



RESOLUTION No. 19-602

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AMENDING THE NEVADA COUNTY PERSONNEL CODE

WHEREAS, the Board of Supervisors, at its December 11, 2018 meeting, adopted an amended Personnel Code per Resolution 18-591; and

WHEREAS, the County is interested in maintaining effective human resources policies and procedures that comply with federal and state regulations that meet the service needs of the County; and

WHEREAS, the County is committed to providing employees with fair and understandable policies and rules; and

WHEREAS, the County has updated four policies which require amendments to several sections of the Nevada County Personnel Code, including Public Agency Eligibility List, Conflict of Interest, Tuition Reimbursement and Flexible Work Schedules; and

WHEREAS, employees and bargaining unit representatives have provided feedback through the meet and confer process to the updating of the Nevada County Personnel Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that the County of Nevada hereby approves the amendments to Nevada County Personnel Code, including Public Agency Eligibility List, Conflict of Interest, Tuition Reimbursement and Flexible Work Schedules, as set forth in the form attached hereto, effective November 12, 2019.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of November, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Richard Anderson, Chair

11/12/2019 cc: HR*
AC*
Dept. Heads*

Attachment A

3.2 DAYS AND HOURS OF WORK

A. **Standard Work Schedule**

The normal work schedule for full-time, regular employees shall consist of five (5) eight (8)-hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays, unless otherwise approved by the County Executive Officer or designee. With the approval of the County Executive Officer or designee, a department head may make such changes to the schedule of work hours as public convenience or necessity may require subject to meet and confer obligations. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight.

Employees occupying part-time regular or temporary positions shall work such hours and schedules as prescribed by their department head.

B. **Flexible Work Schedule**

Employees may be assigned a work schedule of work shifts of lesser than, greater than, or equal to five eight-hour days in a given work week (i.e. four ten-hour work days [4-10], four-nine-hour days and one 4-hour day [4-9-4], four nine-hour days plus one 8 hour day and four nine-hour days and one zero-hours-worked day [9-80]). In some cases of a flexible work schedule, the standard work week may be changed to accommodate the flexible work schedule. Written approval of the flex schedule must be obtained by the Department Head, and the flex schedule may be revoked at any time. The County has the right to change schedules subject to the applicable MOU or in accordance with meet and confer requirements.

For additional information regarding flexible work schedules, refer to Appendix P-13 of this Personnel Code.

SECTION 22.0 - OVERTIME

A. **Overtime Work Defined**

Except as provided in an applicable memorandum of understanding, overtime work is work that is performed by a non-exempt employee in excess of forty (40) hours in his or her designated work week. Unless otherwise designated, for the purposes of calculating overtime, the work period begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday, except as otherwise designated in an applicable MOU, or by a Fair Labor Standards Act (FLSA) 29 USC § 207(j) or (k) work period for specified employees.

When a non-exempt employee works a 9-80 flexible work schedule, then overtime is calculated beginning at 12:00 p.m. on the 8-hour day to 11:59 a.m. seven days later. Time worked in increments of less than one-quarter of an hour shall be rounded to the nearest quarter hour.

SECTION 7.0 - SELECTION PROCEDURES

7.1 TYPE AND DURATION OF SELECTION PROCEDURES

Recruitment and selection procedures also referred to as examinations or testing processes, may vary in types and duration. A job vacancy may be made available for recruiting to County employees only (called a "County-wide recruitment"), it may be opened to County employees and the public (an "open recruitment"), or it may be opened to applicants who work or have worked in a public agency with a merit-based recruitment process (a Public Agency Eligible List or "PAEL recruitment"). It may be continuously recruited for or it may have a fixed cut-off date. The Human Resources Director will determine the type and duration of recruitment which best matches the needs of the County and the likely availability of candidates. A selection procedure shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when an applicant is scored against an accepted standard.

9.2 ORDER OF NAMES ON THE ELIGIBLE LISTS

A. Eligibility List for a Non-Exempt Position

The names of the applicants who have attained a passing mark in a selection process for a non-exempt position shall be placed on the eligibility list in order of final earned ratings. In case of identical ratings, the names of the applicants shall be placed in the same rank in alphabetical order. The department appointing authority receives the names of the highest ten ranked candidates at one time. When multiple names in one rank compose the tenth (10th) or final rank, all names in the rank shall be certified to the appointing authority.

