000 to \$3,000 paid over a 6-month period (either new or lateral hires into temporary status classifications) paid in two equal parts, the first part (half) upon hire. The second part (half) is paid upon completion of six (6) months of employment in the temporary position. If the temporary hire leaves by choice within the first three (3) months, they must pay back the entire amount that was paid to them upon hire. If the temporary employee is released by the employer at any time during the six (6)-month period, there is no obligation to pay back the recruitment incentive. Repayment may be made through cash, check, or the payment to be withheld from their final paycheck.

2. Referral bonus: Any regular status employee (including employees on a probationary period) who successfully refers a hard to recruit candidate to be hired by the County will receive \$500 upon hire and an additional \$500 upon the completion of the employee's probationary period, provided the referring employee is still employed by the County at that time.
3. Student loan repayment shall be available to candidates for hard to recruit positions, at the sole discretion of the County, only if the degree program for which student loan repayment is contemplated: (i) qualifies or highly qualifies the candidate for the position to which they have applied; and (ii) has been completed prior to the candidate's application for employment to the hard-to-recruit position with the County.
 - a. At such time as an authorized selection procedure has taken place and the hiring authority is ready to make an offer of employment to a highly qualified candidate for a hard-to-recruit position, the hiring authority may negotiate with the candidate an annual payment of their qualified and student loan for a period not to exceed three (3) years to the limits allowed annually in the applicable MOU or other Agreement (for unrepresented employees) for tuition payment/reimbursement. The first annual payment is made at the completion of the 12-month probationary period.

ITEM 2 REDLINE:

SECTION 14 - PAY DIFFERENTIALS

14.1 ~~POST TRAINING INCENTIVE~~ PAY

~~POST training incentive pays are as delineated in the Memoranda of Understanding and individual employment agreements for bargaining units and unrepresented employees subject to POST training requirements.~~

ITEM 2 CLEAN:

(N/A, removed entirely)

ITEM 3 REDLINE:

14.45 CONFIDENTIAL DIFFERENTIAL

A Confidential employee is any employee who is required to develop or present management's positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions with respect to employer-employee relations.

Each regular Confidential employee (as defined by this Code) whose most recent final probationary or annual performance report is "very satisfactory" or above shall receive a five percent (5%) pay differential. The said differential shall begin to accrue on the employee's salary anniversary date immediately following the close of the reporting period on which the employee's performance report is based and shall remain in effect until the succeeding anniversary date, at which time the employee shall cease to receive the differential unless it is renewed. Upon promotion or transfer of an employee who is receiving the differential to another Confidential classification, the differential shall remain in effect only until the employee's next anniversary date within the new classification, which date shall be set in accordance with the Personnel Code. Eligibility for renewal of the differential within the new classification shall then be in accordance with requirements as outlined in this section.

Upon an employee becoming eligible for receipt of the differential, their department head shall forward the appropriate Personnel Action form to the Department of Human Resources.

Confidential department heads may be approved to receive a confidential differential equal to five percent (5%) of base salary ~~confidential differential~~ at the discretion of the CEO, which shall be subject to annual review.

ITEM 3 CLEAN:

Confidential department heads may be approved to receive a confidential differential equal to five percent (5%) of base salary at the discretion of the CEO, which shall be subject to annual review.

ITEM 4 REDLINE:

18.2 CAUSES OF DISCIPLINE

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Each of the following constitutes cause for suspension, demotion, reduction in compensation, or dismissal of an employee.

- (a) Fraud in securing appointment
- (b) Incompetence or unsatisfactory job performance
- (c) Inefficiency
- (d) Inexcusable neglect of duty
- (e) Insubordination, refusing a directive or work order
- (f) Dishonesty
- (g) Theft
- (h) Mishandling of public funds
- (i) Harassment or discrimination of County employees or member of the public in connection with County employment based on their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, ~~or~~ military and veteran status, or any other status protected by state or federal law.

