

EXHIBIT B
County of Nevada Personnel Code

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. It is permissible for an employee to have both a flexible work schedule and a telework schedule concurrently. If an employee intends on requesting both a flexible work schedule and a telework schedule, both requests shall be turned in at the same time for review and potential approval by the Department Head.

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."

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. Schedule change requests which exceed two per 12-month period 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 workday 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. The 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.

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. Schedule changes outside of the two per 12-month period 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 Flexible Work Schedule and/or Telework Request 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-hours 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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SUBJECT: COUNTY OF NEVADA TELEWORK POLICY

Purpose and Definitions

The Nevada County Teleworking program is designed to provide work/life balance, reduce greenhouse emissions, and allow for greater flexibility in serving customers both internal and external. It also provides a continuity of services for the Nevada County citizens as outlined in the County's Continuity of Operations Plan (COOP). The County Executive Officer ("CEO") or their designee can authorize telework for episodic use during a utility disruption, communicable disease outbreak, other health risk, or other approved situations.

Telework in Nevada County is at the sole discretion of the CEO or their designee and is not an employee right. Teleworking agreements may not reduce customer service to internal and external customers nor reduce standard hours of operation. The employee must self-disclose proof of a safe work area at home or other location via completed telework agreement. Employees agree to cooperate with the County to verify compliance with the required minimum workplace standards while teleworking. This may include physical inspection, photographs, or live video feed, which shall be mutually agreed upon. Telework is not to be completed until written authorization and approval of the CEO or their designee.

"Telework" is defined as a work arrangement authorizing an employee to work from an alternative worksite other than their normal work location, such as home, for all or a portion of their regularly scheduled work hours.

"Alternative Worksite" means the employee's home, place of residence or from another location approved by the County other than the employee's normal workplace at the County's worksite or facility.

"Work Schedule" means the days and hours determined by the supervisors or managers during which non-exempt, overtime eligible employees should be in attendance at the Alternative Worksite. The Work Schedule shall provide for and include the rest and meal breaks required under applicable federal and state law, as well as under contract.

Eligibility Criteria

The CEO or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy. The CEO or their designee, may make such determination using criteria including, but not limited to, the following:

1. The operational needs of the County and employee's department and division;
2. The disruption of or potential for disruption to the County's functions;
3. The ability of the employee to perform their job duties (both essential and marginal) from an Alternative Worksite without diminishing the quantity or quality of the work performed;
4. The degree to which the employee's job functions require face-to-face interaction with other County employees, contractors and members of the public;
5. The employee's job performance, as determined by their last performance review;
6. The employee's length of service with the County, department or division;
7. The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions;
8. The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternate Worksite for the employee at a reasonable cost;

9. The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at a County worksite;
10. The County's capacity to monitor and measure the employee's work performance at the Alternate Worksite;
11. The employee's supervisory responsibilities;
12. The employee's need for supervision; and
13. Other considerations deemed necessary and appropriate by the County, including tax and other legal implications of teleworking.

Employees may be permitted to telework episodically when authorized by CEO or their designee. The employee must sign an agreement that details their telework location and adherence to the guidelines set forth in the policy in advance of any episodes of telework.

The following are examples of circumstances that may support episodic teleworking:

1. To complete special project work that requires a period of uninterrupted work time.
2. During self or family member convalescence from injury or illness: if for self, must be cleared by physician to do so.
3. To provide convenience and maximize work time on days in which off-site meetings or personal appointment make travel to the regular work site impractical.
4. While all reasonable commute routes are blocked.
5. While the primary worksite is inaccessible.
6. As a reasonable accommodation during pregnancy with physician approval.
7. During PSPS (public safety power shutoff) events and snow days.
8. Other approved conditions by the CEO or their designee.

Telework may only occur if:

1. CEO or designee authorizes an employee to telework; or
2. CEO or designee authorizes an employee to work a telework and flexible work schedule.

Telework Enrollment Periods:

1. Requests to telework may be submitted by an employee twice in a 12-month period which begins with the date of the first election.
 - a. Requests regarding flexible work schedules must be made at the same time, if an employee requests a flexible work schedule.
 - b. Supervisor shall track the number of requests by an employee.
 - c. CEO or their designee may consider additional telework and/or flexible work schedule change requests based on the operational needs of the Department or other good cause.
2. An employee may be requested to telework due to departmental or County need, such as emergencies, power outages, natural disasters, or building closure.

Process for Employee to Request to Telework; Final Determination; No Right to Appeal:

To make a request for a teleworking arrangement, employees must complete a Flexible Work Schedule and/or Telework Request and file the complete request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Head or their designee and will discuss the employee's request with the Department Head, or their designee.

In consultation with or based on information provided by the employee's supervisor or manager, the Department Head, or their designee, will make a recommendation for a determination regarding the employee's request to telework to the CEO or their designee.

The CEO or their designee will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework.

The decision of the CEO or their designee regarding an employee's Teleworking request is final and binding. Neither the employee nor the employee's employee organization possesses any right to appeal or grieve the decision.

When an eligible and qualified employee who has requested and been granted the opportunity to telework, the employee agrees to work the approved alternate schedule (if applicable) and at the alternate location and follow all applicable work-related policies and procedures. The request form shall provide the mutual understanding of the employee, the employee's supervisor or manager, and the CEO or their designee concerning the teleworking arrangement.

