

Human Resources Division

SJC—Engage

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www.sjgov.org



San Joaquin County

Human Resources Leadership Academy Handbook

SAN JOAQUIN
—COUNTY—

Greatness grows here.



engage



Welcome to the Human Resources Leadership Academy!

We are pleased to have you participate in this six-week cohort. You will find each course outline in this booklet. While it is not required for you to print out the booklet, as it is a large document, we do request you have a notepad and pen to take notes.

All trainings will be virtual and you will receive emails from our Staff Development department. At this time, all training are virtual and we have separate links for each course. You will receive these links via email from our Employee Engagement Unit via our email address at sjcengage@sjgov.org. Since all of the trainings are scheduled separately, you will need to ensure you select the appropriate link for each course.

There will be 2 courses each day. One in the morning, and one in the afternoon.

We look forward to working with you on your leadership journey here at San Joaquin County.

If you have any technical difficulties or have questions regarding the training, please contact Staff Development at (209) 953-7563 or email sjcengage@sjgov.org.

HRLA: 2026 TRAINING SCHEDULE



COHORT 1	COURSE TITLE	CODE	DATE	TIME
	UNDERSTANDING THE INTERNAL STRUCTURE	HR0814	1/15/26	9:00AM - 12:00PM
	INTRODUCTION TO THE ROLE OF THE LEADER	HR0030	1/15/26	1:30PM - 4:30PM
	CIVIL SERVICE RULES	HR0100	1/22/26	SELF-GUIDED
	UNION RELATIONS FOR MANAGERS	HR0780	1/22/26	1:30PM - 4:30PM
	RISK MANAGEMENT: WHAT EVERY MANAGER SHOULD KNOW	HR0052	1/29/26	9:00AM - 12:00PM
	LEAVE ADMINISTRATION	HR0101	1/29/26	1:30PM - 4:30PM
	BUDGET BASICS	HR0881	2/5/26	9:00AM - 12:00PM
	PAYROLL, PEOPLESOFT, AND FLSA	HR0815	2/5/26	1:30PM - 4:30PM
	HIRING AND INTERVIEW SKILLS	HR0027	2/12/26	9:00AM - 12:00PM
	SJC PERFORMANCE EVALUATION GUIDELINES	HR0057	2/12/26	1:30PM - 4:30PM
	COMMUNICATION & CONFLICT	HR0008	2/19/26	9:00AM - 12:00PM
	INTRO TO PROGRESSIVE DISCIPLINE	HR0029	2/19/26	1:30PM - 4:30PM

COHORT 2	COURSE TITLE	CODE	DATE	TIME
	UNDERSTANDING THE INTERNAL STRUCTURE	HR0814	5/7/26	9:00AM - 12:00PM
	INTRODUCTION TO THE ROLE OF THE LEADER	HR0030	5/7/26	1:30PM - 4:30PM
	CIVIL SERVICE RULES	HR0100	5/14/26	SELF-GUIDED
	UNION RELATIONS FOR MANAGERS	HR0780	5/14/26	1:30PM - 4:30PM
	RISK MANAGEMENT: WHAT EVERY MANAGER SHOULD KNOW	HR0052	5/21/26	9:00AM - 12:00PM
	LEAVE ADMINISTRATION	HR0101	5/21/26	1:30PM - 4:30PM
	BUDGET BASICS	HR0881	5/28/26	9:00AM - 12:00PM
	PAYROLL, PEOPLESOFT, AND FLSA	HR0815	5/28/26	1:30PM - 4:30PM
	HIRING AND INTERVIEW SKILLS	HR0027	6/4/26	9:00AM - 12:00PM
	SJC PERFORMANCE EVALUATION GUIDELINES	HR0057	6/4/26	1:30PM - 4:30PM
	COMMUNICATION & CONFLICT	HR0008	6/11/26	9:00AM - 12:00PM
	INTRO TO PROGRESSIVE DISCIPLINE	HR0029	6/11/26	1:30PM - 4:30PM

HRLA: 2026 TRAINING SCHEDULE



COHORT 3	COURSE TITLE	CODE	DATE	TIME
	UNDERSTANDING THE INTERNAL STRUCTURE	HR0814	8/6/26	9:00AM - 12:00PM
	INTRODUCTION TO THE ROLE OF THE LEADER	HR0030	8/6/26	1:30PM - 4:30PM
	CIVIL SERVICE RULES	HR0100	8/13/26	SELF-GUIDED
	UNION RELATIONS FOR MANAGERS	HR0780	8/13/26	1:30PM - 4:30PM
	RISK MANAGEMENT: WHAT EVERY MANAGER SHOULD KNOW	HR0052	8/20/26	9:00AM - 12:00PM
	LEAVE ADMINISTRATION	HR0101	8/20/26	1:30PM - 4:30PM
	BUDGET BASICS	HR0881	8/27/26	9:00AM - 12:00PM
	PAYROLL, PEOPLESFT, AND FLSA	HR0815	8/27/26	1:30PM - 4:30PM
	HIRING AND INTERVIEW SKILLS	HR0027	9/3/26	9:00AM - 12:00PM
	SJC PERFORMANCE EVALUATION GUIDELINES	HR0057	9/3/26	1:30PM - 4:30PM
	COMMUNICATION & CONFLICT	HR0008	9/10/26	9:00AM - 12:00PM
	INTRO TO PROGRESSIVE DISCIPLINE	HR0029	9/10/26	1:30PM - 4:30PM

COHORT 4	COURSE TITLE	CODE	DATE	TIME
	UNDERSTANDING THE INTERNAL STRUCTURE	HR0814	10/1/26	9:00AM - 12:00PM
	INTRODUCTION TO THE ROLE OF THE LEADER	HR0030	10/1/26	1:30PM - 4:30PM
	CIVIL SERVICE RULES	HR0100	10/8/26	SELF-GUIDED
	UNION RELATIONS FOR MANAGERS	HR0780	10/8/26	1:30PM - 4:30PM
	RISK MANAGEMENT: WHAT EVERY MANAGER SHOULD KNOW	HR0052	10/15/26	9:00AM - 12:00PM
	LEAVE ADMINISTRATION	HR0101	10/15/26	1:30PM - 4:30PM
	BUDGET BASICS	HR0881	10/22/26	9:00AM - 12:00PM
	PAYROLL, PEOPLESFT, AND FLSA	HR0815	10/22/26	1:30PM - 4:30PM
	HIRING AND INTERVIEW SKILLS	HR0027	10/29/26	9:00AM - 12:00PM
	SJC PERFORMANCE EVALUATION GUIDELINES	HR0057	10/29/26	1:30PM - 4:30PM
	COMMUNICATION & CONFLICT	HR0008	11/5/26	9:00AM - 12:00PM
	INTRO TO PROGRESSIVE DISCIPLINE	HR0029	11/5/26	1:30PM - 4:30PM

TABLE OF CONTENTS

UNDERSTANDING THE INTERNAL STRUCTURE	8-22
INTRODUCTION TO ROLE OF THE LEADER	23-52
CIVIL SERVICE RULES	53-68
UNION RELATIONS FOR MANAGERS	69-78
RISK MANAGEMENT: WHAT EVERY MANAGER SHOULD KNOW	79-149
LEAVE ADMINISTRATION	150-172
EEO: DISCRIMINATION & HARASSMENT PREVENTION	173-177
PAYROLL, PEOPLESOFT & FLSA	178-191
HIRING AND INTERVIEW SKILLS	192-226
SJC PERFORMANCE EVALUATION GUIDELINES	227-260
COMMUNICATION AND CONFLICT	261-279
INTRODUCTION TO PROGRESSIVE DISCIPLINE	280-307
HRLA COMPLETION FORM	308



Understanding the Internal Structure



SAN JOAQUIN
COUNTY

PRESENTED BY
HUMAN RESOURCES

**San Joaquin County
HRLA:
UNDERSTANDING
THE INTERNAL
STRUCTURE**

**WE WILL BEGIN
PROMPTLY
AT 9AM**

1



Housekeeping

- Turn off microphones
- Participation is important
- Utilize the chat function
- You need to both see and hear the presentation
- Attendance – Put name and department into the chat

2

HRLA STRUCTURE/INTRO

Training Dates	9:00 - 12:00 (3 hours)	12:00 - 1:30	1:30 - 4:30 (3 hours)
Week 1:	Understanding the Internal Structure	Lunch	HRLA: Introduction to the Role of the Leader
Week 2:	HRLA: Civil Service	Lunch	HRLA: Union Relations for Managers
Week 3:	HRLA: Risk Management: What Every Manager Should Know	Lunch	HRLA: EEO: Discrimination and Harassment Prevention
Week 4:	HRLA: Payroll, PeopleSoft & FLSA	Lunch	HRLA: Leave Administration
Week 5:	HRLA: SJC Performance Evaluation Guidelines	Lunch	HRLA: Hiring and Interview Skills
Week 6:	HRLA: Communication & Conflict	Lunch	HRLA: Introduction to Progressive Discipline



3



Training Objectives

1. To provide an overview of the internal San Joaquin County leadership structure including our culture, vision, mission and values
2. To understand your role and responsibilities as a manager/supervisor
3. To provide resources for your role

4


VISION & MISSION

UNDERLYING PASSION OR PRINCIPLE

Service.

VISION STATEMENT

A prosperous San Joaquin County, where a culture of innovation and collaboration sustains a high quality of life; social and economic well-being fueled by community values, good jobs, and a healthy environment.

MISSION STATEMENT

Advance the public interest and serve the people of San Joaquin County. Bring together our people and resources to turn challenges into opportunities. Be steadfast leaders and committed partners working wholeheartedly for the benefit of our community's health, safety, and economic growth.

5

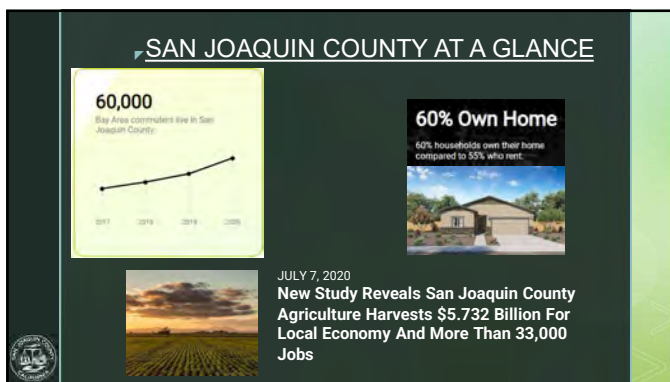


About Us

6



7



8



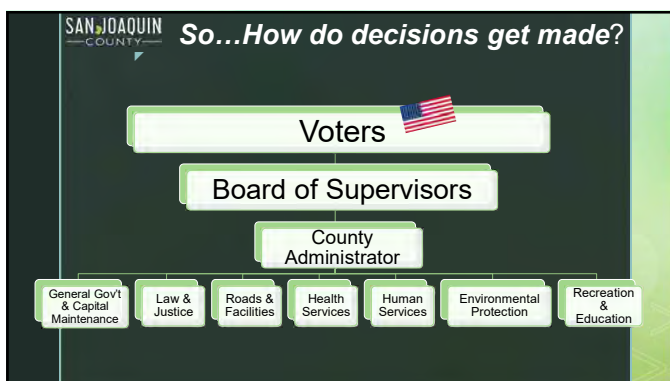
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10



11



12

SAN JOAQUIN COUNTY

ELECTED OFFICIALS

ELECTED OFFICIAL	RESPONSIBILITIES
County Supervisors (5)	Legislative body of county government; pass all ordinances governing the county and are responsible for overseeing that functions delegated to the county are properly discharged
Assessor/Recorder/County Clerk	Appraises (sets the value of) taxable property in the county and collects county property tax; records and maintains documents regarding property ownership, births, deaths and marriages
Auditor Controller	Acts as chief accounting officer of the county. Keeps financial records; authorizes disbursements for county expenses
District Attorney	Conducts criminal investigations; prosecutes criminal cases
Sheriff	Runs the county jail; provides police coverage in unincorporated areas; ensures security at all local courthouses, patrols the waterways, and enforces court orders, including evictions, wage garnishments, and restraining orders
Treasurer Tax Collector	Administers the building, collection and reporting of property tax revenues levied annually

13

SAN JOAQUIN COUNTY

Board of Supervisors

Elected by the voters for a 4-year term to represent a district (5)
Limited to 2 terms



Mario Gardea
District 1



Steven J Ding
District 4



Paul Canepa
District 2



Robert Rickman
District 5



Sonny Dhalwal
District 3

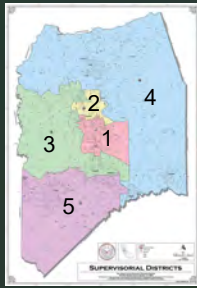


14

SAN JOAQUIN COUNTY

San Joaquin County District Map

New District Map
Board Approved December 7, 2021




15



County Administrator

- County activities are very complex and have a wide range of responsibilities
- "County Administrator" is a function with various titles and fulfilled by different county positions around the country
- The San Joaquin County Administrator implements the board's policy, runs the daily operations of the county and prepares the annual budget

Current County Administrator:

Sandy Regalo



16



San Joaquin County – Responsibilities

- General Government & Capital Maintenance
- Law & Justice
- Roads & Facilities
- Health Services
- Human Services
- Environmental Protection
- Recreation & Education



17



24 County Departments

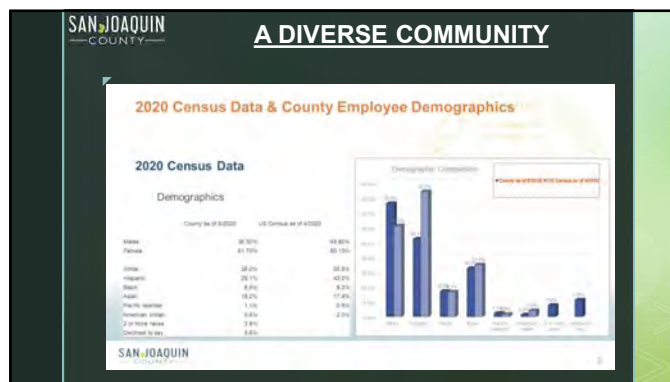
- County Administrator
 - General Services
 - Office of Emergency Services
 - Parks & Recreation
 - Human Resources
 - Information Systems Division
 - Election Services/Registrar of Voters
 - Purchasing and Support Services
- County Counsel
 - District Attorney
 - Employment & Economic Development
 - Environmental Health
 - Healthcare Services
 - Human Services Agency
 - Probation
 - Public Defender
 - Public Works
- Agricultural Commissioner
- Assessor-Recorder-County Clerk
- Auditor-Controller
- Board of Supervisors
 - Clerk of the Board
- SJC Employee Retirement Association
- San Joaquin General Hospital
- San Joaquin County Clinics
- Sheriff- Public Administrator
- Stockton Metropolitan Airport
- Treasurer- Tax Collector

18

ULTIMATELY, WE ARE
RESPONSIBLE FOR
PROVIDING EXCEPTIONAL
SERVICE TO THOSE IN THE
COMMUNITY IN WHICH WE
ARE IN SERVICE TO



19



20

Employees

Over 7600+ staff

5200+ = Full-time

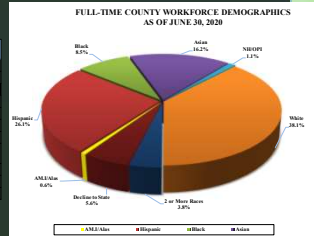
2400+ = Part-time/Temporary/Seasonal

21

Full-Time County Employee Workforce by Gender & Race/ Ethnicity

June 2020

TOTAL FULL-TIME EMPLOYEES	5,788	100.0%
Male	2,033	35.1%
Female	3,725	64.7%
White	2,196	38.1%
Hispanic/Latino	1,501	26.1%
Black	492	8.5%
Asian	932	16.2%
Native Hawaiian/Other Pacific Islander	64	1.1%
American Indian/Alaskan Native	24	0.6%
Two Or More Races	218	3.8%
Decline To State	321	5.6%



22



Your Role in County Leadership

23

Manager/Supervisor Role

24

SAN JOAQUIN COUNTY

LEADERSHIP RESPONSIBILITIES

- Key Roles We All Are Responsible For
- Budget
- Strategic Priorities
- Payroll
- Staff Evaluation
- Training Compliance
- Safety
- Staffing Your Division/Unit
- Staff Management

25

SAN JOAQUIN COUNTY

Some Key Roles We All Are Responsible For

- Provide a Positive On Boarding Experience
- Hire Competent Staff
- Provide Good Training
- Set Clear Expectations and Role Assignment
- Address Poor Performance and Behavior
- Enforce Existing Policy
- Use the Corrective Action Process
- Keep Good Staff from Leaving

26

SAN JOAQUIN COUNTY

Budget

- ❑ Transparency
 - Board Approved
 - Meet & Confer with Labor Organizations
- ❑ Annual program and budget reports
 - Fiscal Year = July 1-June 30
- ❑ Fiduciary responsibility to be good stewards of our resources
- ❑ Requests for additional funding/staffing/program

27

► Strategic Priorities (2022-2025)

1. Strengthen the County's fiscal responsibilities
 - a. Maintain a structurally balanced budget
 - b. Responsibly consider resources to address the County's pension obligations and labor related costs
2. Increase organizational capacity and promote good governance
 - a. Implement a Succession Plan, include training of the workforce, retention, recruitment and hiring
 - b. Develop and install technologies that broaden public access to County services and information more timely and efficiently
 - c. Encourage collaboration internally among County departments and externally with other governmental and/or community organizations that provide opportunities for disadvantaged i.e. homelessness, victims and youth

28

► Strategic Priorities (2022-2025) cont...