ITEM 4 CLEAN:

- (i) Harassment or discrimination of County employees or member of the public in connection with County employment based on their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or any other status protected by state or federal law.

ITEMS 5, 6, 7 REDLINE:

21.5 SICK LEAVE

For those employees not participating in the Personal Leave Program, sick leave shall be accrued as stated below:

- a) Sick leave with pay for ~~regular employee~~ regular status employees assigned to the normal forty (40) hour work week shall accrue at the rate of eight (8) hours of sick leave for each full calendar month of service.
- b) ~~Regular employee~~ Regular status employees of the County assigned to work weeks ~~in excess of~~ the regular forty (40) hours shall accumulate sick leave at the rate of eight (8) hours of sick leave for each full calendar month of service. |
- c) Part-time appointments to regularly authorized positions shall accrue sick leave on a pro-rata basis.
- d) ~~Temporary employees who work for thirty (30) or more days for the County within a year from the commencement of employment~~ shall accrue sick leave at the rate

~~of one (1) hour of sick leave for each thirty (30) hours worked effective July 1, 2015.~~ |

- m) An employee may utilize their allowance of sick leave when unable to perform their work duties by reason of illness or injury, including necessity for medical or dental care, exposure to contagious disease under circumstances by which the health of the employees with whom associated, or member of the public necessarily dealt with, would be endangered by the attendance of the employee. The employee may also utilize their allowance of sick leave for the diagnosis, care, or treatment of an existing health condition, or for preventive care. An employee who is unable to perform their work duties due to pregnancy must utilize their accrued sick leave while on pregnancy leave under section 21.6. The use of sick leave will run concurrently with pregnancy leave under section 21.6 and [Family Medical Leave Act \(FMLA\)](#) and [California Family Rights Act \(CFRA\)](#) leave under Section P3.

An employee may utilize their accrued sick leave to attend to:

- the diagnosis, care, or treatment of the employee's own existing health condition or for preventive [care](#);
- the diagnosis, care, or treatment of an existing health condition, or preventive care of their child, parent, spouse, domestic partner, child of their domestic partner, sibling, grandchild, ~~or~~ grandparent, [or designated person](#) ([designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship](#));
- a death in the immediate family requiring the presence of the employee. An employee may utilize up to ten (10) days of sick leave because of a death in the immediate family requiring the presence of the employee. "Immediate family" is defined as mother, father, spouse, sister or brother of both the husband and wife; children, grandchildren, grandparents of both husband and wife; or other relative residing in the employee's immediate household.
- because of pregnancy or childbirth. The use of sick leave will run concurrently with CFRA and FMLA leave as described in Section P3 when used because of pregnancy or childbirth.
- if [the employee or a family member is](#) a victim of domestic violence, sexual assault, ~~or~~ stalking, [or any act causing bodily injury or death, brandishing or using a weapon, or perceived/threatened use of force to cause injury or death](#), an employee may use sick leave for the following: to obtain legal relief, to seek medical attention, to obtain services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling, or to participate in safety planning and take other actions to increase safety. All employees who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

ITEMS 5, 6, 7 CLEAN:

(d is removed entirely)

- 1) An employee may utilize their allowance of sick leave when unable to perform their work duties by reason of illness or injury, including necessity for medical or dental care, exposure to contagious disease under circumstances by which the health of the employees with whom associated, or member of the public necessarily dealt with, would be endangered by the attendance of the employee. The employee may also utilize their allowance of sick leave for the diagnosis, care, or treatment of an existing health condition, or for preventive care. An employee who is unable to perform their work duties due to pregnancy must utilize their accrued sick leave while on pregnancy leave under section 21.6. The use of sick leave will run concurrently with pregnancy leave under section 21.6 and Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) leave under Section P3.