General Duties, Obligations, Responsibilities:

1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all County and departmental rules and regulations, policies and procedures.
2. All of the Teleworking employees' existing supervisory relations, lines of authority and supervisory practices remain in effect.
3. Teleworking employees must have an Alternative Worksite that is adequate for performance of official duties (see checklist), including an Alternate Worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
4. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
5. Teleworking employees must ensure dependent care will not interfere with work responsibilities.
6. Teleworking employees must not bring clients, customers, vendors or other persons into their home to conduct County business.
7. Teleworking employees must safeguard any County equipment and only use the equipment according to County policy.
8. Teleworking employees shall ensure that all official County documents are retained and maintained according to the normal operating procedures in the same manner as if working at a County worksite. Employees agree to safeguard the County records from disclosure or access by unauthorized individuals and will comply with all confidentiality and privacy laws, rules, regulations, and policies applicable to their position and the handling, security and storage of the records and information related thereto.

9. Employees, upon approval of a request for Telework, agree that the County will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work location.
10. Employees agree that teleworking authorized pursuant to this Policy does not entitle them to telework at will. Employees will return to their normal assignment location upon completion of the approved telework assignment.
11. Nothing in this policy precludes the County from taking any appropriate disciplinary action or adverse action against an employee who fails to comply with Personnel Code Section 18 or their applicable MOU.

Space and Equipment, Information, Security and Confidentiality

1. Teleworking employees will either receive approval to use personal computer equipment or will be provided with County issued equipment at the discretion of the CEO.
2. If the County provided any County issued equipment, teleworking employees agree to follow the County's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to County-owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
3. Where, in response to a request to Telework, the County allows an employee to Telework, the County shall not be responsible for Teleworking costs, including, but not limited to, the employee's use of their home or place of residence, their personal computer, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the Agreement. When an employee is directed to telework for the majority of a pay period (more than half), for example, during an emergency or natural disaster, the employee will receive a stipend of \$25 per pay period for use of personal items and utilities, that will begin the pay period such telework starts and will end the pay period such telework ends (i.e., the employee is directed to return to the worksite for the majority of a pay period). Complete the Auditor-Controller Stipend Form (available on the Auditor-Controller's Infonet site) when directed to telework for the majority of a pay period or more.
4. Employees must take reasonable precautions to ensure their devices (*e.g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the County's network and must close or secure all connections to County desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for the County. Employees must maintain adequate firewall and security protection on all such devices used to conduct County work from the Alternate Worksite.
5. Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the County's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to County work they access from the Alternate Worksite or transport from their County worksite to the Alternate Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their County worksite to the Alternate Worksite. Teleworking employees must return all records, documents, and correspondence to the County at the termination of the Agreement or upon request by their supervisor or manager, Department Head or Human Resources.

6. Continuously throughout a telework assignment, telework employees must maintain a safe and ergonomically sound workspace environment.

Work Schedule, Overtime, Leave and Benefits

1. For non-exempt employees, the County will either provide such employee: (1) a work schedule that will be included in the Agreement and, which will include meal and rest breaks ("Work Schedule"); or (2) authorization to work on an intermittent basis.
2. For non-exempt employees assigned a Work Schedule, any deviation from the Work Schedule must be approved in advance, in writing, by the employee's supervisor or manager and the Department Head.
3. Non-exempt telework employees working at an Alternate Worksite must not Telework outside their normal work hours without prior written authorization from their supervisor or manager and the Department Head. A non-exempt employee who fails to secure written authorization before Teleworking outside their normal work hours may face discipline in accordance with the County's policy for working unauthorized overtime.
4. Telework employees acknowledge that Telework does not change the employee's classification or rate of pay, salary, or benefits.
5. Telework employee must be available and accessible by phone and email during their agreed upon telework Work Schedule.
6. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, must take meal and rest breaks while Teleworking as required under applicable law and/or under applicable contract or County policy.
7. For non-exempt employees assigned a Work Schedule, all periods of Teleworking employees' unavailability must be approved in advance by their supervisor or manager and the Department Head in accordance with County policy and documented on the appropriate leave request form. For non-exempt employees authorized to work intermittently, any intermittent schedule must be approved in advance by their supervisor or manager.
8. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to report in a timely manner all hours worked at the Alternate Worksite and make that record available to their supervisor upon request. Employees shall record the use of all leave time on their timesheet.
9. Employees shall continue to abide by County policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
10. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to request to work overtime in advance of doing so and such requests must be pre-approved in writing by the employee's supervisor or manager.
11. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The County shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when said injuries

occur at the Alternate Worksite. In the event of a telework workplace injury, employee agrees to allow the County's Risk Manager or designee, to access the employee's telework workspace upon request for purposes of investigating the injury only.

21.16 DECLARED EMERGENCY LEAVE

The purpose of this policy is to provide a method to support employees who have suffered the permanent loss of their primary residence during a declared emergency.

During a declared emergency the CEO is authorized to grant Declared Emergency Leave (“DEL”) to any County employee who has experienced the loss of use of their primary residence due to the associated declared emergency (example: wildfire, flood, earthquake, etc.) The CEO, at their sole discretion, can grant up to 36 hours per declared emergency to each qualified employee.

Employees will apply for Declared Emergency Leave through the CEO’s Office by submitting a Request for DEL form, available on the Infonet and in NeoGov. If granted, the authorized DEL form shall be sent to the Auditor Controller and added to either the vacation or Personal Leave Program balance the next pay period. Once processed, the employee may use the time at their discretion. The employee is not required to exhaust other leave banks prior to utilizing DEL. No employee shall be granted more than 36 hours per declared emergency.