3. Improve public safety and enhance overall criminal justice system
 - a. Employ a case management approach to increase public safety focused on reducing recidivism
 - b. Expand support services and programs that prepare incarcerated individuals to successfully transition back to the community
 - c. Maximize uses of technology that advance public accountability and employee safety
4. Global view for economic development
 - a. Focus on jobs that support local and new industry growth
 - b. Partner with local advanced educational institutions
 - c. Improve those factors that are inhibitors i.e. image, marketing

29

► Strategic Priorities (2022-2025) cont...

5. Stay informed and proactive in dealing with water issues
 - a. Protect and strengthen the County's position in opposition of the Governor's California Water Fix/Eco-Restore projects
 - b. Manage and maintain the availability and quality of water

30

SAN JOAQUIN COUNTY

Payroll

- ❑ Time sheet submission
 - Approval of staff time sheets
 - Verify for accuracy
 - (More about the topic in HRLA- Payroll, PeopleSoft & FLSA)
- ❑ Approve Time Off Requests
 - More about the topic in HRLA Leave Administration
- ❑ Stay within department payroll budget
- ❑ Employee PeopleSoft Database Processors - EPAD Processors/Payroll Processors



31

SAN JOAQUIN COUNTY

Staff Evaluation

- ❑ New Hire Evaluations at:
 - 4th Month
 - 7th Month
 - 11th month
- ❑ General Staff
 - Annually on their anniversary date of hire
 - Must inform HR-Position Control of unsatisfactory evaluation (More in HRLA - Performance Evaluation)
- ❑ Full-time staff become Civil Servants after one year



32

SAN JOAQUIN COUNTY

Training Compliance

- ❑ Managers/Supervisors & entire team need to be compliant on mandatory trainings
 - HR Mandatory Trainings (EX: Diversity every 5 years)
 - Department Mandatory Trainings (EX: CPR)
 - Legally requires Trainings (EX: Sexual Harassment Prevention every 2 years or COVID once)
- ❑ Departments determine their departmental mandatory trainings and authorize staff to be released for trainings
- ❑ Department Training Processors (DTP's) manage the departmental staff training compliance



33

SAN JOAQUIN COUNTY

➤ Safety

- ❑ Responsible for creating and implementing the Injury & Illness Prevention Program (IIPP)
 - (More in HRLA – Risk Management: What Every Manager Should Know)
- ❑ Staff Safety
- ❑ Department Safety & Health Representatives (DSHR's)
- ❑ Safety of the community/visitors
- ❑ Workplace Violence Prevention



34

SAN JOAQUIN COUNTY

➤ Staffing Your Division/Unit

- ❑ Ensure appropriate staff for your departmental needs
 - Is this your first-time interviewing someone?
 - What are the language landmines in interviews?
- ❑ (More in HRLA- Hiring & Interview Skills)



35

SAN JOAQUIN COUNTY

➤ Staff Management

- ❑ Coaching/mentoring
 - Supporting the advancement of your staff
- ❑ Discipline
 - Corrective Action
 - (More in HRLA – Intro to Progressive Discipline)
- ❑ Memorandum of Understanding management (MOU)
 - (More in HRLA – Union Relations for Managers)



36

How NOT to Supervise



37

How NOT to Supervise



38

SAN JOAQUIN
COUNTY

Who do I call and when?

- When in doubt, ask HR!
 - Principal/Personnel Analyst
 - Equal Employment Opportunity Unit (EEO)
 - Risk Management
 - Position Control
- Connect with your direct supervisor
- ❖ Think of the impact before you act. Could the action be a violation of an MOU or will it require a meet and confer?

39



Resources:

- ✓ sjgov.org
- ✓ sjcengage.com
- ✓ San Joaquin County Intranet [Home | SJC Home \(sjgov.net\)](#)
- ✓ CAO Manual
- ✓ Annual Budget Book
- ✓ Memorandum of Understandings (MOU's)
<https://www.sjgov.org/departments/hr/divisions/labor-relations>
- ✓ California State Association of Counties CSAC
<https://www.counties.org/county-structure>

40

Thank You & Welcome To The Leadership Team!



County Administrators' Office | Human Resources



41



Introduction to the Role of the Leader



Introduction to the Role of the Leader

Presented by Human Resources

Welcome & Introductions



- Leave microphones muted
- Take a second to grab a notebook and pen
- Sign in via chat
- Participation is important



Welcome to:
HRLA Role of the Leader/Manager

Our goal is to provide information of value that will enhance your leadership potential and your leadership legacy.

"It's not the position
that makes the leader,
it's the leader that
makes the position."

Stanley Huffey

Be Committed!

"Half the battle is just showing up."

Stephen Hawking





Agenda

- An overview of Leadership
- The Six Steps to Building Trust & Rapport
- The Ladder of Inference
- Consider Your leadership strengths & areas for growth
- Write a declaration of commitment to your leadership growth

HRLA: Role of the Leader



Intended Outcome:

- To inspire a Leadership Driven mindset in San Joaquin County
- To develop great leaders to deliver great results!
- Change!

Definition of a Leader:

“A person who influences a group of people towards the achievement of a goal”

Definition of a Manager:

“A person who has control or direction of an institution, division or part of it”

“A Person whose work or profession is management”

“Management is doing things right,
Leadership is doing the right thing”
Peter Drucker

“Leadership is an action word (Verb)”
It Is What You Do
It Is How You Manage
Verb: Describes an action, state or becoming
Noun: Identifies a Name, Person, Place or Thing

Empathy & Perspective



SIMON SINEK: Leader versus manager

Spotlight: Influential International Speaker

How We Learn As Leaders

- From experience
- By example
- In formal educational settings
- Leadership resources
- Mentors/coaches



Are You A Leader?

- Do others see you as a leader?
- What leadership qualities do you have?
- What are your leadership strengths?
- What leadership qualities do you need to develop or improve in?

How Effective Is Your Leadership?

1. Do you have a vision?
2. Do you have established goals and objectives?
3. What has been accomplished under your leadership?
4. Do you inspire growth and development?
5. **Are you part of the solution or part of the problem?**

Group Exercise Question #1:

What are some characteristics of a manager who is a proven leader?



What Is Leadership?

"Leadership is the art of leading others
to deliberately create a result that
would not have happened otherwise."

Exercise #2 – Personal Reflections

Name the following:

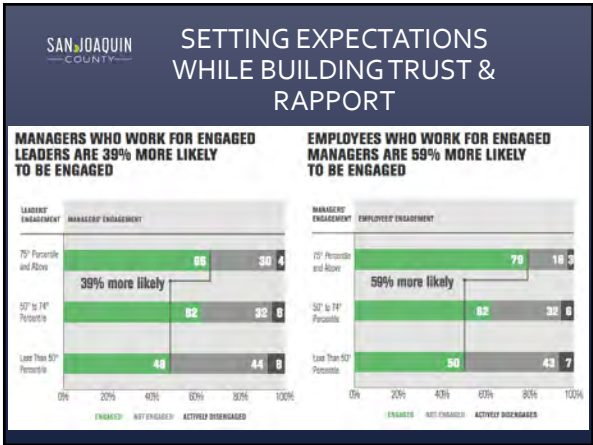
- Someone who has made a positive impact in your life.
Perhaps acting as a mentor personally or professionally.
- (teacher, coach, supervisor, friend, family member)





Leadership is an **ART.**

A performing **art** and **You** are the **instrument.**





HLRA: Role of the Leader



THE 6 STEPS TO
BUILDING TRUST &
RAPPORT BY
UNDERSTANDING
YOUR ROLE

- Step – 1:
Communication
- Step – 2: Responsibility
- Step – 3: Expectations
- Step – 4: Assignments
- Step – 5: Project
Management
- Step – 6: Learning
Objectives & Evaluation



Step-1
Communication

- No avoidance
- Have regular 1:1 check-ins
- Be transparent
- Instill Trust/Facilitate knowledge sharing
- Be clear and concise
- Confirm understanding from all parties
- Maintain controlled body language
- Remove communication barriers



Communication Support

- Acting at all times in the best interest of the organization
- Concentrate on values, not feelings
- Maintaining honesty
- Identify solutions, not just problems
- Have a plan to transform your professional relationships into decided upon agreements
- Use Critical Thinking Skills when you communicate
- Understand Instruction and Direction
- Solve the communication problem
- Strengthen the work relationship
- Its NOT personal!!

Responsibility

Step-2

- Take responsibility
- Model the behavior you want to see
- State what you need and your willingness to help the other person with what he/she needs
- Reach agreement
- End on a positive note
- Follow up

What Does That
Look Like?

Take Responsibility

- ☐ "How about we agree to..."
- ☐ "Let's try this..."
- ☐ "I'm glad we talked..."
- ☐ "Can we schedule regular status meetings?"
- ☐ "What can I do to make it easier on you in the future?"
- ☐ "My intent is to improve our organization and I need your input to make sure I'm on the right path..."

Expectations

- Set realistic milestones/goals
- Have controlled judgments
- Question and challenge processes
- Celebrate teamwork and accomplishments
- Learn areas of strengths and areas of growth

Step-3

SAN JOAQUIN
COUNTY



Step-4

Assignments

- Research (County, State)
- Surveys
- State Reports
- State Workgroups
- County Workgroups
- County Trainings
- RFP's,
- Director and Assistant Director needs

Project Management

- Process Improvement
- County Directives
- New Technologies
- State Coordination
- Building Maintenance
- Conversions
- Building Moves
- BOS Priorities

Step-5





Step-6

Learning Objectives & Evaluation

- Observe
- Investigate
- Fact Find
- Measure
- Report
- Data Analysis
- Provide professional development opportunities
- Be fair & consistent

HRLA: Role of the Leader

"Because I am in this position,
I have authority and power:
you must follow me."



When Leaders Stop Climbing, Two Questions Need
To Be Asked:

1. Can they improve?
2. Will they improve?

"Leadership is a process, you develop
and grow as a leader daily, not in a day."



Inspired To Make A Difference

Never be satisfied with just getting the job done, approach your work from the positive perspective of making a difference.

Great Leaders
Make A Positive Impact In Their
Organization

Great leaders leave an organization in a better place than when they arrived

Our Approach to Leadership

- Leadership is a relationship
- Leadership is everyone's business
- Leadership development is self-development

Leadership is a Relationship

- Leadership is a relationship:
 - Between those who aspire to lead and those who choose to follow
- Success in leading is dependent on your capacity to build and sustain human relationships.

Are you a leader?

- Leadership is everyone's business
 - Not just Department Heads but throughout all of your department/organization.
- Leadership is self development and a self-improvement journey.

What is your leadership image?

As leaders, you are the face of your
Department and San Joaquin County

When people see you, what do they see?
When they hear you, what do they hear?

Protect your image...

Leading with Integrity

**“Leadership is doing what is
right when no one is
watching.”**

George Van Valkenburg



Wanting to lead and believing that
you can lead are the **departure**
points on the path to **leadership**.

Group Participation:
What does successful leadership look like?

- Think of a leader you admire.
- What is it about their leadership style or character that is exemplary?



Developing your Leadership Style

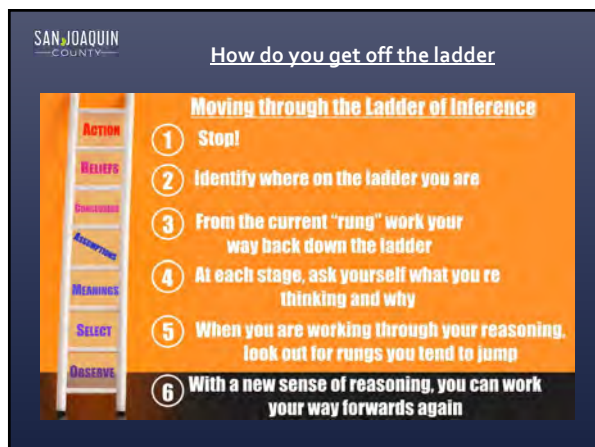
- There are many styles of leadership.
- No style is necessarily better than another.
- Successful leaders seldom have one particular style.

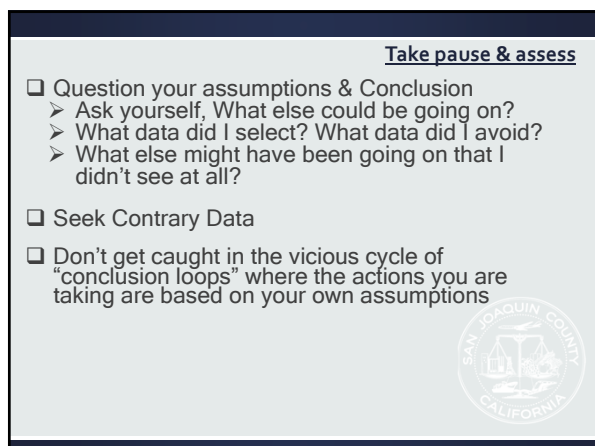
Developing your Leadership Style

- Successful leaders have developed their own unique techniques by learning from others.
- They may vary their leadership style depending upon the situation.

HLRA: Role of the Leader







HLRA: Role of the Leader



SAN JOAQUIN COUNTY

Change the Story

- Take a look at what you're telling yourself
- Change your perspective & in turn it may change your behaviors
- Influence the working relationship



"Motivation is the art of getting people to do what you want them to do because they want to do it."
- Dwight Eisenhower



1962 PULITZER PRIZE WINNER
AP Photo By Paul Simon
John F. Kennedy & Dwight Eisenhower

Creating a Supportive Teamwork Environment



▪Effective leaders must work to understand the values and opinions of their followers—rather than assuming absolute authority

▪Enable a productive dialogue with followers about what the group embodies and stands for and thus how it should act.