An employee may utilize their accrued sick leave to attend to:

- the diagnosis, care, or treatment of the employee's own existing health condition or for preventive care;
- the diagnosis, care, or treatment of an existing health condition, or preventive care of their child, parent, spouse, domestic partner, child of their domestic partner, sibling, grandchild, grandparent, or designated person (designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship);
- a death in the immediate family requiring the presence of the employee. An employee may utilize up to ten (10) days of sick leave because of a death in the immediate family requiring the presence of the employee. "Immediate family" is defined as mother, father, spouse, sister or brother of both the husband and wife; children, grandchildren, grandparents of both husband and wife; or other relative residing in the employee's immediate household.
- because of pregnancy or childbirth. The use of sick leave will run concurrently with CFRA and FMLA leave as described in Section P3 when used because of pregnancy or childbirth.
- if the employee or a family member is a victim of domestic violence, sexual assault, stalking, or any act causing bodily injury or death, brandishing or using a weapon, or perceived/threatened use of force to cause injury or death, an employee may use sick leave for the following: to obtain legal relief, to seek medical attention, to obtain services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling, or to participate in safety planning and take other actions to increase safety. All employees who use paid leave to address issues related

to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

ITEM 8 REDLINE:

21.6 PREGNANCY LEAVE

- a) ~~An female~~ employee shall be entitled to a pregnancy disability leave without pay of up to four (4) months or may request to be reasonably accommodated or transferred to less strenuous or hazardous duties if the employee is disabled by pregnancy, childbirth or related medical conditions. When an employee takes leave under this policy, such leave will run concurrently with ~~FMLA/CFRA~~ leave. ~~FMLA/CFRA~~ leave is fully described in Section P3.

ITEM 8 CLEAN:

21.6 PREGNANCY LEAVE

- a) An employee shall be entitled to a pregnancy disability leave without pay of up to four (4) months or may request to be reasonably accommodated or transferred to less strenuous or hazardous duties if the employee is disabled by pregnancy, childbirth, or related medical conditions. When an employee takes leave under this policy, such leave will run concurrently with FMLA/CFRA leave. FMLA/CFRA leave is fully described in Section P3.

ITEM 9 REDLINE:

21.7 REPRODUCTIVE LOSS LEAVE

An eligible employee is entitled to receive up to five (5) days of time off following a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The five days of leave do not need to be taken consecutively. However, the leave must be completed within three months of the reproductive loss event, with the exception that, if an employee is on CFRA leave, PDL, or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave. If an employee experiences more than one reproductive loss event within a 12-month period, an employee may be granted additional time off up to a maximum of 20 days within a 12-month period.

ITEM 9 CLEAN:

21.7 REPRODUCTIVE LOSS LEAVE

An eligible employee is entitled to receive up to five (5) days of time off following a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The five days of leave do not need to be taken consecutively. However, the leave must be completed within three months of the reproductive loss event, with the exception that, if an employee is on CFRA leave, PDL, or another leave protected by state or federal law at the time of or immediately following the Reproductive Loss Event, the employee may use Reproductive Loss Leave within three (3) months of the end date of the other protected leave. If an employee experiences more than one reproductive loss event within a 12-month period, an employee may be granted additional time off up to a maximum of 20 days within a 12-month period.

ITEM 10 REDLINE:

21.9 MILITARY LEAVE

~~Military leave shall be granted in accordance with federal and state law the provisions of the Military and Veterans' Code. An employee requesting leave for this purpose shall promptly provide the Department Head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the Department Head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of applicable military regulations to determine when such leave shall be taken and shall provide the appointing authority with a copy of the military order.~~

ITEM 10 CLEAN:

21.9 MILITARY LEAVE

Military leave shall be granted in accordance with federal and state law. An employee requesting leave for this purpose shall promptly provide the Department Head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the Department Head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

ITEM 11 REDLINE:

21.10 COURT/JURY DUTY

A County employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify their supervisor or department head as soon as possible. Any employee who is released from jury service prior to the end of their scheduled work hours must report to work unless otherwise authorized by their supervisor.

A. Leave Time for Victims of Crimes

- c. Any employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, or any act causing bodily injury or death, brandishing or using a weapon, or perceived/threatened use of force, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary

restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave (Labor Code § 246.5(a)(2)), accrued vacation or paid leave, or compensatory time off.