If the department has more than one vacancy for a specific classification the department shall be certified one additional candidate for each additional vacancy.

If any applicant who is certified (placed on an eligible list) is unwilling to interview, the hiring department shall be given one more candidate name.

If the list does not contain the names of ten candidates willing to accept an interview or appointment, the County Human Resources Director may include additional names from an eligible list for an appropriate class of substantially the same or higher level, provided such candidates possess the qualifications for the position to be filled.

When, in the opinion of the Human Resources Director, the number of candidates certified does not meet the needs of the hiring department, additional names may be certified to the appointment authority. If there are an insufficient number of candidates remaining on the original list, then the Human Resources Director may also include additional names from another eligible list meeting the requirements of this section.

B. Eligibility List for Exempt Positions

The names of the applicants who have met the minimum qualifications of the exempt position being recruited for will be placed on an eligibility list in alphabetical order. The department appointing authority receives all the names of the candidates on the list.

C. Public Agency Eligibility List

The names of applicants employed by another public agency operating under a recruitment process which is merit based may be placed on a Public Agency Eligibility List for the comparable jobs in Nevada County. In order to qualify for placement on the Public Agency Eligibility List, the following conditions must be met:

1. The position in which Nevada County employment is contemplated must possess the same or less minimum qualifications of those of the public agency position and be substantially similar in job assignment and responsibility;
2. As part of the application process, the individual must submit documentation from the other qualifying public agency certifying that:
 - a. The individual had been employed by a public agency other than Nevada County within one year prior to the date of his or her application to Nevada County;
 - b. The applicant holds or held permanent status with the public agency in a comparable job assignment;
 - c. The applicant must be or have been employed by the public agency in a qualifying job assignment for a minimum of one year;
 - d. The public agency employment record of the individual has been satisfactory or above;
 - e. The individual has not been separated from the public agency for cause;
 - f. The individual was appointed to the public agency position from an eligible list resulting from a competitive examination/hiring process,
 - g. If not currently employed by the other public agency, the individual is eligible for reinstatement to the prior public agency;

D. Certification from an Alternate Eligibility List

Where no eligibility list is in existence for a classification, the Human Resources Director may authorize certification of candidates from another class of the same or higher rank in a related series to be certified to an eligibility list, if the duties of the class for which the selection procedure was given include substantially all of the duties of the position to be filled.

E. Certification to a Classification of Lower Class

Whenever a request for certification is made to fill a position in a class for which (1) there is no eligibility list, or (2) there are not sufficient names on the eligibility list, a candidate may be certified to a position in a class lower than that for which he or she was placed on an eligibility list, provided such position has similar duties and responsibilities; provided that the County Human Resources Director finds that the use of the lists is in the best interest of the County. The acceptance of such a position shall not affect the applicant's right to be certified to a position in the class for which he or she was originally examined.

F. Sufficiency of Eligibility List

When an eligibility list for either a non-exempt or exempt position contains less than ten names, the Human Resources Director may (1) expire the list and establish a new list to

provide a broader range of candidates or (2) may allow additional recruiting to add names to the existing list, in order to provide a broader range of candidates.

When the eligibility list for either a non-exempt or exempt position contains three or less names, the hiring authority may request the Human Resources Director to expire the list.

There may be instances when an eligibility list, in the opinion of the County Human Resources Director, does not meet the demands of the service but has not expired. In such cases, he/she may order selection procedures to provide additional candidates and all successful candidates shall have their names placed on the eligibility list in the order of their scores (if a non-exempt position) or in alphabetical order (if an exempt position).

G. Order of Lists for Certification

If more than one eligibility list exists for a classification, the eligibility lists shall be certified in the following order: (1) Re-employment eligibility list (due to layoff); (2) Internal eligibility list; (3) Re-employment list (due to resignation); (4) External eligibility list and/or PAEL list. Re-employment eligibility lists (due to layoff) shall have the names certified one at a time.

H. Tenure of Eligibility List

An eligibility list shall be in effect from the date on which it is approved by the Human Resources Director and shall continue in force for a period of one year, unless otherwise expired. Such lists may be extended by the Director in increments of three months but not to exceed the maximum of two years.