(Michael J. Platow , S. Alexander Haslam and Stephen D. Reicher)

Creating a Supportive Teamwork Environment



By leadership, we mean the ability to shape what followers actually want to do, not the act of enforcing compliance using rewards and punishments.

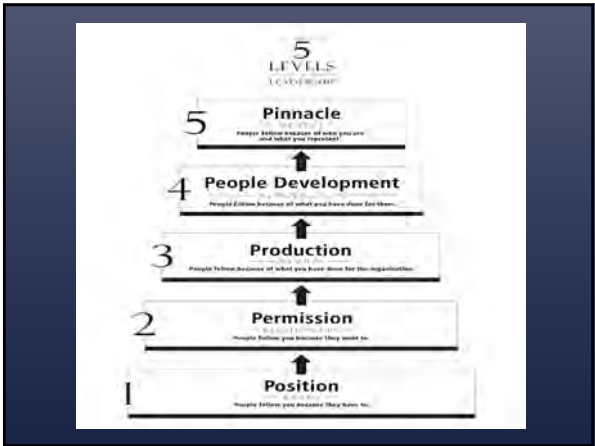
(Michael J. Platow , S. Alexander Haslam and Stephen D. Reicher)

Group Discussion Question:

What are some ways a leader can encourage team members to work towards team goals, accept individual ownership, and begin to see themselves as leaders?



HRLA: Role of the Leader



Building Credibility

- Why is it important for a leader to have credibility?
- How do you build credibility as a leader?

Building Credibility

- Have strong listening skills
- Be consistent
- Be an example
- Have strong communication skills
- Keep confidences
- Be open to feedback
- Have strong professional ethics

HLRA: Role of the Leader

What makes a real leader?

- Character: Who they are
- Relationships: How they relate to others
- Knowledge: What they know
- Intuition: What they feel
- Experience: Where they've been
- Past success: What they've done
- Ability: What they can do

(from 21 Irrefutable Laws of Leadership)

"People listen not necessarily because of the truth being communicated in the message, but because of their respect for the speaker."
E.F. Hutton

Self Evaluation....

- What if everyone on my team was just like me?
 - Same skill set
 - Same perspective
 - Same Strengths
 - Same weaknesses
 - (You need a diverse team)

The Five Practices of Exemplary Leadership

(Kouzes & Posner)

- Model the Way
- Inspire a Shared Vision
- Challenge the Process
- Enable Others to Act
- Encourage the Heart

Modeling the Way

- Find your voice by clarifying what's important to you.
- Set the example by aligning actions with shared values.

Lead by example

WALK YOUR TALK

Inspire a Shared Vision

- Envision the future by imagining exciting and ennobling possibilities
- Enlist others in a common vision by appealing to shared aspirations



Inspire a Shared Vision

- Leadership is the ability to translate vision into reality.
 - Find your vision
 - Clarify your vision
 - Include others in your vision
 - Write your vision
 - Implement your vision

The task of the leader is to get his people from where they are to where they have not been.

Henry Kissinger

Challenging the Process

- Search out challenging opportunities by seeking innovative ways to change, grow, and improve.
- Experiment and take risks by constantly generating small wins and learning from mistakes.
- Think creatively.



Enable Others to Act

- Foster collaboration by promoting cooperative goals and building trust.
- Strengthen people by sharing power, providing choices, developing competence, assigning critical tasks, and offering visible support.



Encouraging the Heart

- Recognizing individual contributions to the success of every project.
- Celebrating team accomplishments regularly.



Encouraging the Heart

- Do members of my team feel important?
- Do they feel valued?
- Do I praise or recognize team members?

Connecting With Your Team

“The stronger the relationship and connection between individuals, the more likely the follower will want to help the leader.”

John C. Maxwell

Applied Leadership Techniques

- Discuss one innovative leadership technique that you are using with your staff

Feedback: How are you doing?

- Acceptance of constructive feedback
- Debriefing opportunities
- "Undercover Boss"
- Evaluations

Good Leaders Make You Feel Safe



Best Learning Practices

- Set short and long term goals and review them often
- Seek a mentor and meet regularly to discuss your aspirations
- Practice, practice, practice
- Measure progress
- Reward yourself
- Be honest with yourself



Next Steps

- Set leadership goals
- Write your vision for your unit, division, or department (what image do you want to achieve)
- Continually seek opportunities to get informal feedback
- Read *Leader's Eat Last...*
- Read *The Leadership Challenge...*
- Read other leadership resources...
- Watch videos of leadership insights...

"The real test of leadership isn't where you start out. It's where you end up."

-John C. Maxwell



Questions?



HLRA: Role of the Leader

*"If your presence doesn't make an
IMPACT your absence won't
make a difference."*



Leadership Assessment

	<u>Personal Leadership Development</u>	<u>Don't Do Well</u>	<u>Do Somewhat well</u>	<u>Do Well</u>	<u>Want to Develop</u>
	Understanding of Leadership				
1	I am aware of my leadership strengths and weaknesses				
2	I take initiative on projects				
3	I build relationships with others in order to reach a mutual goal				
4	I adapt my leadership style to different situations				
5	I have a personal philosophy on leadership				
	Self Awareness				
6	I am aware of my attitudes, values, biases and prejudices				
7	I pay attention to how my language and behavior may be perceived by others				
8	I am able to exert self-discipline and control over my behavior				
9	I engage in activities that build or improve my leadership abilities				
	Ethical Awareness & Behaviors				
10	I understand the ethical responsibilities that come with leadership				
11	I am trustworthy				
12	I follow through on commitments				
13	I lead by setting a good example				
	Sustainability				
14	I am a life-long learner				
15	I reflect on situations and learn from them				
16	I provide opportunities for others to be leaders				
	Diversity				
17	I treat all individuals equally				
18	I treat all individuals with respect				
19	I actively reach out to include others				
20	I work effectively with others who are different from me				

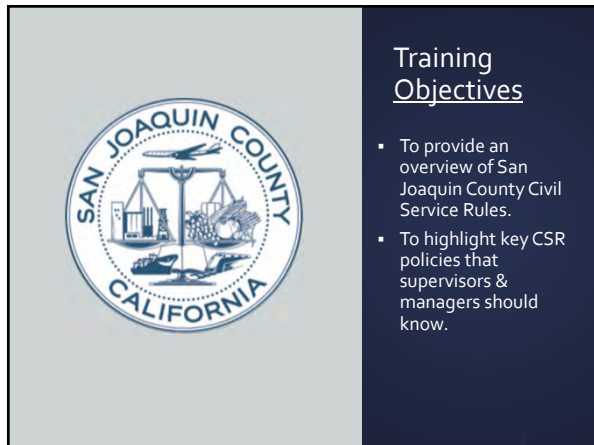
	Personal Leadership Development	Don't Do Well	Do Somewhat well	Do Well	Want to Develop	
	Communication					
21	I listen carefully to understand what the other person is saying					
22	I ask clarifying questions to avoid misunderstandings					
23	When I speak, my message is clear					
24	I seek feedback from others, even if it might be negative					
25	To get different perspectives, I ask for input from a wide range of people					
26	I initiate working relationships with others					
	Conflict Management					
27	I work to resolve problems					
28	I am able to give constructive, negative feedback to others					
29	I take the blame for my own actions					
30	I take the blame for the actions of my team					
	Team Development					
31	I value the contribution each person makes to the team					
32	I help a group identify a common goal					
33	I help to ensure that everyone is informed and that information is shared freely					
34	I work well with others					
35	When I am responsible for a task, I finish my part timely					
	Leads Change					
36	I take on new challenges					
37	I initiate new projects					
	Project Management					
38	I understand the dynamics of a group and adjust my leadership style accordingly					
39	I match the various skills and interests of people to the tasks					
40	I help groups find resources to implement their plan					



Civil Service Rules

County Civil Service Rules - HR Leadership Academy







County Civil Service Rules - HR
Leadership Academy

Introduction

- Role of Human Resources
 - Provide a foundation for most personnel practices which include:
 - Recruitment and Testing
 - Classification and Compensation
 - Employee Benefits
 - Equal Employment Opportunity
 - Staff Development (SJC Engage)
 - Leave Management
 - Risk Management
 - Labor Relations

County Civil Service Rules

- Rule 1 - Definitions
- Rule 2 - Civil Service Organizations
- Rule 3 - Classification
- Rule 4 - Employment Standards
- Rule 5 - Examinations
- Rule 6 - Eligible List
- Rule 7 - Certification and Waivers
- Rule 8 - Appointments
- Rule 9 - Probationary Period & Permanent Status
- Rule 10 - Promotion or Demotion
- Rule 11 - Transfer

County Civil Service Rules

- Rule 12 - Leave of Absence
- Rule 13 - Employee Performance Reports
- Rule 14 - Standards of Conduct & Performance
- Rule 15 - In-Service Training
- Rule 16 - Resignation & Reinstatement
- Rule 17 - Reduction In Staff
- Rule 18 - Dismissal, Suspension, Demotion, or Reduction of Salary
- Rule 19 - Violation of Rules
- Rule 20 - Discrimination Prohibited
- Rule 21 - Certification of Payrolls
- Rule 22 - Reports and Records

County Civil Service Rules - HR Leadership Academy

Civil Service Commission

- Five community members appointed by members of the County Board of Supervisors to represent a specific district area.
- Meets every 2nd Wednesday of each month at 5:30 p.m. in Room 146, County Admin Building.
- Responsible for oversight of County Civil Service Rules.
 - Approves CS Rule revisions before adoption by the County BOS.
- Approves developments/amendments to job classifications and re-classification studies.
- Conducts Administrative Hearings regarding classification study appeals, EEO Rule 20 grievances, CS Rule grievances and disciplinary appeals.
- Does not have authority to designate salary.

Civil Service Rule 3 Classification Plan

- Classification of Positions
 - All Civil Service classes – adopted by CSC
- Class Specifications
 - Class specifications define duties and responsibilities of a position.
- Classification Studies
 - Requests by department head during budget cycle – approved by HR & CAO

Civil Service Rule 4 Employment Standards

- Filing of Applications
- Health and Physical Ability
- Special Recruitment
- Selective Certification
- Disqualification

County Civil Service Rules - HR Leadership Academy

Recruitment Process

- Requisition **Formal request to fill a vacancy**
 - Multi-allocated promotion opportunities
 - Promotions (open or departmental)
 - Lateral Transfers
 - Demotion Transfers
 - Temporary, part-time, and contract



Recruitment Options

- Open Recruitment
 - Open to applicants outside of San Joaquin County employment and current County employees.
- Promotional Recruitment
 - Open to applicants currently employed by SJC.
 - Department Promotional
 - County-wide Promotional
- Recruitment Plan
 - Recruitment timeline
 - Written/online/oral exam
 - Advertising & outreach



Civil Service Rule 5 Examination

- Minimum Qualifications
- Written Exam
- Oral Exam (Practical Exercise)
- Rate Out
- Establishment of eligible list

Civil Service Rule 6
Eligible List

- Establishing Eligible List
- Resolving of Ties - Promotional Exams Only
- Duration of Eligible Lists
- Open vs. Promotional Lists
- Certification
- Selection

Duration of Eligible Lists

- Open, Continuous, and Promotional Lists
 - Eligibility extends from the established date, for a period of nine months unless extended by the HR Director for a longer period. Maximum duration of list is a total of three years.
- Reinstatement Lists
 - Eligibility extends from the date approved for Reinstatement by the Director for a period not to exceed three years beyond the date the employee resigned from County service.
- Re-employment Lists
 - Eligibility of an individual extends for a period of three years from the effective date of layoff. No extension is possible.

Civil Service Rule 7
Certification and Waivers

- Request for Certification
- Certification of Names
 - Rule of the List
 - Rule of Rank
 - Rule of Five
- Notifying Eligible of Certification
 - Nepotism (Rule 8) **see handout**
- Waivers of Certification

Open Competitive Certification

- Rule Of The Rank
 - The top rank of candidates, as determined by the total percentage score, shall be certified, provided that a minimum of ten names are certified for one position.
- Rule Of The List
 - Either Classifications designated by the HR Director that are professional in nature and for which licensure or certification is required, and/or which require completion of a specific degree program.
 - Or Classifications designated by the HR Director which require multiple selection process hurdles; typically recommended for Law Enforcement positions.

Rule of Rank: Determination of Total Percentage Scores

- For open competitive examinations only, the final results shall be rounded to the nearest whole number.
- A total percentage score of 76.50%, would be rounded up to 77%.
- A total percentage score of 77.20%, would be rounded down to 77%.

Rule of Rank Example

Rank	Rounded Score	Score	Candidate
1	97	97.4 96.8 96.5	J. Smith R. Young R. Singh
2	92	92.4 92.1 91.8 91.5	J. McDonald J. Garcia C. Nguyen P. Lee
3	85	85.4 84.5	G. Douglas F. Lewis
4	77	77.4 76.5	S. Fredrickson T. Jones

Rule of Five

- Applies to Departmental and Countywide Promotional Examinations
- Five names shall be certified for each request, except in cases where more than one position is to be filled; then the number of names certified shall be equal to the number of positions to be filled plus four.

Civil Service Rule 6 - Section 2 Resolving of Tie For Promotional Examinations

- Resolving of ties will only occur for departmental promotional and Countywide examinations where the Rule of 5 certification process is applied.



County Civil Service Rules - HR Leadership Academy

Employee Status Definitions

- Probationary
 - An employee certified and appointed from an eligible list as a new County employee hire or an employee who promoted to a higher level classification and has not completed the one (1) year probationary period.
- Permanent
 - The status of an employee who is retained in their position after completion of the probationary period.
- Exempt
 - The status of an employee appointment to a non-classified Civil Service position.
 - Part Time
 - Temporary
 - Contract

Civil Service Rule 9 Probationary Period

- Final phase of the examination and selection process.
- Effective date of hire to the probationary status.
- Individuals entering the classified service, or promoting within the classified service, serve a probationary period of one (1) year in the position.
- Exception: Deputy Sheriff Trainees serve an 18 month probationary period
- Does not include part-time, temporary, or contract service.

Civil Service Rule 9 – Section 2 Probationary Status

- Promotion
 - Employees who promote while serving a probationary period in the pre-promotion class will attain permanent status in the pre-promotion class after completion of one year of service in the combination of pre-promotion and promotion class
- Voluntary Demotion
 - Employees who voluntarily demote and have less than one (1) year of Classified Service must complete the balance of the probationary period in the demotion class prior to attaining permanent status in that class.

County Civil Service Rules - HR Leadership Academy

Rule 9 Example

[illegible]

Civil Service Rule 9 – Section 2 Probationary Status

- **Transfer**
 - Probationary employees who transfer will attain permanent status in the transfer class after completing a combined total of one (1) year of service in the pre-transfer and transfer classes.
 - Permanent employees retain their permanent status in the transfer class.
- **Layoff**
 - If laid off prior to completing probation in a class, employees are required to complete the balance of the one year probationary period upon re-employment in the same class.

Civil Service Rule 9 – Section 2

Duration of Probation

- **Status After Reinstatement**
 - Employees reinstated to a class in which they held permanent status within one year from the date of their separation from County service, shall be granted permanent status. All others must serve a new probationary period.
- **Disciplinary Demotion or Suspension**
 - Employees permanently demoted in accordance with Rule 18 shall have permanent status in the demotion class and any promotions from that class shall be in accordance with Rule 10.

Civil Service Rule 9 – Section 3 Separation of a Probationary Employee

- A probationary employee may be separated from the position by the Appointing Authority any time during the probationary period without right of appeal or hearing.
- An employee who has probationary status in the class but permanent civil service status may be separated from service only in accordance with Rule 18 or Rule 16.