ITEM 11 CLEAN:

21.10 COURT/JURY DUTY

A County employee, who is summoned to serve on a jury, or subpoenaed or ordered to be a witness, must notify their supervisor or department head as soon as possible. Any employee who is released from jury service prior to the end of their scheduled work hours must report to work unless otherwise authorized by their supervisor.

B. Leave Time for Victims of Crimes

- c. Any employee who is a victim of domestic violence, sexual assault, stalking, or any act causing bodily injury or death, brandishing or using a weapon, or perceived/threatened use of force, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave (Labor Code § 246.5(a)(2)), accrued vacation or paid leave, or compensatory time off.

ITEM 12 REDLINE:

21.16 STATE DISABILITY INSURANCE/PAID FAMILY LEAVE INTEGRATION

The County shall augment the amount of SDI/PFL benefits in accordance with the laws governing the amount paid to employees through California Employment Development

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Department-State Disability Insurance ~~being received~~ by an amount sufficient to provide the employee with a gross biweekly salary equal to the employee's normal biweekly base salary effective as soon as administratively possible after the leave effective date. The afore stated augmentation to SDI/PFL shall be made from the employee's sick leave balance, CTO balance (unless otherwise directed not to do so by the employee), floating holiday balance, vacation balance or PLP balance, and administrative leave balance in that order until exhausted. Notwithstanding anything to the contrary, each employee absent from work and receiving SDI/PFL benefits shall be required to utilize accrued leave balances (with the exception of CTO) to augment SDI/PFL benefits as provided herein, in the manner provided herein. Employees shall submit copies of all payments received from SDI/PFL at the time the payments are received to the Auditor-Controller's office for documentation to ~~augmentation~~ the augmentation.

ITEM 12 CLEAN:

21.16 STATE DISABILITY INSURANCE/PAID FAMILY LEAVE INTEGRATION

The County shall augment the amount of SDI/PFL benefits in accordance with the laws governing the amount paid to employees through California Employment Development Department-State Disability Insurance by an amount sufficient to provide the employee with a gross biweekly salary equal to the employee's normal biweekly base salary effective as soon as administratively possible after the leave effective date. The afore stated augmentation to SDI/PFL shall be made from the employee's sick leave balance, CTO balance (unless otherwise directed not to do so by the employee), floating holiday balance, vacation balance or PLP balance, and administrative leave balance in that order until exhausted. Notwithstanding anything to the contrary, each employee absent from work and receiving SDI/PFL benefits shall be required to utilize accrued leave balances (with the exception of CTO) to augment SDI/PFL benefits as provided herein, in the manner provided herein. Employees shall submit copies of all payments received from SDI/PFL at the time the payments are received to the Auditor-Controller's office for documentation to the augmentation.

ITEM 13 REDLINE:

24.2 ELIGIBILITY/RESTRICTIONS ON COVERAGE

- A. Any elective or appointive officer, ~~regular employee~~regular status employee, or member of the Board of Supervisors working fifty percent (50%) or more of a full-time schedule shall be eligible to enroll in any health and welfare plan currently authorized for the recognized bargaining unit to which such person is assigned. If such employee or elected official is not assigned to any recognized bargaining unit, then eligibility for health and welfare plans shall be in accordance with Board of Supervisors' determination.
- B. Certain eligible dependents of the aforementioned employees and elected officials shall be eligible to enroll in the health and welfare plans. Temporary employees and their dependents are not eligible to enroll in any health and welfare plan unless expressly provided elsewhere in this Code or as required by law.
- C. ~~Any employee who on or after July 1, 1990, is appointed, transferred, assigned, or reassigned to a part time position of not less than fifty percent (50%) of a normal schedule shall receive any County contribution toward health and welfare plans, as provided hereinafter, on a pro rata basis using the employee's regularly assigned work hours as a percentage of a full time schedule. Any employee who is working in a part time position of not less than fifty percent (50%) prior to July 1, 1990, and who remains employed with no break in the part time status shall continue to receive insurance benefits as though they were a full time employee.~~