SECTION 17.0 - CONFLICTS OF INTEREST

17.1 GENERAL POLICY

No County employee shall engage in any employment, activity, or enterprise for compensation, which is inconsistent, incompatible, in conflict with or unfavorable to his or her duties as a County officer or employee or with the duties, functions, or responsibilities of the appointing authority of Nevada County. Employees shall not engage in any conduct prohibited by this Code.

17.2 PROHIBITED ACTIVITIES

No employee of Nevada County shall:

- 1) Represent or counsel for compensation any individual, group of individuals or private or public organization in legal or administrative actions against Nevada County;
- 2) Use for private gain or advantage, Nevada County time, facilities, equipment or supplies or his or her badge, uniform, prestige or influence as a Nevada County Officer or employee unless written permission from the CEO is obtained prior to commencement of any work;
- 3) Participate in outside employment under one or more of the following circumstances:
 - (a) Receiving or accepting compensation or other consideration from an individual, group of individuals or private or public organization other than Nevada County for the

performance of an act which the officer or employee, if not performing such act, would render during regular course or work hours as part of such officer's or employee's assigned or prescribed duties as a Nevada County Officer or employee;

- (b) Performing an act for compensation outside of employment with Nevada County which may later be subject directly or indirectly to control, inspection, review, audit or enforcement by that employee's or officer's department, or is subject to the review and audit by a department under the administrative control of such officer.

For the purpose of implementing this provision, no appointed County officer or member of any committee established by the Board who receives reimbursement or compensation on a per diem or per meeting basis as their sole compensation for the performance of their official duties, shall be considered to be an employee (or officer) within the meaning of this Section and Section 1126 of the California Government Code;

- (c) Performing an act of outside of employment, activity, or enterprise outside of employment with Nevada County which would involve time demands as would render performance of his or her duties as a Nevada County Officer or employee less efficient.

Employees who wish to engage in outside employment, which is subject to approval by any other officer, employee, board or commission of Nevada County, shall complete a Request to Approve Outside Employment form and provide it to their department head who shall review the request within ten (10) working days and either (1) approve the request if not in violation of this Section, (2) deny the request if in conflict with this Section, or (3) refer the request to the County Executive Officer for review and final determination.

Request forms must be submitted for any change in outside employment once initially approved. Approval may be rescinded at any time if, in the judgement of the department head and/or the County Executive Officer, the outside employment is in conflict with this Section.

- 4) An employee may not be required as a condition of employment with the County to become a director of or volunteer with any non-profit corporation. An employee shall not be prohibited from participating as a director of or a volunteer with any non-profit corporation so long as that participation is completely voluntary. There shall be no compensation paid to any County employee by the County for such voluntary service on a non-profit corporation's board of directors, and any such service on behalf of a non-profit corporation shall not be deemed to constitute County employment. Notwithstanding the above, participation on the board of a non-profit corporation shall be prohibited in all cases where the County employee is compensated for services by the non-profit corporation or is compensated as a consequence of service on the board of the non-profit corporation if that non-profit corporation provides services for or contracts with the County in any capacity.

SECTION 23 - TUITION PAYMENT/REIMBURSEMENT PROGRAM

OBJECTIVES

The continuing education program is designed to assist employees in achieving their higher education degree goals such as AA/AS, BA/BS, or MA/MS.

23.1 ELIGIBILITY OF COURSES FOR TUITION PAYMENT/REIMBURSEMENT

The following criteria shall be used in determining the eligibility of courses for tuition reimbursement.

- A. The degree program must be related to the work of the employee's position or occupation. Courses taken must be required in order to obtain the degree.
- B. Application to the program should be made 60 days prior to start of the degree program.
- C. The degree program must be taken at accredited institutions approved by the County. Classes enrolled in must be part of the educational plan in order to achieve the ultimate goal of obtaining the degree.
- D. The employee must be in good standing with the County which includes positive performance evaluations and no disciplinary history.
- E. Employees may only participate in one County tuition program at a time.
- F. Courses are not eligible for the tuition program if they:
 - (1) Are taken to bring unsatisfactory performance up to an acceptable level.
 - (2) Are taken to acquire basic skills or basic knowledge which the employee was deemed to have when appointed.
 - (3) Duplicate available in-service training.
 - (4) Duplicate training which the employee has previously received.
 - (5) Classes taken prior to acceptance to the program with a signed contract will not qualify for reimbursement.
- G. Conventions, workshops, short courses, institutes, etc., are not included in the Tuition Reimbursement Program because of the difficulty in establishing criteria

which are consistent with those used to evaluate more traditional courses - for example, such programs are often given by non-accredited institutions, involve County time, considerable travel expense and are not easily comparable to any other program. Therefore, departments participating in such a program shall continue to use the transportation and travel account in their usual manner.