Civil Service Rule 10 – Promotion Or Demotion

- Eligibility for Promotional Exams
- Seniority Credits
- Promotion in Multi-Allocated Positions
- Failure to Complete Probation
- Voluntary Demotion

Status after Promotion or Voluntary Demotion

- Any County Employee who is certified and appointed to a higher level position in any County department from an open promotional eligible list or who voluntarily demotes, shall retain the benefits of continuous and consecutive service, including seniority for layoff purposes. (Rule 10.7)

Civil Service Rule 12 Leave of Absence

- Content covered in HRLA: Leave Administration class



Civil Service Rule 13 Performance Evaluations

- Frequency of Reports
 - Probationary Employees (4th, 7th & 11th months)
 - Permanent status employees (Annual)
 - Special Reports (Given anytime)
- Impact of Evaluations
 - To be granted a Leave of Absence
 - To participate in a promotional examination
 - To be transferred, promoted, reinstated, or restored to an eligible list

Civil Service Rule 16 Resignation and Reinstatement

- Voluntary Resignation in Good Standing
 - Two weeks written notice. For reasons acceptable to the appointing authority, a resignation with less than two weeks notice may be considered a resignation in good standing.
- Resignation Not in Good Standing
 - An employee who leaves his/her position without written notice, or who gives notice of less than two weeks without acceptable reasons, or terminates their employment by automatic resignation.
 - An employee who does not resign in good standing is ineligible for reinstatement and may be ineligible for re-hire.

Civil Service Rule 16 Automatic Resignation

- Automatic Resignation (Absent for three consecutive eight-hour working days or absent for two consecutive twenty-four hour duty days)
- Reinstatement by Appointing Authority for Good Cause
 - Within 20 calendar days
- Reinstatement for Reasons Acceptable to the Director of Human Resources, Subject to Approval of the Civil Service Commission when ineligible for reinstatement.

Civil Service Rule 17 Reduction In Staff (Layoff)

- By department
- By county-wide seniority, (except in classifications of either Deputy Sheriff Sergeant, Lieutenant or Captain or Correctional Sergeant, Lieutenant, Captain, and DA Investigator III)
- Temporary and contract must be laid off before Civil Service employees
- Bumping may occur
- Laid off employees have reemployment rights for three years

Reinstatement vs. Reemployment

Reinstatement

- **NOT A RIGHT**
- Voluntary separation from Civil Service
- Seniority begins over
- Sick leave bank restored only if reinstated within one year of separation
- Vacation rate accrual only if reinstated within year of separation
- Request can be denied

Reemployment

- **ABSOLUTE RIGHT**
- Involuntary separation
- Seniority continues
- Sick leave bank restored
- Vacation rate accrual restored
- Employee decision to accept/decline

County Civil Service Rules - HR Leadership Academy

Civil Service Rule 18 Dismissal, Suspension, Demotion, or Reduction of Salary

- Always seek guidance from Labor Relations regarding disciplinary actions.
- Notice of Intent
- Hearing (Skelly Hearing)
- Order of Action Taken
- Appeal Process
 - Civil Service Commission
 - Arbitration

Civil Service Rule 19 Violation Of Rules

- Alleged Violations of County CS Rules or Department Rules may be appealed:
- Immediate Supervisor
 - Within 10 days of alleged violation
- Department Appointing Authority
 - Respond within 10 days of appeal
- Director of Human Resources
 - Respond within 10 days of appeal
- Civil Service Commission
 - Will take under advisement and may hold a hearing
 - The findings and decisions are final.

Civil Service Rule 20 Discrimination Prohibited

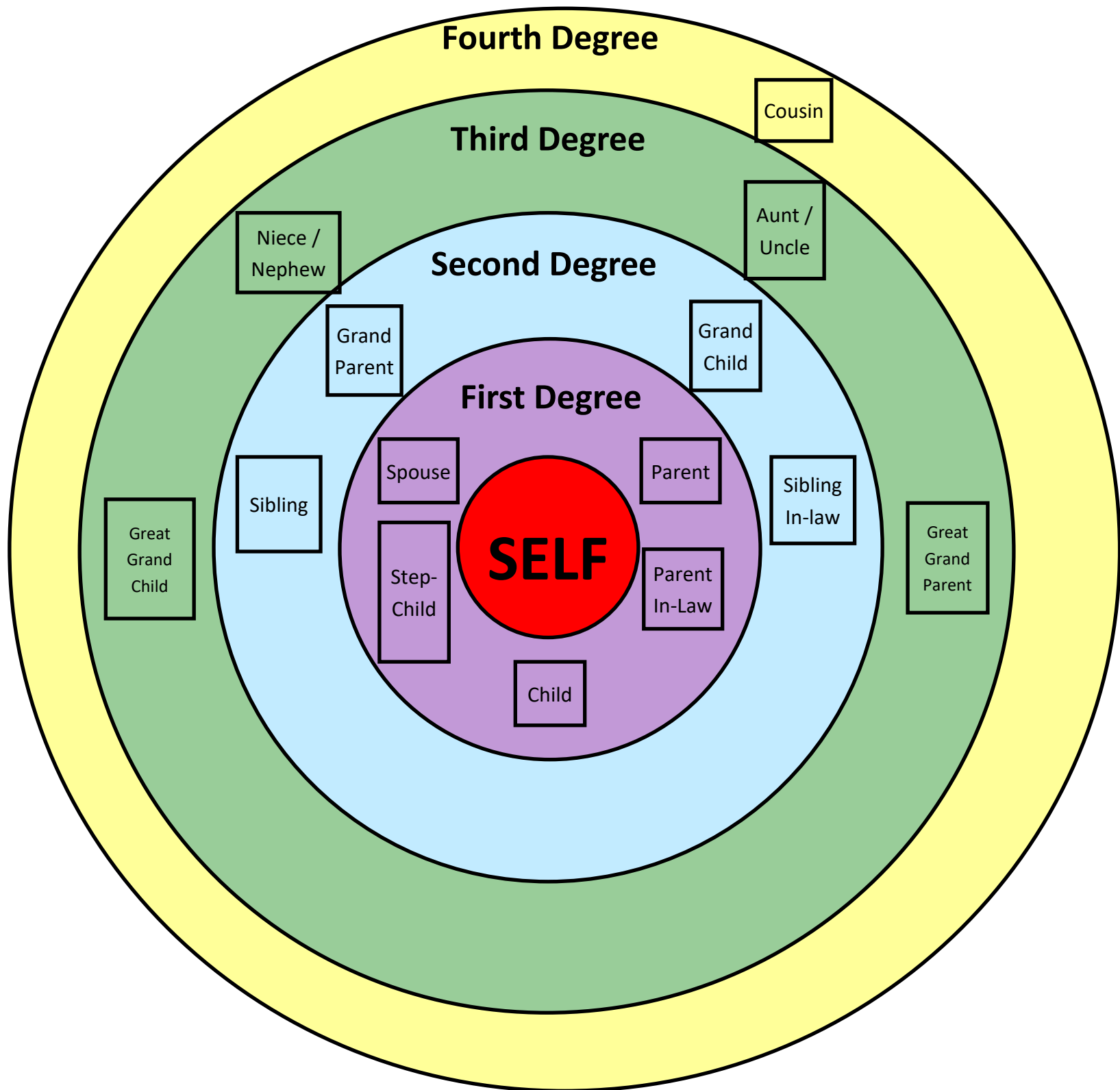
- Training is offered regarding the County's internal complaint process as part of the HR Leadership Academy.

County Civil Service Rules - HR Leadership Academy

Contacts



- Human Resources 468-3370
- Assigned HR Representative for
your Department
- Jennifer Goodman
953-7325
jgoodman@sjgov.org
- Rachel Novetzke
468-9555
rnovetzke@sjgov.org





Union Relations for Managers

Union Relations for Supervisors and Managers



February 2022

Agenda

Introductions

Legal Foundation

County Bargaining Units

MOU's and Negotiations

Legal Duty to Meet and Confer

Job Steward

Employee Representation Rights

Employee Complaints & Grievances

Ask Questions!

Introductions – Labor Relations Unit

Roles & Responsibilities:

- Negotiate 16 MOU's within SJC.
- Terms and conditions of employment for four unrepresented groups.
- Advise County Management regarding interpretation and application of MOU's.
- Represent County Management in grievance & complaint hearings.
- Provide disciplinary advice to County departments.
- Respond on behalf of SJC on Step 3 (County Level) Complaints & Grievances.

- QUIZ -

Labor Relations



1. The MMBA is:
 - A. a Jazz band from Tracy
 - B. a double Masters of Business Administration
 - C. Law that governs labor-management relationships in California local government
2. Employees are entitled by law to a union representative when you meet with them to deliver a counseling memo.
 - A. True
 - B. False
3. Official employee representatives can answer questions on behalf of employees during an investigation interview.
 - A. True
 - B. False
4. San Joaquin County's workforce includes how many bargaining units:
 - A. 11
 - B. 16
 - C. 20
5. Who has the primary responsibility for upholding most provisions of our County MOUs?
 - A. Board of Supervisors
 - B. Department Heads
 - C. Supervisors
6. If an MOU agreement is not in place, the terms of the agreement cannot continue.
 - A. True
 - B. False

7. "Weingarten" rights refer to:
 - A. The union's right to use meeting facilities
 - B. An employee's right to representation
 - C. The right to drink a glass of wine during lunch
8. How many working days are supervisors given to respond to a complaint or grievance?
 - A. 45 is the general rule of thumb
 - B. Reasonable number of days as determined by the supervisor
 - C. Varies depending on the bargaining unit
9. What is PERB?
 - A. A mixed drink with Dr. Pepper
 - B. Public Employees Retirement Board
 - C. Public Employment Relations Board
10. If provisions of the MOU differ from County policy, which would prevail?
 - A. County policy
 - B. MOU
 - C. Supervisor can choose which rule they would like to apply
11. A Job Steward is:
 - A. Designated to assist the labor union in representing employees
 - B. Helpful if they understand the rules
 - C. Both A and B

Legal Foundation

Myers, Millias, Brown Act (MMBA)

Law that governs labor-management relationships in California local government (Cities, Counties, and most special districts)

Requires employer to meet and confer in good faith with unions over changes in terms and conditions of employment

Rules for recognizing employee organizations

Employee rights to participate in union activities

Some sections do not apply to certain management employees and Peace Officers under PC 830.1

MMBA located in California Government Code 3500

Legal Foundation

PERB - Public Employment Relations Board

- Unfair practice charge
- Covers most County employees (excludes some peace officer classifications and unrepresented employees)

Court action

Bargaining Units

Workforce divided into 16 separate units for collective bargaining purposes.

The bargaining units, covering over 7,000 employees, are represented by recognized labor organizations

There are also six units, with about 1,000 employees, that are not represented (no collective bargaining)

Employees can decertify a labor organization and recognize a new labor organization.

MOUs and Negotiations

Memorandum of Understanding (MOU)

- Binding agreement between County and the labor organization
- May differ from County policy, MOU rules usually prevail

Most terms of the MOU continue, even if the MOU has expired, until a new agreement is reached or terms are imposed.

Legal Duty to Meet and Confer

Obligations to meet and confer arise when making changes to terms and conditions of employment.

This is more than just bargaining a new MOU, departmental decisions can trigger obligation to meet and confer over the impacts of the decision.

Legal Duty to Meet and Confer

How to meet and confer in San Joaquin County

- Most meet and confer processes are coordinated with Labor Relations
- Always notify appropriate management and Labor Relations staff of potential meet and confer issues
- Labor Relations will provide notice to unions

Legal Duty to Meet and Confer

CONTRACTING OUT

- When the County is contracting out duties (e.g. using employees from a temp agency) that are normally considered bargaining unit work
- Why do you need to contract services?
- What does the MOU say?
- Work with Labor Relations and your assigned Personnel Analyst
- Be prepared to meet with the union if requested

What's a Job Steward?

A Job Steward is an employee/bargaining unit member who acts as a union representative in the workplace.

Job Stewards are typically used when a union's field representative is not available.

In SIC, Job Stewards are seldom used as the largest employee group has a highly staffed office here in town.

Job Stewards are employees and have the same obligations as any other employee.

Check with Labor Relations if an employee is claiming a right to be away from the workplace with pay to act as a union representative.

Employee Representation Rights

Weingarten rights

- Employee's right to have the presence of a union representative at certain meetings.
- You do not have to advise them of this right, you need only honor their request if it is a right-to-representation meeting.
- You can give advance notice to avoid delays, or you can start the meeting, but be prepared to stop it if the employee wants their union rep.

Employee Representation Rights

How do I know if it's a right-to-representation meeting?

- Determine what questions you need to ask the employee and ask yourself if the employee could potentially be disciplined based on their answers to the question

Not entitled to representative for the following:

- Delivering counseling memos, corrective action plans and reprimands
- Normal performance related discussions
- Communicating instructions
- Performance Evaluation meetings, including review meetings

Employee Representation Rights

Who can serve as a representative?

- Employee can choose a job steward from the same union, a relative or a friend (cannot be a party to the issue at hand)
- Attorneys can serve as reps (get help - we have attorneys too!)
- Don't have to substantially delay your meeting, need to provide reasonable time for representative to attend
- May need to change representatives if the employee's original preference is not available

Employee Representation Rights

Representative is there to assist the employee with understanding their rights and to assist in ascertaining facts favorable to the employee's position

Representatives cannot answer questions on behalf of the employee

Representatives cannot disrupt your interview, but may ask clarification questions

Need to consider the merit of any objections the representative may bring forward

- If the representative objects to an issue or question without merit, note the objection for the record and move forward with your original question or issue (this is not a court of law)

Employee Complaints and Grievances

Defined in MOUs

Grievance

- Alleged violation of Civil Service Rule or department rules.

Complaint

- All other employee allegations that do not fall within the definitions of a grievance. Usually involve alleged violations of the MOU.

Does not include discipline and EEO issues, separate process for addressing those issues

Applies to all employees, may be different by MOU

Employee Complaints and Grievances

Time limits

- Includes established time limits
- Employee forfeits if they miss time limits
- Timelines can be extended with the agreement of both parties

Step 1 - Informal Discussion

- Employee raises issue with immediate supervisor within 30 days
- Supervisor informs the employee of their decision; in most cases this must be done within 15 working days. (documentation is good, but not required)

Employee Complaints and Grievances

Step 2 – Department Head

- The employee may submit a written step two filing within the appropriate timeline as outlined in the MOU.
- Must include rules alleged to have been violated, factual basis, and requested remedy, etc.
- In most cases, the written response is due within 15 working days.

Step 3 – CAO Review

- The employee may submit a written step three filing within the appropriate timeline as outlined in the MOU.
- Written response due within 25 days in most cases.
- CAO typically designates HR to respond to Step 3 filings

Employee Complaints and Grievances

Step 4 - Final Appeal

- The employee may submit a written step four filing within the appropriate timeline as outlined in the MOU.
- Complaint – Scheduled for a public hearing before the Board of Supervisors
- Grievance – Scheduled for a public hearing before the Civil Service Commission.

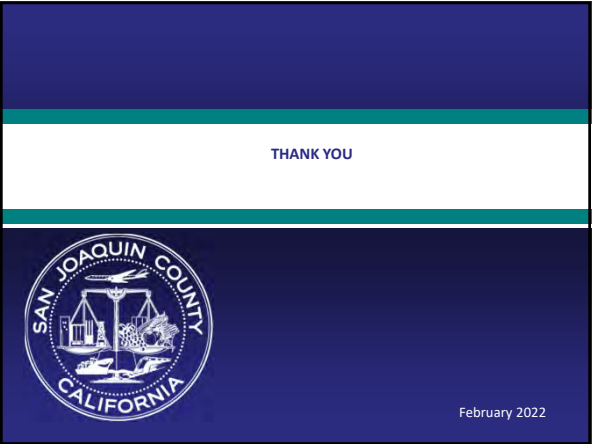
Employee Complaints and Grievances

Helpful hints

- Be sure you understand the claim before making a decision. Schedule a meeting with the employee, if necessary, to collect any missing details. Note: If employee is represented by their union, schedule meeting with the union rep, not the employee.
- Send a copy of every filing you receive and response you send to Labor Relations. They are responsible for tracking all complaints and grievances in the County.
- Make sure you have all of the information pertaining to the issue, don't make any assumptions
- Contact Labor Relations for assistance in handling complaints and grievances.