ITEM 13 CLEAN:

24.2 ELIGIBILITY/RESTRICTIONS ON COVERAGE

- A. Any elective or appointive officer, regular status employee, or member of the Board of Supervisors working fifty percent (50%) or more of a full-time schedule shall be eligible to enroll in any health and welfare plan currently authorized for the recognized bargaining unit to which such person is assigned. If such employee or elected official is not assigned to any recognized bargaining unit, then eligibility for health and welfare plans shall be in accordance with Board of Supervisors' determination.
- B. Certain eligible dependents of the aforementioned employees and elected officials shall be eligible to enroll in the health and welfare plans. Temporary employees and their dependents are not eligible to enroll in any health and welfare plan unless expressly provided elsewhere in this Code or as required by law.

ITEM 14 REDLINE:

NEVADA COUNTY, CALIFORNIA

Personnel Administrative Guidelines
P-3

SUBJECT: FAMILY and MEDICAL CARE LEAVE

B. DEFINITIONS

- 1) **“12-Month Period”** means a 12-month period measured forward from the day the leave begins.

2) **“Child”**

2) Under the FMLA, “**C**child” means a ~~son or daughter~~ child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is “incapable of self-care” if they require active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.; ~~such as a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, and for entitlement to FMLA coverage, under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability.~~

~~A child is “incapable of self care” if they require active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public~~

~~transportation, paying bills, maintaining a residence, using telephones and directories, etc.~~

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Under the CFRA regulation, beginning January 1, 2021, all “child” means a child, including a child who is 18 years of age or older who is capable of self-care. An employee’s child means a biological, adopted, foster, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis~~also includes individuals fitting the aforementioned categories over the age of 18.~~

- 3) **“County”** means the County of Nevada.
- 4) **“Parent”** means the biological, adoptive, step or foster parent, a parent-in-law (CFRA only), legal guardian, or other person of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. ~~This term does not include parents in law.~~
- 4)5) **“Parent-in-law”** for CFRA means the parent of a spouse or domestic partner of the employee.
- 5)6) **“Designated person”** means any individual related by blood or whose association with the employee is the equivalent of family relationship. One designated person per 12-month period may be used for CFRA.
- 7) **“Spouse”** means one or two persons to a marriage, regardless of the sex of the persons under the definition of FMLA means a husband or wife as defined or recognized under California State law for purposes of marriage. This includes same sex partners in marriage. Under CFRA regulation, registered domestic partners are also recognized as spouses.
- 8) **“Domestic Partner”** is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- 9) **“Family member”** for FMLA leave means an employee’s child, parent, and spouse. **“Family member”** for CFRA leave means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, and sibling.
- 10) **“Sibling”** means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
- 11) **“Grandchild”** means a child of the employee’s child.

6)12) “Grandparent” means a parent of the employee’s parent.

7)13) “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

a. **Inpatient Care** treatment or anticipated treatment in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered “inpatient” when a health care facility admits them to the facility with the expectation that they will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

a. **Continuing treatment** by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

i.) A period of **incapacity** (i.e., inability to work, or perform other regular daily activities due to serious health condition) of more than three consecutive full calendar days, and

ii.) Any subsequent treatment or period of incapacity relating to the same condition that also involves:

c. Any period of incapacity due to pregnancy or for prenatal care. (Note that pregnancy is a “serious health condition” under the FMLA. This entitles the employee to FMLA leave, but not the CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

i.) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, which consists of visiting a health care provider at least twice a year for the same condition, or by a nurse or physician’s assistant under direct supervision of a health care provider;

ITEM 14 CLEAN:

**NEVADA COUNTY, CALIFORNIA
Personnel Administrative Guidelines
P-3**

SUBJECT: FAMILY and MEDICAL CARE LEAVE

A. STATEMENT OF POLICY

To the extent not already provided for under current leave policies and provisions, the County will provide unpaid family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and the CFRA.