a. **ELIGIBILITY OF EMPLOYEES FOR TUITION PAYMENT/REIMBURSEMENT**

Regular full-time employees performing their jobs satisfactorily are eligible for payment of or reimbursement of tuition at the sole discretion of the County, as determined annually by the Board or its designee subsequent to adoption of the County operating budget.

b. **NATURE OF PAYMENT/REIMBURSEMENT**

The nature of payment/reimbursement is as follows:

- (a) Payment/Reimbursement amount is specified in applicable MOUs.
- (b) Pre-payment and reimbursement shall be used for tuition. Books, registration fees and laboratory fees are eligible for reimbursement only. Expenses for parking, travel, meals and other incidental costs are not reimbursable.
- (c) Payment in advance will be made only for registration of a single class or semester depending on how the school requires payment. If the employee fails to complete the class with a minimum final grade of C or its equivalent in an undergraduate course, or B or its equivalent in a graduate level course, the employee will reimburse the County within 30 days for the total fee for registration that the County paid. If the County is not reimbursed within 30 days, the employee agrees to have the registration withheld from their future County payroll vouchers.
- (d) Reimbursement shall be made to the employee on the completion of the course with a minimum final grade of C or its equivalent in an undergraduate course, or B or its equivalent in a graduate level course. For courses that do not give letter grades, proof of completion or passing the course is required. No reimbursement shall be made for courses that have been withdrawn from, failed or incomplete courses.
- (e) Reimbursement received from other sources for tuition, books, registration and/or lab fees will be deducted from the cost of such expenses in determining the amount, which the County will pay.

c. **OUTLINE OF PROCEDURE FOR TUITION PAYMENT/REIMBURSEMENT**

The procedure for tuition payment/reimbursement follows these steps.

- i. The employee shall apply for tuition payment/reimbursement, prior to enrollment, through normal supervisory channels on forms provided by the Human Resources Director.
- ii. The employee's Department Head shall either recommend approval of the application, or deny it. If the Department Head recommends approval, he/she shall forward the application to the County Executive Office for review and final approval or denial.
- iii. Approval for reimbursement will be contingent on employee's agreement to the terms in the "Tuition Payment/Reimbursement Program Annual CEO Application" and the "Nevada County Tuition Payment/Reimbursement/Education Assistance Agreement" which may be amended by the County and is subject to annual review and renewal.
- iv. Upon approval of the type of program, Payment or Reimbursement, the appropriate documents will be completed.
- v. If Reimbursement was selected, upon completion of an approved course(s), the employee shall obtain from the institution certification of fees paid and grade received and sends certification to the Human Resources Director's Office as soon as possible. Fees paid shall be itemized on a standard Nevada County Claim Form. The receipt shall accompany the Claim Form with pertinent information including the signature of the Department Head and employee.
- vi. If Payment was selected, upon completion of the approved and paid for courses, the employee shall obtain from the institution certification of the grade received and send certification to the Human Resources Director's Office as soon as is possible. The employee can then submit a reimbursement claim for any itemized expenses such as lab or book fees at that time. The receipt shall accompany the Claim Form with pertinent information including the signature of the Department Head and employee.

d. **SUSPENSION**

This program may be suspended by the Board of Supervisors at any time or when deemed necessary by the CEO. Such suspension shall not alter existing approved County agreements for tuition reimbursement.

e. **SPECIALIZED TRAINING**

Where a department head establishes that there is a need for specialized training of employees for the purpose of expanding the capabilities of the department or to keep the department current with respect to changes in the law or the field relevant to that

department, the department head with prior approval of the County Executive Officer, may enter into a contract with the candidate for specialized training. Said contract may provide for a commitment of a specified period of time, which the employee agrees to remain in County employment after the specialized training. If the employee terminates employment voluntarily within that period of time, the contract may provide for an amount either in whole or on a reducing scale over time which the employee will be required to reimburse the County for the benefits received by the employee as a result of the specialized training.