Quiz Answers



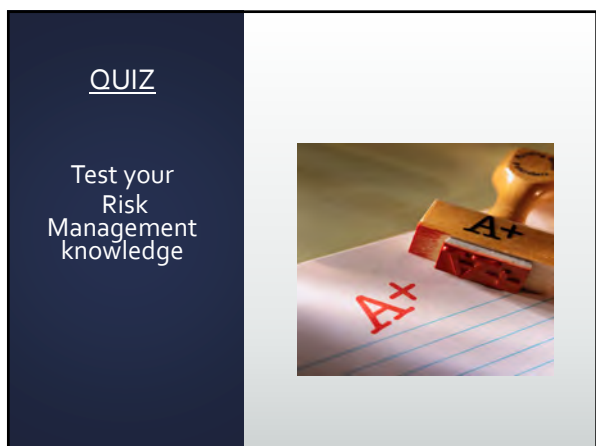




Risk Management: What Every Manager Should Know







Risk Management Staff



- Tanya Moreno
 - County Safety & Risk Manager
 - 468-3274
- Lolita Pearson
 - County Safety Officer
 - 468-3372
- Mignon Supnet
 - Disability Management Coordinator
 - 468-9969
- Claire Cambra
 - Risk Analyst
 - 953-7349
- Andy Slater
 - Risk Analyst
 - 953-7477
- Nancy Brooks
 - Office Assistant Specialist
 - 468-3376
- Lucy Ramirez
 - Office Assistant Specialist
 - 468-3378
- Mariah Pagsolingan
 - Office Assistant Specialist
 - 468-9506

LIABILITY



- Tanya Moreno
 - County Safety & Risk Manager
 - 468-3274
- Nancy Brooks
 - Office Assistant Specialist
 - 468-3376

RISK MANAGEMENT

INSURANCE PROGRAMS

- Liability
- Medical Malpractice
- Auto & Property
- Unemployment
- Workers' Compensation
- Cyber
- Watercraft
- Drone
- Airport
- Aircraft
- Ferry



2

THIRD PARTY ADMINISTRATORS (TPA)

- Liability or Tort Claims
 - GHC—George Hills Company
- Workers' Compensation
 - Tristar Risk Management
 - Sedgwick (for claims prior to 7/1/2003)
- Unemployment Claims
 - Equifax (CaseBuilder database)

ALLOCATION FOR BUDGETING BY DEPARTMENT

Fiscal Year	Workers Comp Allocation Premium	Fiscal Year	General Liability Allocation Premium
16-17	\$12,160,000	16-17	\$6,829,115
17-18	\$8,000,000	17-18	\$6,250,000
18-19	\$9,875,000	18-19	\$6,970,000
19-20	\$8,000,000	19-20	\$6,632,115
20-21	\$9,000,000	20-21	\$10,132,115
21-22	\$10,000,000	21-22	\$12,132,115

INSURANCE PROGRAMS

- Certificate of Insurance
 - Liability
 - Property
- Risk Transfer
 - Transfer of financial risk from one entity to another

UNEMPLOYMENT INSURANCE

- FY 22-23 0.05% Payroll
- “Reimbursable Employer”
- Quarterly Audits
- Claims Administration

TORT CLAIMS



TORT

- A civil or private wrong giving rise to legal liability.



NEGLIGENT ACT OR OMISSION

- Negligence
 - Uses the standard of the reasonably prudent person or "Reasonable Man" standard.

ELEMENTS OF NEGLIGENCE

- A legal duty owed to the claimant to use due care
- A failure to conform to the standard of care required in the situation (i.e. our conduct created an unreasonable risk of harm)
- A causal connection between the negligent act and the claimant's injury
- Actual loss or damage to the claimant

A CLAIMANT IS HARMED, WHAT DO THEY DO?

- The claimant may contact Risk Management or the Clerk of the Board
- Obtain a Claim For Damage or Injury form
- Fill out the claim form
- Submit the claim form to the Clerk of the Board of Supervisors (instructions are on the top of the form)

What Happens Next?

- The Clerk of the Board will date stamp the claim form
- The Clerk of the Board will carry the claim form over to County Counsel
- County Counsel will check to see if all required information is on the claim form as well as for legal requirements
- County Counsel will deliver the claim form to Risk Management

What Happens Next?

- Liability is evaluated
- Check for immunities:
 - Discretionary Acts
 - Constructive Notice
 - Timely filing
- Reserves are set
- An independent adjuster might be assigned
- Deny, Partially Settle, Settle



SAFETY UNIT

Injury and Illness
Prevention Program

SAFETY UNIT



The County shall provide a safe and healthy work environment and make every effort to protect its employees and the public from risks resulting from its operations.

- Lolita Pearson
 - County Safety Officer
 - 468-3373
- Andy Slater
 - Analyst
 - 953-7427

TOPICS OF DISCUSSION

- Policy
- Responsibilities
- Causes of Accidents
- Accident Prevention/Training
- Hazard Identification/Correction



POLICY

- Place employees safety and health as a primary consideration.
- Give Safety and Health precedence over expediency and short cuts.
- Make every effort to minimize accidents.
- Comply with and enforce all safety rules and regulations.

RESPONSIBILITIES

▪County Administrator

- The Board of Supervisors hereby designates the County Administrative Officer to develop and maintain the County's Injury and Illness Prevention Program (IIPP).



RESPONSIBILITIES

▪County Risk Management Office

- Act as safety and health advisor for the County.
- Prepare County safety memorandums.
- Assist departments in developing safety and accident prevention programs.
- Assist departments in identifying safety, health and accident prevention training needs.

RESPONSIBILITIES

▪County Risk Management Office

- Recommend training providers, or conduct training courses.
- Assist in investigating all accidents/incidents that involve serious injury and/or death.
- Analyze accident, injury, and liability reports to develop and distribute statistics.
- Coordinate County safety and health matters with enforcement agencies.

CAL-OSHA



- ??? When OSHA knocks on your door

RESPONSIBILITIES

- County Risk Management Office
 - Coordinate and/or conduct periodic mandatory County Safety and Health Committee meetings.
 - Evaluate the options available for financing any losses that occur and select the most cost effective alternative.
 - Provide the County with cost effective and efficient programs.

RESPONSIBILITIES

- Managers and Supervisors
 - New Employee Orientation
 - Training/Education-Equipment & Environment
 - ID High Risk Operations/Jobs
 - Committed to Safety
 - Wearing of PPE
 - Set examples for employees
 - Encourage employees to report unsafe conditions
 - Promptly investigate accidents and injuries
 - Never Condones Unsafe Acts
 - On Time Reporting of Accidents
 - Enforce all safety rules, procedures and policies. Creating a safe and healthy work environment
 - Disciplining employees

RESPONSIBILITIES

- Employees
 - Employees are responsible for their own health and safety and for working in a safe manner
 - Using safe work practices
 - Report unsafe conditions

RESPONSIBILITIES

- Department Safety and Health Representative (DSHR)
 - Coordinating the day-to-day activities.
 - Working with County Risk Management.
 - Maintaining safety and health communications.
 - Acting as safety and health program advisor.
 - Coordinating safety and health training.
 - Monitoring the abatement process.
 - Ensuring that all required reports are completed.
 - Attending Safety and Health Committee Meetings.

SAN JOAQUIN COUNTY DEPARTMENT SAFETY AND HEALTH REPRESENTATIVES (DSHR)

Current listing of Department Safety and Health Representatives can be found on the Risk Management website below:

<https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=25904>

FIND THE HAZARDS



CAUSES OF ACCIDENTS

20%

▪UNSAFE
CONDITIONS

80%

▪UNSAFE ACTS

CAUSES OF ACCIDENTS

▪IMMEDIATE CAUSES

- Slip/Trip
- Falls: level or from elevation
- Caught in, on or between
- Unsafe position: strain/sprain
- Cuts
- Burns
- Contact with energy source
- Struck by/against

CAUSES OF ACCIDENTS

▪ROOT CAUSES

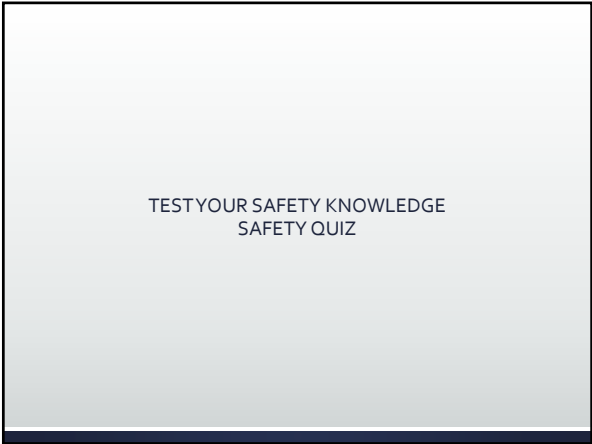
- Lack of knowledge
- Lack of skill
- Attempting to save time
- Avoiding discomfort
- Physical factors
- Outside influences
- Violating safety practice(s)
- Lack of personal protective equipment
- Inadequate work standards

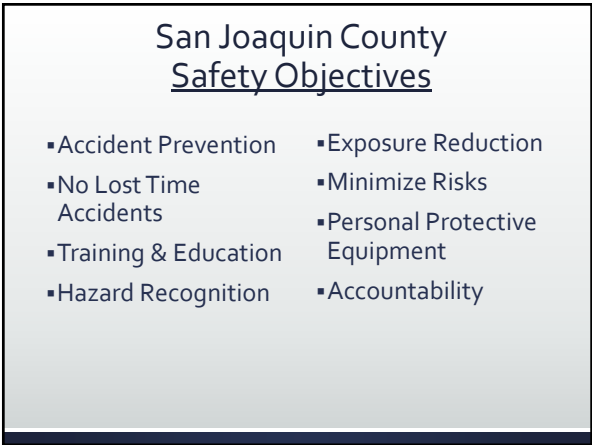
ACCIDENT PREVENTION

- Correct unsafe acts observed
- Identify unsafe conditions
- Discuss safety with the workgroup each day
- Provide feedback on safety to your staff
- Conduct safety training and risk assessments
- Conduct incident investigations
- Acknowledge people for performing safely
- Wear proper personal protective equipment (PPE)
- Provide proper training
- Seek the advice from your Risk Management team

Training
Training
Training











Workers'
Compensation
Unit

- **Mignon Supnet**
 - Disability Management Coordinator
 - 468-9969
- **Claire Cambra**
 - Risk Management Analyst
 - 953-7329
- **Lucy Ramirez**
 - Office Assistant Specialist, Cases A-M
 - 468-3378
- **Mariah Pagsolingan**
 - Office Assistant Specialist, Cases N-Z
 - 468-9506

Insurance

- Workers' Compensation is a type of insurance just like your auto insurance and home insurance. But instead of paying an insurance company a premium, the County is self-insured
 - Self-insurance means the County pays for every dollar spent on a claim
- Workers' Compensation is an insurance that protects an employer's workforce should an injury or illness occur to an employee as a result of work
- All California employers must have workers' compensation insurance in order to operate in California

WC Benefits

- WC insurance premiums is 100% employer paid
- There are no deductibles for employees with an accepted claim
- WC Insurance covers all approved medical treatment needed for the injury/illness (evaluations, consults, diagnostics, dmes, rx, treatment, etc)
- Some cases may be approved for future medical care
- WC Insurance also provides coverage for lost time wages up to a maximum of 2 years
 - LC 4850 (specific to Safety Members)
 - Temporary Disability (TD)
 - Temporary Partial Disability or Wage-loss (TPD)
- In some cases, disabilities could result in a permanent disability award

INDEMNITY RATES

- Temporary Disability (TD)
 - Has been increasing annually since 2004
- | | |
|--------|----------------------------------|
| • 2018 | Min \$182.29/wk Max \$1215.27/wk |
| • 2019 | Min \$187.71/wk Max \$1251.38/wk |
| • 2020 | Min \$194.91/wk Max \$1299.43/wk |
| • 2021 | Min \$203.44/wk Max \$1356.31/wk |
| • 2022 | Min \$230.95/wk Max \$1539.71/wk |
| • 2023 | Min \$242.86/wk Max \$1619.15/wk |

SJC Specific Benefits

- WC related leaves of absence runs concurrently with FMLA/CFRA protections
- 80/20 split for health insurance is continued for the employee while on a workers' compensation related leave
- Seniority hours continue to accrue during a workers' compensation related leave of absence
- Accruals (sick and vacation) continue to accrue during workers' compensation related leave of absence
- Per MOU, while an employee is off work and receiving TD/TPD/4850 benefits, the employee is considered to be on an automatic leave of absence

SJC Specific Benefits (con't)

- Time reimbursement process for employees who are using accruals during approved TD/TPD periods
- While an employee is off work and receiving TD/TPD, the employee has the option of how they want to use their accruals per pay period.
 - 0 hours
 - 41 hours
 - 80 hours
- as of 10/10/22, SEIU bargaining Units only (E, F, G, H, I, and R) have an option to use 32 hours

Health Benefits & Retirement Contribution

- For employees who choose to use either 41 or 80 hours of their accruals per pay period - while receiving TD benefits:
 - 80/20 split contribution will continue for health benefits (including dependents)
 - Employee's share of health benefits cost will be deducted from the use of accruals
 - Retirement contribution is pro-rated if the employee is only using 41 hours per pay period
- Employees who use 32 hours per pay period must contact HR Benefits (8-9987) to ensure there is enough wages to cover the employee portion of the cost share of their insurances

Health Benefits & Retirement Contribution (con't)

- For employees who do not have accruals or for employees who choose not to use any accruals while receiving TD benefits:
 - 80/20 split contribution will continue for health benefits for the employee only
 - Employee is responsible for 100% of dependent coverage cost
 - Employee must arrange over-the-counter payments with HR Benefits (468-9987)
 - Retirement contributions cannot be deducted from TD checks. Employee may be able to buy back TD time from Retirement
 - Buy back determination is solely through the Retirement Office

ROLES AND RESPONSIBILITIES



Supervisor/Manager

- You will likely be the first person to learn of an employee's injury or illness
- Follow your department's post incident investigation process
- Complete all required paperwork, including workers' comp claim packet
- If an employee is off work – follow up and check in. Let them know what will be needed (i.e. doctor's notes, etc)
- If your department has specified staff who process LOA, make sure they are informed of the WC incident and the employee's leave.
- Complete employee's timesheet as appropriate
- Continue to monitor
- Inform Risk Management of the incident especially if there are concerns.

Dept. Processors

- Once you receive information from the Supervisor/Manager, ensure that all required paperwork has been completed
- Send paperwork to Risk Management
- If the employee is off work due to the incident -- review for FMLA/CFRA qualifications. Send out appropriate paperwork. Designate as appropriate
- Coordinate with Sup/Mgr and/or find out directly from the employee how they would like to use their time while off work. Use Form 29 to document.

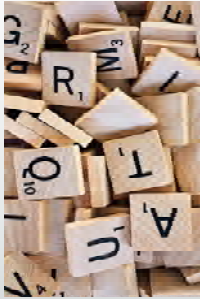
Risk Management

- Receives all claims for SJC
- Serves as County liaison between third party administrator and County departments
- Works directly with claims administrator
- Daily management of WC claims program
- Processes all TD, TPD, and LC 4850 payments
- Works with Departments on time reimbursement process
- Monitors, tracks, and trends all claims
- Receives courtesy copies of work statuses from Occ. Med Clinics
- Facilitates return to work
- Facilitate interactive process meetings and assists with reasonable accommodation analysis

How is a claim filed?