B. DEFINITIONS

1) **"12-Month Period"** means a 12-month period measured forward from the day the leave begins.

2) **"Child"**

Under the FMLA, **"child"** means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is "incapable of self-care" if they require active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.

Under the CFRA, "child" means a child, including a child who is 18 years of age or older who is capable of self-care. An employee's child means a biological, adopted, foster, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

3) **"County"** means the County of Nevada.

- 4) **“Parent”** means the biological, adoptive, step or foster parent, a parent-in-law (CFRA only), legal guardian, or other person who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child.
- 5) **“Parent-in-law”** for CFRA means the parent of a spouse or domestic partner of the employee.
- 6) **“Designated person”** means any individual related by blood or whose association with the employee is the equivalent of family relationship. One designated person per 12-month period may be used for CFRA.
- 7) **“Spouse”** means one or two persons to a marriage, regardless of the sex of the persons. Under CFRA regulation, registered domestic partners are also recognized as spouses.
- 8) **“Domestic Partner”** is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.
- 9) **“Family member”** for FMLA leave means an employee’s child, parent, and spouse. **“Family member”** for CFRA leave means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, and sibling.
- 10) **“Sibling”** means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
- 11) **“Grandchild”** means a child of the employee’s child.
- 12) **“Grandparent”** means a parent of the employee’s parent.
- 13) **“Serious health condition”** means an illness, injury, impairment, or physical or mental condition that involves:
 - a. **Inpatient Care** treatment or anticipated treatment in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered “inpatient” when a health care facility admits them to the facility with the expectation that they will remain at least

overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

b. **Continuing treatment** by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

i.) A period of **incapacity** (i.e., inability to work, or perform other regular daily activities due to serious health condition) of more than three consecutive full calendar days, and

ii.) Any subsequent treatment or period of incapacity relating to the same condition that also involves:

(a) Treatment two or more times within 30 days from the first day of incapacity, by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; and the first medical visit must take place within seven days of the first day of incapacity, or

(b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider where the first medical visit must take place within seven days of the first day of incapacity. This includes for example; a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" under the FMLA, but not the CFRA. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.

d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

i.) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

ITEM 15 REDLINE:

**NEVADA COUNTY, CALIFORNIA
Personnel Administrative Guidelines
P-4**

SUBJECT: PERSONNEL FILES POLICY

7) References and Release of Information in Personnel Files

- a. Reference Checks. All requests from outside the County for reference checks or verification of employment concerning any current or former employee must be referred to the Personnel/Human Resources Department. Information will be released only if the employee signs an Authorization For Release of Employment Information, except that without such authorization, the following limited information will be provided: dates of employment and position title. Department heads and supervisors should not provide information in response to requests for reference checks of verification of employment, unless specifically approved by the Personnel/Human Resources office on a case-by-case basis.
- b. Public Information. Upon request, the County will release to the public information ~~about its employees~~ as required by the Public Records Act. The County will not disclose any personnel information that it considers would constitute an unwarranted invasion of personal privacy, consistent with the requirements of the California Public Records Act.
- c. Medical Information. Medical information will be released only in accordance with 5(c), above.

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ITEM 16 REDLINE:

**NEVADA COUNTY, CALIFORNIA
Personnel Administrative Guidelines**

P-10

SUBJECT: POLICY AGAINST VIOLENCE IN THE WORKPLACE

F. PREVENTION

Each department head has authority to enforce this Policy by:

- 1) Training supervisors and subordinates about their responsibilities under this Policy;
- 2) Assuring that reports of workplace violence are accurately and timely documented and addressed;
- 3) Notifying the Human Resources Director and/or law enforcement authorities of any incidents;
- 4) Making all reasonable efforts to maintain a safe and secure workplace; and
- 5) Maintaining records and follow-up actions as to reports of workplace violence.
- 6) Seeking a temporary restraining order on behalf of an employee.

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P-10

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