Said contract shall be submitted to the County Executive Officer for approval prior to signing by either the department head or the candidate for specialized training.

If the candidate for the specialized training is a department head, then the County Executive Officer shall be authorized to negotiate and enter into the contract for continued future employment or reimbursement with that department head.

Appendix P-13

SUBJECT: POLICY REGARDING FLEXIBLE WORK SCHEDULES

A. PURPOSE

The County is committed to supporting work/life balance through the use of flexible work schedule arrangements where operationally feasible. Flexible work schedules, in general, provide employees an opportunity to request a work schedule that balances work hours with the daily demands of everyday life outside of work. The County provides the option of flexible work schedules to employees as a privilege and not as a right.

B. POLICY

Flexible work schedules may be approved in accordance with this policy, at the discretion of the Department Head. Flexible work schedules may vary by department and will be based on department needs to provide coverage and adequate staffing for normal business hours.

There is no guarantee that a request for a flexible work schedule will be granted. A flexible work schedule may be revoked at the discretion of the Department Head. The granting of a flexible work schedule in no way implies that less work will be completed than that expected of an employee working a standard work schedule.

The County operates on a standard work schedule which is Monday through Friday 8:00 a.m. to 5:00 p.m. A non-standard work schedule is called a flexible work schedule.

County offices which provide public access shall remain open continuously from 8:00 a.m. to 5:00 p.m. Monday through Friday, including the lunch hour, assuming adequate staffing and other operational considerations, and except as otherwise defined by the County Executive Officer or by the Board of Supervisors. It shall be the responsibility of

the Department Head to provide adequate department staffing to meet this operational objective.

Employees who are subject to "7K" or 84-hour schedules are not covered by this policy.

C. NON-EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

A non-exempt employee's workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. The normal work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period). A Department Head may make such changes to the schedule of work hours as defined below. A non-exempt employee is paid on an hourly basis and is eligible to earn overtime pay in accordance with an applicable Memorandum of Understanding and the Fair Labor Standards Act ("FLSA").

2. Flexible Work Schedule Options

A non-exempt employee must first request approval for a Flexible Work Schedule (FWS) on the Flexible Work Schedule Request and Agreement Form approved by the Human Resources Department. Approval of a Flexible Work Schedule is at the discretion of the Department Head. FWS requests may be modified by the Department Head prior to approval if necessary to address the operational or other needs of the Department.

A bi-weekly time report is required to certify attendance and scheduled time off and shall be signed by the employee and the employee's supervisor at the close of each pay period.

Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule. These four options are called "9/80", "4/10", "4-9-4" and "Flex Schedule."

Following the initial roll-out of Flexible Work Schedules under this policy, open window/election periods occur two times per year only at which time an employee may revert to a 5-8 schedule, change type of flex schedule (e.g., 9-80 to 4-10), change RDO, change start/stop time. Open windows are August for effective date of first full pay period in September and February for effective date of first full pay period in

March. Schedule changes outside of the two window periods may be approved only by the County Executive Officer or designee, based on the operational needs of the Department or other good cause.

"9/80" Schedule:

Employees will work eight 9-hour days and one 8-hour day every two weeks and have one regularly scheduled day off (RDO) every other week. The employee's scheduled RDO shall fall on the same day of the week as the 8-hour work day on the opposite week during the pay period.

The start of the workweek is deemed to be midway (4 hours) into the employee's 8-hour day. The workweek ends seven days later midway through the employee's next 8-hour regular day off (RDO). Whenever the beginning of an employee's workweek changes, e.g., changing to or from an FWS, a situation in which one or more hours or days falls in both the "old" workweek as previously defined and the "new" workweek occurs. Therefore, a computation of overtime due to overlapping workweeks must be done. Contact the Payroll Division of the Auditor's Office for help with overlapping workweek overtime computations.

The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation, CTO, floating holiday).

"4/10" Schedule:

Employees will work four 10-hour days per work week and have one day off, the typical schedule is Monday through Friday. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 10-hour day, the employee will be required to use 2 hours of qualifying leave balance (vacation, CTO, floating holiday).