WC Alphabet Soup (not alphabetical)



- TD – Temporary Disability
- TPD – Temporary Partial Disability
- 4850 – Safety specific benefit in lieu of TD
- PD – Permanent Disability
- P&S – Permanent and Stationary
- MMI – Maximum Medical Improvement (functions the same as P&S)
- Occ Med – Occupational Medicine
- PTP or TP – Primary Treating Physician or Treating Physician
- TMD – Temporary Modified Duty
- TPA – Third Party Administrator
- WCAB – Workers' Compensation Appeals Board
- UR – Utilization Review
- QME – Qualified Medical Examiner
- AME – Agreed Medical Examiner

Definition

- **Date of Knowledge (DOK)** is defined as the date the Department/County became aware than an injured/ill employee wants to file a workers' compensation claim. This date can be different from the Date of Incident.
- DOK is very important as there are a lot of deadlines and due dates that starts from this date
- Due dates associated with the DWC-1 Form and 5020 Form carry fines if not met
- **Date of Incident (DOI)** is the actual date that the incident occurred. This date does not change.

Statutory Employer Responsibilities

- Upon **date of knowledge**, the employer must offer reasonable medical treatment to the injured/ill employee
- Upon **date of knowledge**, the employer must provide a claim form (DWC-1 form) to an injured/ill employee within 24 hours
- Upon **date of knowledge**, the employer must file a report (5020) with the State within 5 days of the accident

Forms

- Supervisor's Report of Accident/Incident
 - Employee's Request for Medical Treatment
 - Claim Form (Form DWC-1)
 - Employer's Report of Occupational Accident (Form 5020)
 - Form 29
- HCS, SO, and Probation have their own version of the Supervisor's Report of Accident. Use the form being utilized in your specific department.

Supervisor's Report of Accident



Form link:
<https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=37699>

- County specific form
- **Must be completed with every employee related incident/accident**
- Documents the Supervisor's investigation of the incident
- Department keeps the original
- Risk Management (RM) gets an electronic copy by email IF the employee is filing a claim
- If the employee is NOT filing a claim, WC doesn't need a copy
- Be sure to include a date on the signature line

SJC Accident/Investigation Report



https://www.sjgov.org/docs/default-source/human-resources-documents/risk-management/forms/accident-investigation-report-form.pdf?sfvrsn=336ad3f_3

- SJC specific form
- Supplemental form that can be used as a resource or tool to assist with completing a comprehensive investigation of an incident/accident
- It is important to investigate incidents and accidents immediately after the event. This is to ensure that the environment is captured near real time (as possible) and allows for documentation of any identified hazards
- Taking pictures is also helpful with documentation

Employee's Request for Medical Treatment

The form is titled "EMPLOYEE'S REQUEST FOR MEDICAL TREATMENT" and is from the "SAN FRANCISCO COUNTY OFFICE OF WORKERS' COMPENSATION". It includes fields for "Employee Name", "Job Title", "Date of Injury", and "Date of Request". There are checkboxes for "Is the employee seeking medical treatment?" and "Is the employee seeking medical treatment after an incident?". A section for "Medical Treatment" includes checkboxes for "Physical Therapy", "Occupational Therapy", "Chiropractic", "Acupuncture", "Mental Health", "Prescription Drugs", "Surgical Treatment", "Other Medical Treatment", and "Other Medical Treatment". A signature line is at the bottom.

Form link:
<https://www.sfgov.org/WorkArea/DownloadAsset.aspx?id=33644>

- County specific form
- Dual purpose form
- **Provide this form to the employee if they would like to seek medical treatment after an incident.**
- If an employee declines medical care, use the signature line at the bottom of the form to document that medical was offered, but declined.
- If the employee requests medical care at a later date (after declining) – provide a new form. (This creates a paper trail and support that medical was offered timely.)

Claim Form (DWC-1)

The form is titled "CLAIM FORM (DWC-1)" and is from the "STATE OF CALIFORNIA". It includes fields for "Employer Name", "Address", "City", "State", "Zip", "Date of Injury", "Date of Claim", "Date of Knowledge", "Date of Filing", "Date of Payment", "Date of Settlement", "Date of Denial", "Date of Appeal", "Date of Hearing", "Date of Decision", "Date of Review", "Date of Final Decision", "Date of Appeal", "Date of Hearing", "Date of Decision", "Date of Review", "Date of Final Decision". There are checkboxes for "Is the employee seeking medical treatment?" and "Is the employee seeking medical treatment after an incident?". A section for "Medical Treatment" includes checkboxes for "Physical Therapy", "Occupational Therapy", "Chiropractic", "Acupuncture", "Mental Health", "Prescription Drugs", "Surgical Treatment", "Other Medical Treatment", and "Other Medical Treatment". A signature line is at the bottom.

Form link:
<https://www.sfgov.org/WorkArea/DownloadAsset.aspx?id=23506>

- This form is required by the State
- This form is what triggers the claim process and is necessary to initiate a claim
- **Must be provided to the employee within 24-hours of employer knowledge**
- Timelines (and potential fines) are determined from the employer's date of knowledge
- Requires employee and employer signature
- Completion of this form is not an admission of liability
- **Provide a copy of the completed form along with the 3 page cover sheet to the employee**

Employer's Report of Occupational Injury/Illness (5020 Form)

The form is titled "EMPLOYER'S REPORT OF OCCUPATIONAL INJURY/ILLNESS (5020 FORM)" and is from the "STATE OF CALIFORNIA". It includes fields for "Employer Name", "Address", "City", "State", "Zip", "Date of Injury", "Date of Claim", "Date of Knowledge", "Date of Filing", "Date of Payment", "Date of Settlement", "Date of Denial", "Date of Appeal", "Date of Hearing", "Date of Decision", "Date of Review", "Date of Final Decision". There are checkboxes for "Is the employee seeking medical treatment?" and "Is the employee seeking medical treatment after an incident?". A section for "Medical Treatment" includes checkboxes for "Physical Therapy", "Occupational Therapy", "Chiropractic", "Acupuncture", "Mental Health", "Prescription Drugs", "Surgical Treatment", "Other Medical Treatment", and "Other Medical Treatment". A signature line is at the bottom.

Form link:
<https://www.sfgov.org/WorkArea/DownloadAsset.aspx?id=6873>

- This form is required by the State
- **Must be completed within 5 days from the employer' date of knowledge**
- Timelines (and potential fines) are determined from the employer's date of knowledge
- Information from both the DWC-1 form and the Supervisor's Report of Accident is helpful in completion of this form

[illegible]

- Form link:
https://www.sgo.gov.org/docs/default-source/human-resources-documents/risk-management/forms/notice-of-leave-of-absence-for-temporary-disability-indemnity-payment-form-29.pdf?sfvrsn=748ac3f5_5

- All workers' compensation forms are available through this link:
 - <https://www.sjgov.org/departments/hr/risk/forms>
- Supervisor's Report of Accident
 - Complete investigation timely
 - Use the supplemental investigation form if needed
- Employee's Request for Medical Treatment
 - Employer must offer medical care after date of knowledge of a claim
 - If the employee declines medical care – have the employee sign the bottom of the form
- Claim Form -- DWC-1 Form (this is required by the State)
 - Must be provided within 24 hours from the date of knowledge
- Form 5020 – Employer's Report of Occupational Injury/Illness (this is required by the State)
 - Incident must be reported to the State within 5 days of the date of knowledge
- Form 29
 - Documents the employee's choice on use of time while off work

Team

[illegible]

Supervisors/Managers	Dept. Processors	Risk Management
- Take your employee's report - Follow your department's post incident investigation process - Complete all required paperwork, including workers' comp claim packet - If an employee is off work – follow up and check in. Let them know what will be needed (i.e. doctor's notes, etc) - If your department has specified staff who process LOA, make sure they are informed of the WC incident and the employee's leave. - Complete employee's timesheet as appropriate - Continue to monitor - Inform Risk Management of the incident especially if there are concerns.	- Once you receive information from the Supervisor/Manager, ensure that all required paperwork has been completed - Send paperwork to Risk Management - If the employee is off work due to the incident -- review for FMLA/CFRA qualifications. Send out appropriate paperwork. Designate as appropriate - Coordinate with Sup/Mgr and/or find out directly from the employee how they would like to use their time while off work. Use Form 29 to document	- Receives all claims for SJC - Serves as County liaison between third party administrator and County departments - Works directly with claims administrator - Daily management of WC claims program - Processes all TD, TPD, and LC 4850 payments - Works with Departments on time reimbursement process - Monitors, tracks, and trends all claims - Receives courtesy copies of work statuses from Occ Med Clinics - Facilitates return to work - Facilitate interactive process meetings and assists with reasonable accommodation analysis



Disability Management

DISABILITY MANAGEMENT



The objective of San Joaquin County's Disability Management Program is to support employees who are ill or injured, to return to work as soon as medically possible.

- Mignon Supnet
 - Disability Mgmt Coordinator
 - 468-9969
- Claire Cambra
 - Risk Management Analyst
 - 953-7329

Leave of Absence

- CS Rule 12, Sec 10 "...an employee who, as a result of injury during employment... shall have an automatic leave until it is ruled that recovery from disability is sufficient to release the employee as recovered."
- Employees are responsible for providing work status updates to their departments
- It is reasonable for Departments to seek out dr's notes from employees who are off work
- Leave of Absence must be processed for employees who are off work due to a work related injury/illness
 - Complete a RLOA Form
 - Complete appropriate FMLA/CFRA forms
 - Absence need to be designated as either FMLA/CFRA or Personal/Medical
 - ERR
 - Designation Notice
 - WC process provides an injured/ill employee the option of using 0, 41, or 80 hours per pay period.
 - If an employee does not have enough accruals to meet the 41-minimum per pay period, this defaults to 0-hours use.

Request for Leave of Absence Form (RLOA)

RLOA Form link:
<https://www.sjgov.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=9606>

- This form needs to be completed if an injured/ill employee is taken off work.
- LOA extensions need to be documented by use of this form
- If an employee wants to buy back their retirement hours at a later date, this form is necessary to verify the leave of absence
- Remember to also use the **Form 29** to document the employee's option on use-of-time

FMLA/CFRA – Eligibility and Rights & Responsibilities Notice

- Use the same FMLA/CFRA review process to determine if current LOA qualifies for FMLA/CFRA protection
- Send out this notice as standard when the employee loses 3 or more days from work
- This notification is required by both Federal and State regulations

FMLA/CFRA – Designation Notice



- Use the same FMLA/CFRA review process to determine if current LOA qualifies for FMLA/CFRA protection
- Send out this notice to inform the employee whether their leave of absence has been (or not) designated as FMLA/CFRA
- This notification is required by both Federal and State regulations

Time off Request

Employees who have returned to work following an injury, but continue to have medical appointments ...

- Need to request time off as normal
- Need to use their own accruals for their medical appointments.
- WC does not pay TD benefits for routine medical appointments.



Leave of Absence Summary

- Complete a Request for Leave of Absence Form (RLOA Form) for all LOA
- Complete a Form 29 to document use of time option for WC related LOA
- Review for FMLA/CFRA protections
 - Send out ERR
 - Designate as appropriate

ROLES AND RESPONSIBILITIES



Supervisors/Managers

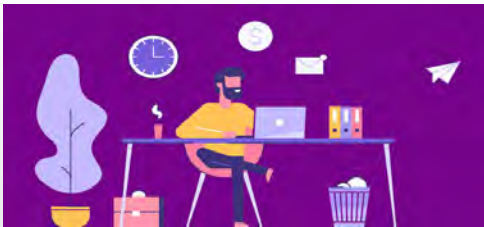
- Follow up with your injured employees. It's ok to check in and see how they're doing.
- Make sure you inform the employee that updated work status or doctor's notes are needed
- Make sure that employees who have continuing doctor's appointments know they need to use their own time and to follow normal time off request process
- Provide the information to your personnel or payroll staff
- Monitor the leave
- Contact Risk Management if there are concerns

Dept. Processors

- Review for FMLA/CFRA qualification
- Send out ERR
- Designate FMLA/CFRA as appropriate
- Make sure RLOA Forms are completed
- Make sure Form 29 is completed
- Monitor LOA and update paperwork as needed

Risk Management

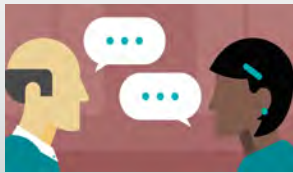
- Receives Form 29 form
- Processes all TD, TPD, and LC 48go payments
- Works with Departments on time reimbursement process
- Receives courtesy copies of work statuses from Occ Med Clinics and sends to departments for review/determination
- Facilitates return to work
- Facilitate interactive process meetings and assists with reasonable accommodation analysis



Return to Work

Interactive Process (IP)

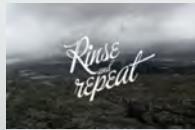
- ADA – Americans with Disabilities Act (Federal)
- FEHA – Fair Employment and Housing Act (State)
- Both regulations require an employer to engage in a **timely, good faith**, interactive process with an injured/ill employee to determine feasible reasonable accommodation(s)



Interactive Process (IP)

• Temporary Work Restrictions

- Acknowledge receipt of updated notes
- Review each work status and determine if temporary mod duty can be accommodated
 - What parts of the employee's regular job can they continue to do even with restrictions?
- Does the employee have any suggestions or ideas?
- Are there projects that need extra hands?
- Is there an area that could use help due to short staffing or increased work demands?
- If clarification is needed, contact RM for assistance
- Communicate the mod duty determination with the employee
 - Document the determination in writing
- Follow up on the TMD with the employee
 - Is it effective?
 - Does it need adjustments?
 - Implement adjustments when needed



Interactive Process (IP)

• Permanent Work Restrictions

- Acknowledge receipt of the permanent work restriction
- Contact Disability Management to assist with coordination/facilitation of IP meeting.
- Review permanent work restrictions and determine if reasonable accommodations can be accommodated on a permanent basis.
 - What are the permanent work restrictions?
 - What are the employee's essential functions?
 - Can the work restrictions be accommodated so that they perform the essential functions of the position?
- Does the employee have any suggestions or ideas?
- If performance of the essential functions is not feasible with or without reasonable accommodations, have considerations been made for an alternative position?
- Communicate determination with the employee
 - Document the determination in writing
- Continue to communicate with the employee to ensure continued effectiveness of the reasonable accommodation
 - Some conditions may flare up and need temporary adjustments during flare up period
 - Implement adjustments as needed



ROLES AND RESPONSIBILITIES



Employee

- Must provide updated work status information to their supervisor/manager in a timely manner
- Must maintain communication with their supervisor/manager
- Report to work when work is offered. This could be a temporary light duty or modified duty assignment
- Report of any concerns with light duty or mod duty assignment
- Perform light duty or mod duty assignment according to expected standards

Supervisor/Manager

- Maintain communication with injured/ill employee
- Review all work status updates
- Determine the availability of temporary mod duty or light duty assignment
 - Offer temporary mod duty
 - Documents offer of work
 - Monitor mod duty/adjust if needed

Risk Management

- Receives courtesy copies of work statuses from some of the occupational health clinics. This is not a mandatory service from the drs' offices. As such, receipt of information is hit and miss.
- Serves as the liaison between Departments and the WC Administrator.
- Tracks all WC related off work and mod duty status
- Works with Departments to facilitate RTW
- Assists with interactive process



Other options

Job Search

- If permanent work restrictions cannot be accommodated in the employee's current position, **job search** is the next option to determine if there are other vacant positions the employee can transition to
- This is also part of the interactive process under the ADA and FEHA to ensure that the employer is looking at all possible options to help the employee continue working
- Under WC – there is an 85% threshold that is reviewed. What this means is that if an employee were to be placed in another position, the new position has to be within 85% of the employee's original wages (or up to 15% reduction in wages).
 - Lower salaried (below 85%) positions can still be offered
 - Falling below the 85% threshold could open up other WC Claim benefits for the employee
- Under the ADA and FEHA – there are no wage reduction limits.
 - The goal is placement into a position where the employee can perform the essential functions of the position with or without a reasonable accommodation

Job Search conditions

- The employee must have permanent work restrictions that either precludes the employee from performing the essential functions of their current position (with or without accommodation), or the permanent work restrictions cannot be accommodated by the Department
- The employee must provide an updated job application form
- The employee must actively participate
- Search process:
 - Search starts with employee's Department and is extended to other Departments if needed
 - Viable vacant positions only (Positions cannot be created)
 - Vacant positions in the same wage range or lower are reviewed. (Promotional positions cannot be included in this process).
 - Minimum qualifications must be met for any position being reviewed
 - Essential functions must be performed (with or without accommodations) with respect to the employee's permanent work restrictions
 - There are no guarantees of placement

Medical/Disability Retirement

- In addition to job search, the employee can also consider applying for a medical/disability retirement.
- This process is completely under San Joaquin County Employees Retirement Association's (SJCERA) administration and is separate from any work comp process
- Application process takes approximately 9+ months
- Employee may need to get evaluated by a doctor assigned by SJCERA
- While the employee is applying for medical/disability retirement, the employee must remain on a leave of absence with the Department
- If the employee's application is approved:
 - Can retire
 - Or can continue working in an alternative position
 - Wage supplementation benefit if alternative position is less wages than the original position

ROLES AND RESPONSIBILITIES



Job Search and Medical/Disability Retirement

Employee

- Must actively participate with processes (job search process and/or retirement process)
- Must maintain communication with appropriate staff
- Report of any concerns
- If placement is successful – employee must perform according to expected standards of their new position

Supervisor/Manager

- Participate with evaluating vacancy options within the Department
- Review for feasible reasonable accommodations in alternative positions within the Department
- If placement into a new position is successful
 - Offer training and orientation period
 - Follow up with employee to ensure continued effectiveness of accommodations
 - Monitor and adjust as needed

Risk Management

- Facilitates interactive process
- Acts as liaison between the all parties during job search process to coordinate exchange of information
- Monitors/tracks job search progress and assist with coordination of placement
- Monitors/tracks retirement application progress. Reports to SJCERA if placement is accomplished
- Reports back on placement status to WC

COURSE SUMMARY

- Overview of Risk Management Programs
 - Types of Insurances Provided
 - Liability
 - Safety
 - Workers' Compensation
 - Disability Management

REVIEW RISK MANAGEMENT QUIZ



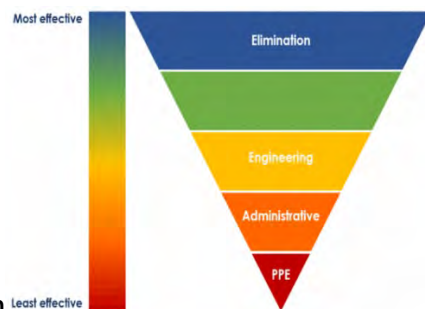
How did you do?



Test Your Safety Knowledge

1. What does SCBA stand for?
 - a. Self-Contained Breathing Apparatus
 - b. Secure Contained Breathing Apparatus
 - c. Safely Contained Breath Appliance
 - d. Self-Connect Breath Apparatus
2. Which of the following is the acronym describing the correct sequence of using a fire extinguisher?
 - a. Pull
 - b. Push
 - c. Pass
 - d. None of the above
3. FLAMMABLE is another word for INFLAMMABLE?
 - a. True
 - b. False
4. Fatal injuries can occur in trenching accidents because shoring (unsupported embankment) is not provided.
 - a. True
 - b. False
5. Accidents can result from....
 - a. Hurrying
 - b. Fatigue
 - c. Inattention to the task
 - d. All of the above
6. What is the single most important way to prevent the spread of infection?
 - a. Stronger concentration of disinfectant
 - b. Hand hygiene
 - c. Taking vitamins
 - d. Regular exercise
7. If you see an “isolation” sign on a patients door in the hospital you should?
 - a. Proceed with caution and enter
 - b. Check with Charge Nurse
 - c. Disregard the sign
 - d. Take the sign down

8. What is the name of the state agency that protects the health and safety of workers?
- San Joaquin Public Health Services
 - Cal OSHA
 - Federal Drug Administration
 - Department of Defense
9. Who is responsible for your safety at work?
- Your employer
 - Your supervisor
 - You
 - All of the above
10. Bend at the knees to avoid injury when lifting?
- True
 - False
11. All chemical storage containers must have labels with safety information?
- True
 - False
12. It is important to know EXIT routes for emergencies?
- True
 - False
13. Any worker can lockout or tagout a machine?
- True
 - False
14. Goggles must be worn when mixing chemicals?
- True
 - False
15. Identify the missing step in the hierarchy of safety controls.
- Simplification
 - Substitution



- Prevention
- Mitigation

RISK MANAGEMENT OFFICE QUIZ

1. T F The Risk Management Office oversees the following insurance programs: Liability, Medical Malpractice, Auto & Property, Unemployment, and Worker's Compensation.
2. T F 6% of your department's payroll goes toward unemployment Insurance.
3. T F Negligence uses the "unreasonable man" standard.
4. T F To file a general liability claim against the County, the claimant must submit a claim form to the Clerk of the Board.
5. T F Managers and supervisors are not responsible for promptly investigating accidents and injuries.
6. T F Managers and supervisors may be responsible for creating a safe and healthy work environment.
7. T F An employer has a duty to provide a reasonable medical care to an employee who has sustained an injury/illness due to work.
8. T F A worker's comp claim form must be provided to an employee within 24 hours of employer's knowledge of an injury/illness.
9. T F A doctor's note is not needed to return an employee to work following a medically related leave.
- 10.T F If an employee's physician restricts the employee from working for a certain manager or supervisor, the department must comply.

"NUMBER MAZE"

1 START

19 61 7

13 37 43 31 8

49 55 45 14 50 42 60 44 30 32 18

25 15 2 38 36 62 51 33 34 26 52

63 STOP

39 34

27 35 21 57 16 56 48 20 4

11 47 10 28 46 28

53 11 23 22 58 54 40

41 59 29



RISK MANAGEMENT FORMS

- **LIABILITY**
- **SAFETY**
- **WORKERS' COMP**
- **DISABILITY MANAGEMENT**
- **FREQUENTLY ASKED QUESTIONS**

<https://www.sjgov.org/departments/hr/risk/forms>

LIABILITY FORMS





COUNTY OF SAN JOAQUIN INCIDENT REPORT

Information Reported Herein is
Considered Privileged And
Confidential

DEPARTMENT REPORTING INCIDENT	DEPARTMENT	DMSION	LOCATION CODE#
	ADDRESS		PHONE
	CITY	STATE	ZIP CODE
TIME & PLACE	DATE AND TIME OF ACCIDENT ☐ AM ☒ PM		
	LOCATION		
DESCRIPTION OF INCIDENT			
	(USE REVERSE SIDE IF NEEDED)		
INJURED PERSON			
	ADDRESS		
	OCCUPATION	EMPLOYED BY:	
	NATURE AND EXTENT OF INJURY		
	WHERE WAS INJURED TAKEN AFTER INCIDENT?		
PROPERTY DAMAGE	OWNER	ADDRESS	PHONE
	LIST DAMAGE		
WITNESSES	NAME	ADDRESS	PHONE

EMPLOYEE REPORTING INCIDENT

DATE

SUPERVISORS NAME (PRINTED)

SUPERVISORS SIGNATURE

DISTRIBUTION-ORIGINAL AND 5 COPIES TO COUNTY COUNSEL

S&T 206 Rev 7-82

FOR AGENT USE		
INCIDENT CODE	RESERVES	CLAIM#



To be; Date Stamped By Clerk
Of the Board of Supervisors

County of San Joaquin

Print Form

CLAIM FOR DAMAGE OR INJURY

INSTRUCTIONS:

Prepare in ink or typewriter. File original and one copy with Clerk of the Board of Supervisors,
San Joaquin County, 44 N. San Joaquin Street, Suite 627, Stockton, California 95202.

Use additional paper as necessary.

Name of Claimant:

Home Address/Phone:

Send Correspondence To:

When did Injury or Damage Occur:

WHERE DID INJURY OR DAMAGE OCCUR:

HOW DID INJURY OR DAMAGE OCCUR:

Identity of County Vehicle: (if applicable)

Name(s) of County Employee(s) involved:

WHAT INJURIES OR DAMAGE DID CLAIMANT SUFFER:

AMOUNT OF DAMAGE OR LOSS:

Total Claim

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Relationship to Signer, if not the Claimant

Date

White - County Counsel

Yellow - County Counsel

Pink - Claimant Pers.

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY

8 (4/96)

Updated Address Revision 9/09



COUNTY OF SAN JOAQUIN AUTOMOBILE ACCIDENT

Print Form · · 1

Information Reported Herein is
Considered Privileged and Confidential

Please Print-Fill Out Immediately		Send One Copy to Public Works-Fleet Services and One Copy to Risk Management		Must be Signed by Supervisor					
C o u n t y D r i v e r	Name of County Driver (Vehicle #1)		Address		Employee ID No.	Age	Driver's License No.		
	Department		Division		Location Code No.		County Phone No.		
	Date of Accident	Time of Accident	Location of Accident (Intersection or Address)		Enforcement Notified? [Y]es [N]o [S]heriff [C]ity [P]D [C]cHP				
	For What Purpose was Vehicle Being Used at Time of Accident or Loss?								
	County Vehicle No.		Vehicle License No.		County Vehicle Year	County Vehicle Make	County Vehicle Model		
	Describe Damage or Loss/if Theft, Specify Property:						Was County Vehicle Towed? [Y]es [N]o		
	Were you Injured? If yes, Part of Body Affected. [Y]es [N]o			Describe Your Injury					
O t h e r D r i v e r	Name of Other Driver (Vehicle #2)			Driver's License No.		Phone Number	Age		
	Address			City		State	Zip Code		
	Registered Owner of Vehicle			Vehicle Insured by		Policy No.			
	Registered Owner Address			City		State	Zip Code		
	Other Vehicle License No.			Year	Make	Model	Was Vehicle Towed? [Y]es [N]o		
	Describe Damage to Other Vehicle			Describe Other Driver's Injury [N]one					
O t h e r I n j u r i e s	Injured Person's Name			Age		Phone Number			
	Address			City		State	Zip Code		
	Describe Injury [Y] Hospitalized [Y] Doctor			Passenger Vehicle L#1 [N] #2 [N] #3		Pedestrian Hit By n#1 [J] #2 [C] #3			
	Injured Person's Name			Age		Phone Number			
	Address			City		State	Zip Code		
	Describe Injury [Y] Hospitalized [Y] Doctor			Passenger Vehicle J#1 [1] #2 [1] #3		Pedestrian Hit By J#1 [C] #2 [1] #3			
	Were Any Injured Persons Transported by Ambulance? [Y]es [N]o			Phone Number					
W i t n e s	Witness Name			City				State	Zip Code
	Address			City		State	Zip Code		
	Witness Name			Phone Number					
	Address			City		State	Zip Code		

SAFETY FORMS



Please Print Clear and Legibly

This Report is for:

☐ Work Related Injury/Illness ☐ Auto Accident ☐ Other (_____) DATE:_____

Work Related Injury Illness=Injury to employee / Auto Accident = Involves damage to vehicle / Other = Involves damage to property or equipment

Name of Employee(s) involved: _____

Review of Supporting Documents

Identify the documents reviewed as part of this investigation; attach a copy of each to this report.

☐ Injury Illness Prevention Program (related sections only)	☐ Inspection Records	☐ Job Hazard Analysis (JHA)
☐ Other Written Safety Documentation	☐ Safety Data Sheet (SDS)	☐ Employee Statement
☐ Standard Operating Procedure (SOP)	☐ Training Records	☐ Written/Email Communication
☐ Hazardous Energy Control	☐ Lock Out/Tag Out	☐ Confined Space
☐ Other (list): _____		

Use Additional Paper if needed. Attach to this report

Provide a step-by-step account leading up to, during, & after the incident:	
Detail the condition of the worksite, controls that were implemented, & other misc. information:	
Identify contributing factors to the Accident / Incident:	

Has Human Resources been informed of the Injury/Illness (Worker's Compensation)?

☐ Yes ☐ No If Yes, when?

Did injury result in hospitalization for 24 hrs or more?

☐ Yes ☐ No If Yes, what hospital, time and date was employee admitted?

This form does not negate or replace other required County forms that must be submitted. This form is a supporting document.

CONFIDENTIAL

Investigators should be sure their investigation answers the following questions: ***Use additional paper if needed***

WHO?	WHERE?
☐ Who had instructed/assigned the employee duties? ☐ Who else was involved, include job titles? ☐ Is there an open personnel issue?	☐ Where did the incident occur? ☐ Where was the employee at the time? ☐ Where was the supervisor at the time?
WHAT?	WHY?
☐ What had the employee been told to do? ☐ What tools was the employee using? ☐ What operation was the employee performing? ☐ What instructions had the employee been given? ☐ What specific precautions were necessary? ☐ What specific precautions was the employee given? ☐ What protective equipment should have been used? ☐ What protective equipment was the employee using? ☐ What had other persons done that contributed to the incident? ☐ What problem or questions did the employee encounter? ☐ What safety rules were violated? ☐ What written training records are relevant? ☐ What previous incidents/accidents has employee had / include dates ☐ What similar tasks has the employee performed in the past?	☐ Why was the employee injured? ☐ Why and what did the employee do? ☐ Why and what did the other person/witness do? ☐ Was protective equipment used? ☐ Were specific instructions given to the employee? ☐ Why was the employee in the position? ☐ Why was the employee using the tools or machine? Why didn't the employee check with the supervisor when the employee noted things were not as they should be? ☐ Why did the employee continue working under the circumstances? ☐ Could supervisor have prevented the accident?
WHEN?	Corrective Action: <i>Not All Inclusive</i>
☐ When was the employee assigned the job? ☐ When were the hazards pointed out to the employee? ☐ When did the employee's supervisor last check on job progress? ☐ When did the employee first sense something was wrong?	☐ Who else can help prevent recurrence? ☐ What will be done to prevent recurrence? ☐ What new rules are needed? ☐ Could the employee have avoided it? ☐ Could fellow workers have avoided it? ☐ Could supervisors have prevented it - could it be prevented? ☐ Will a Standard Operating Procedure or Job Hazard Analysis be constructed?

Was a Department program/procedure violated? ☐ Yes ☐ No If Yes, define which one(s)._____

Were pictures taken? ☐ Yes ☐ No If Yes, attach them to this report

Root Cause & Corrective/Preventive Actions

What was identified as the root cause ☐ Unsafe Act ☐ Unsafe Condition

Specify: _____

Corrective/Preventive Actions	Responsible Person	Date Closed Out
1.		
2.		
3.		

Who completed this report?

Printed Name _____ Signature _____ Date _____

This form does not negate or replace other required County forms that must be submitted. This form is a supporting document.