"4-9-4" Schedule:

Employees will work four 9-hour days and one 4-hour day per week. The typical schedule is Monday through Friday. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next workweek and in this case, the 4-hour day will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation,

CTO, floating holiday).

“Flex” Schedule:

Subject to Department Head discretion and the operational needs of the department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. With supervisory approval, a non-exempt employee may flex start and stop times during the same workweek to accommodate absences. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight.

D. EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

Nevada County maintains a standard of excellence in the successful accomplishment of established goals. Exempt employees guide the achievement of these goals and the delivery of services to our community as they provide a high level of technical expertise and serve as managers of other County employees. They are integral to the successful operation of the County on a day-to-day basis and are responsible to ensure that work continues to get done efficiently. Employees in this group are exempt employees as defined by the Fair Labor Standards Act (FLSA).

The standard work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period).

While expected to maintain regular hours equal to 80 hours in a two-week period, exempt employees may need to extend their work schedule to accommodate job demands and complete their work. For regular, full-time employees, regular hours frequently extend beyond 80 hours in a pay period. Exempt employees are paid a salary to accomplish both self-directed and assigned projects by balancing and managing their time appropriately and responsibly. They are not paid for working hours which extend beyond the 80 hours in a pay period but are provided with an additional Administrative Leave benefit to help offset the extra hours that they may need to work.

Following the initial roll-out of Flexible Work Schedules under this policy, open window/election periods occur two times per year only at which time an employee may revert to a 5-8 schedule, change type of flex schedule (e.g., 9-80 to 4-10), change RDO, change start/stop time. Open windows are August for effective date of first full pay period in September and February for effective date of first full pay period in

March. Schedule changes outside of the two window periods may be approved only by the County Executive Officer or designee, based on the operational needs of the Department or other good cause.

An exempt employee must first request approval for an FWS on the FWS Request and Agreement Form. Approval is at the discretion of the Department Head.

2. Use of Leave

Exempt employees record hours on a timesheet only for purposes of complying with timekeeping system requirements and to support time studies for billback purposes. Exempt employees take leave (PLP, vacation, admin leave, floating holiday) in increments of four or more hours.

3. Flexible Work Schedule Options

A department head may implement a flexible work schedule for exempt employees so long as adequate staffing is provided. When exempt employees are approved to work an FWS, they are responsible for successful performance of their position requirements and understand that they are required to work the number of hours necessary to successfully complete their assignment.

Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule that are available for consideration by an exempt employee and his/her Department Head. These four options are called "9/80", "4/10", "4-9-4" and, "Flex Schedule."

"9/80" Schedule

Employees will work four 9-hour days in one week (Sunday through Saturday), having one day off, and four 9-hour days and one 8-hour day in the other week (Sunday through Saturday) of the pay period. The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek, otherwise the holiday will be moved to the previous workday

Exempt employees shall be expected to work their standard schedule.

"4/10" Schedule

Employees will work four 10-hour days per work week (Sunday through Saturday) and have one day off per work week. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek and in this case, the holiday will be moved to the previous workday.

"4-9-4" Schedule

Employees will work four 9-hour days and one 4-hour day per work week (Sunday through Saturday). Employees on this schedule will not be required to use a leave balance for the 4 hours on their "short" day. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next workweek and in this case, the 4-hour day will be moved to the previous workday.

Exempt, regular full-time employees are required to charge a leave account for absences in increments of four or more hours unless the employee is working an approved 4-9-4 schedule and the day in question is the regularly scheduled 4-hour day.

"Flex" Schedule:

Subject to Department Head discretion and the operational needs of the department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. Exempt employees may flex their schedules with supervisory input/approval within the same workweek.

4. General Considerations

Nevada County employees can be required to record partial day absences of 4 hours or more due to illness or for personal reasons, without altering their FLSA exempt status.

Exceptions to these time reporting policies may occur when an employee records partial days for a short term disability, absences covered by the Family Medical Leave Act (FMLA), or other appropriate exceptions.

If an employee's leave balances are insufficient to cover the period of absence or use of leave balances has been denied, then the employee shall take unpaid time off where the employee would otherwise be required to use a leave balance pursuant to this policy. Nothing herein shall affect the ability of a Department Head to discipline an employee for unauthorized absences.

Part-time exempt employees will deduct the full number of hours from their paid time off accruals for all absences.

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