CONFIDENTIAL

Accident Report

STATE OF CALIFORNIA

☐ Fatality

DEPARTMENT OF INDUSTRIAL RELATIONS

(FOR AFTER HOURS USE)

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Date of Death _____

Date		1. Reporting ID 9506 2 4		3. Event Number (Identifies this Report) NOT USED		
4. a. b. Establishment Name San Joaquin County				6. Employer ID (State's option) NOT USED		
5. a. b. Site Address (Street, City, State, ZIP)				7. City Code 3770		8. County Code 077
9. Mailing Address (If different) (Street, City, State, ZIP) 44 N. San Joaquin St., Stockton, CA 95202						
Industry & Ownership	10. Type of Business			12. No. of Employees		
	13. Ownership (Mark "X" in one box) a. Private Sector b. ☒ Local Government c. State Government			d. Federal Agency Code NOT USED		
Receipt Information	14. Reported By			15. Date		16. Time ☐ AM ☐ PM
	17. Job Title			18. Telephone Number		
Site Contact	20. Name and Location Lolita Pearson					
	21. Job Title County Safety Officer			22. Telephone Number 209-468-3373		
Classification	23. (Mark "X" in one box) a. Fatality ☐ b. Catastrophe ☐ c. Non-Fatality/Catastrophe ☐ Reported by Professional or Media d. Non-Fatality/Catastrophe ☐ Reported by Employee, Employer or Other Party					
Event Description	24. Event Date	25. Event Time AM ☐ PM ☐	26. Number of Fatalities	27. Number of Hospitalized Injuries	28. Number of Nonhospitalized Injuries	29. Number Unaccounted for
	30. Type of Event (e.g., Fall from scaffold)					
	31. Preliminary Description * Date of Hire					
	Name/Address of Injured		Age	Occupation	Injury	
	Accident Description (Specify Mechanism/Condition/Hazardous Substance):					
Location Where Injured Employee was Moved to: (Medical Facility)						
Other Law Enforcement Agencies Present at Site:						
Workers' Compensation Insurance Carrier (Name & Address): (For Fatalities Only) SELF – 3rd Party						
CAL-OSHA USE ONLY	32. Inspection Planned? If No, Yes No Reason:			33. Supervisor(s) Assigned		34. CSE/IH Assigned
35. Optional Information						
Type	ID	Value	Type	ID	Value	
						36. Total Entries
37. District Manager:						

Cal OSHA fax: (209)545-7313
 Cal OSHA office: (209)545-7310
 Risk Management fax: (209) 953-7330

Boxes 23,26,27,28,29
 See 36(S) guidelines

Fax Only This Page

CAL-OSHA SERIOUS INJURY REPORTING REQUIREMENTS

☐	Employee admitted to hospital for anything other than observation
☐	Scalping requiring hospital treatment
☐	Any loss of consciousness caused by head injury or asphyxia
☐	Any other injury arising from working in an enclosed space which: Leads to hypothermia or heat-induced illness; or requires resuscitation or admittance to hospital for more than 24 hours
☐	Amputation of an arm, hand, finger, thumb, leg, foot or toe Amputation includes both a traumatic amputation injury at the time of an accident, and surgical amputation following an accident, as a consequence of the injuries sustained.
☐	Any injury likely to lead to permanent loss of sight or reduction in sight in one or both eyes. Additionally, loss of speech or hearing.
☐	Any blinding and injuries causing reduction in sight are reportable when a doctor diagnoses that the effects are likely to be permanent.
☐	Any crush injury to the head or torso, causing damage to the brain or internal/reproductive organs
☐	Injuries to the brain or internal organs in the chest or abdomen are reportable, when caused by crushing as result of an accident.
☐	Any burn injury (including scalding) Which: Covers more than 10% of the whole body's total surface area or causes significant damage to the eyes, respiratory system or other vital organs
☐	Burns Which: Meet the above criteria are reportable, irrespective of the nature of the agent involved, and so include burns caused by direct heat, chemical burns and radiological burns.
☐	Multiple employees injured from the same incident. Injuries were beyond first aid treatment.
☐	Multiple Emergency Agencies respond due to the accident.

If any of the conditions listed above exists, Cal-OSHA reporting is required. If you have any questions, please contact SJC Risk Management 209-468-3373



SAFETY CONDITION REPORT

TO: _____ DATE Submitted: _____
Immediate Supervisor/Dept. Head

LOCATION & DESCRIPTION OF CONDITION AND/OR PROCEDURE:

(If applicable, provide your solution to the problem (if this is a report to the Department Head, please submit prior correspondence with immediate supervisor):

CONDITION DISCUSSED WITH: _____, DEPT. SUPV.

Submitted by (Optional): _____ Dept.: _____
Print Name Signature Ee Contact #: _____

☐ All employees (except SEIU represented employees)

Employee shall report any health and safety concerns first to their immediate supervisor. If not satisfied with the decision, please reference your respective Memorandum of Understanding (MOU) and follow procedural steps outlined.

☐ SEIU represented employees

Employees shall report any health and safety concerns first to their immediate supervisor. The supervisor shall have up to five business days, depending on the immediacy of the issue, to respond in writing to the employee. If the employee is not satisfied with the supervisor's response, they may appeal the matter in writing to the Department Head or his/her designee, within five business days. The Department head or his/her designee shall respond in writing within ten business days, depending on the immediacy of the issue. If not satisfied with the response, the employee may appeal, in writing, the issue to the County Safety Committee (submit this to County Human Resources/Risk Management or SEIU, Local 1021).

Action taken by department, : (if no action taken please indicate why it is not necessary or appropriate):

CONDITION CORRECTED: _____
DEPARTMENT SUPERVISOR /HEAD DATE

SIGNED _____

Distribution: 1 COPY - Department Head
Completed form to be forwarded to Department Head

WORKERS' COMPENSATION FORMS



SUPERVISOR'S REPORT OF ACCIDENT FORM

The Supervisor's Report of Accident:



SAN JOAQUIN COUNTY SUPERVISOR'S REPORT OF ACCIDENT

1. Should be completed within 24 hours of the accident or injury, and;
2. Should include a detailed description of the accident.

Injured Employee NAME OF INJURED EMPLOYEE _ _ _ _

Department (I.E. HUMAN RESOURCE) Phone 468-3370

Accident Date INCIDENT DATE Time INC. TIME YES or NO AM PM

Was First Aid or Medical Attention Given Yes No

If so, by Whom NAME OF TREATING PHYSICIAN

Physician's Name and Address ADDRESS OF TREATING PHYSICIAN

Describe Injury and Part of Body Injured _____
(I.E. LOW BACK STRAIN)

Detailed Description of the Accident (Who-What-When-Where-Why, _____)
EXAMPLE: EMPLOYEE WAS MOVING BOXES IN THE STORAGE AREA WHEN BE BEGAN TO FEEL PAIN IN HIS LOWER BACK AREA

Names of Witnesses: NAMES OF INDIVIDUALS WHO WERE PRESENT AT THE TIME OF INCIDENT

Cause of Accident (Describe Unsafe Acts & Unsafe Conditions) _____
EXAMPLE: BOXES WERE TOO LARGE FOR ONE PERSON TO MOVE WITHOUT ASSISTANCE
"YES" or "NO"

Did Employee Lose Time From Work? Yes No

What Steps Have Been Taken to Avoid Similar Accidents EMPLOYEE HAS BEEN INSTRUCTED TO REQUEST ASSISTANCE WHEN BE MOVES LARGE BOXES.

SUPERVISOR'S SIGNATURE
SUPERVISOR'S SIGNATURE

DATE SIGNED
DATE SIGNED

ORIGINAL - COUNTY SAFETY Office

©M

SAN JOAQUIN COUNTY

SUPERVISOR'S REPORT OF ACCIDENT

Injured Employee: _____

Department: _____ Phone: _____

Accident Date _____ Time _____

Was First Aid or Medical Attention Given? ☐ YES ☐ NO

If so, by Whom? _____

Physician's Name and Address: _____

Describe Injury and Part of Body Injured: _____

Detailed Description of the Accident (Who-What-When-Where-Why) _____

Names of Witnesses _____

Cause of Accident (Describe Unsafe Acts & Unsafe Conditions) _____

Did Employee Lose Time From Work? ☐ Yes ☐ No

What Steps Have Been Taken to Avoid Similar Accidents: _____

SUPERVISOR'S SIGNATURE

ORIGINAL – COUNTY RISK MANAGER

S&T – 20 Rev. 10/91 QPS

CANARY - DEPARTMENT

EMPLOYEE REQUEST FOR MEDICAL TREATMENT

Upon notification of an injury or illness, a supervisor or manager must:

- Immediately offer the employee the option of seeking medical treatment, and;
- Provide employee with the original of the Request for Medical Treatment form.

Employee Initially Declines Medical Treatment



SAN JOAQUIN COUNTY
EMPLOYEE REQUEST for MEDICAL TREATMENT
(NO INFORMATION REQUIRED
IF EMPLOYEE DECLINES MEDICAL
(NO INFORMATION REQUIRED
IF EMPLOYEE DECLINES MEDICAL)

TO: Doctor IF EMPLOYEE DECLINES MEDICAL
(NO INFORMATION REQUIRED IF
EMPLOYEE DECLINES MEDICAL)
(Employee), while in our employ

is requesting medical treatment for Incident occurring
(NO INFO REQUIRED IF EMPLOYEE DECLINES MEDICAL)
(Date) (Time)

A Workers' Compensation claim has been filed. Please complete and send the "Doctor's First Report of Work Injury" to San Joaquin County Human Resources, Risk Management, 24 S. Hunter St., Room 106, Stockton, CA 95202.

FROM: EMPLOYER: San Joaquin County
NAME OF DEPT WHERE EMPLOYEE WORKS
DEPARTMENT: (I.E. PUBLIC WORKS)
ADDRESS: 24 S. Hunter St., Rm. 106, Stockton, CA 95202

BY: SUPERVISOR'S SIGNATURE DATE SIGNED
(Supervisor) (Date)

OR: "I have declined the offer of professional medical treatment at this time."

EMPLOYEE'S SIGNATURE DATE SIGNED
(Employee's Signature) (Date)

Employee Requests Medical Treatment



SAN JOAQUIN COUNTY
EMPLOYEE REQUEST for MEDICAL TREATMENT

TO: Doctor NAME OF PHYSICIAN
Doctor's Address ADDRESS OF PHYSICIAN
NAME OF EMPLOYEE, while in our employ
(Employee)

Is requesting medical treatment for Incident occurring
INCIDENT DATE INCIDENT TIME
(Date) (Time)

A Workers' Compensation claim has been filed. Please complete and send the "Doctor's First Report of Work Injury" to San Joaquin County Human Resources, Risk Management, 24 S. Hunter St., Room 106, Stockton, CA 95202.

FROM: EMPLOYER: San Joaquin County
NAME OF DEPT WHERE EMPLOYEE WORKS
DEPARTMENT: (I.E. PUBLIC WORKS)
ADDRESS: 24 S. Hunter St., Rm. 106, Stockton, CA 95202

BY: SUPERVISOR'S SIGNATURE DATE SIGNED
(Supervisor) (Date)

OR: "I have declined the offer of professional medical treatment at this time."

NO INFORMATION NEEDED IF EMPLOYEE IS REQUESTING MEDICAL
(Employee's Signature) (Date)



SAN JOAQUIN COUNTY
EMPLOYEE REQUEST for MEDICAL TREATMENT

TO: Doctor _____

Doctor's Address _____

_____, while in our employ
(Employee)

is requesting medical treatment for incident occurring

(Date)

(Time)

A Workers' Compensation claim has been filed. Please complete and send the "Doctor's First Report of Work Injury" to San Joaquin County Human Resources, Risk Management, 44 N. San Joaquin Street, Suite 330, Stockton CA 95202.

FROM: EMPLOYER

San Joaquin County

DEPARTMENT: _____

ADDRESS: 44 N. San Joaquin Street, Suite 330, Stockton CA 95202

BY: _____

(Supervisor)

(Date)

OR: **"I have declined the offer of professional medical treatment at this time"**

(Employee's Signature)

(Date)

S&T 201 2/99)
Updates Address Revision 9/09

Distribution: Original Doctor
Yellow Human Resources
Pink Retain

WORKERS' COMPENSATION CLAIM FORM

DWC 1 (7/1/04 Rev.)

EMPLOYEE completes lines 1 through 8. This section of the form should NOT be edited, completed, or amended by the supervisor or manager.

Employer's representative (i.e. manager, supervisor, or Risk Management staff) completes lines 9 through 17.

State of California
Department of Industrial Relations
DIVISION OF WORKERS' COMPENSATION

@ - - -

Estado de California
Departamento de Relaciones Industriales
DIVISION DE COMPENSACION AL TRABAJADOR

WORKERS' COMPENSATION CLAIM FORM (DWC 1)

PETITION DEL EMPLEADO PARA LA COMPENSACION
DEL TRABAJADOR (DWC-1)

Employee: Complete the "Employee" section and give the form to your employer. The employer will sign and return it to you. You may call the Division of Workers' Compensation and hear recorded information at (800) 733-6347. An explanation of workers' compensation benefits is included as a cover sheet of this form.

You should also have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them.

Empleado: Complete la "Empleado" sección y déle el formulario a su empleador. El empleador lo firmará y lo devolverá a usted. Usted puede llamar a la División de Compensación al Trabajador y escuchar la información grabada al (800) 733-6347. Una explicación de los beneficios de compensación al trabajador se incluye como hoja de cubierta de este formulario.

Usted también debe haber recibido un folleto de su empleador que describe los beneficios de compensación al trabajador y los procedimientos para obtenerlos.

[Redacted text]

[Redacted text]

El empleado debe completar las líneas 1 a 8.	
1. Name. <u>Nombre</u> . Today's Date. <u>Fecha</u> Hoy.	
2. Home Address. <u>Dirección de la casa</u> .	
3. City. <u>ciudad</u> . State. <u>Estado</u> . Zip. <u>Código Postal</u> .	
4. Date of injury. <u>Fecha de la lesión</u> . Time of injury. <u>Hora</u> que ocurrió.	
5. Address and description of injury. <u>Dirección y descripción de la lesión</u> .	
6. Describe injury with part of body affected. <u>Describe la lesión con la parte del cuerpo afectada</u> . <u>Describe la lesión con la parte del cuerpo afectada</u> .	
7. Social Security Number. <u>Número de Seguro Social</u> .	
8. Signature of employee. <u>Firma del empleado</u> .	
El empleador debe completar las líneas 9 a 17.	
9. Name of employer. <u>Nombre del empleador</u> .	
10. Address. <u>Dirección</u> .	
11. Date employer first knew of injury. <u>Fecha en que el empleador supo por primera vez de la lesión</u> .	
12. Date claim form was provided to employee. <u>Fecha en que se le proporcionó el formulario de reclamación al empleado</u> .	
13. Date employer received claim form. <u>Fecha en que el empleador recibió el formulario de reclamación</u> .	
14. Name and address of insurance or adjustment agency. <u>Nombre y dirección de la compañía de seguros o de la agencia de ajuste</u> .	
15. Insurance Policy Number. <u>Número de póliza de seguro</u> .	
16. Signature of employer representative. <u>Firma del representante del empleador</u> .	
17. Title. <u>Cargo</u> .	

Employee: You are required to date this form and provide copies to your insurer or claims adjuster and to the employee, dependent or beneficiary who filed the claim within 30 days of the date of the injury or the date the employee was notified of the claim.

Empleado: Usted debe fechar este formulario y proporcionar copias a su aseguradora o al ajustador de reclamos y al empleado, dependiente o beneficiario que presentó la reclamación dentro de los 30 días de la fecha de la lesión o de la fecha en que el empleado fue notificado de la reclamación.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

EL FIRMAR ESTE FORMULARIO NO ES UNA ADMISIÓN DE RESPONSABILIDAD

0. Employer (Copy to Employer, Employee, Insurance Company, and State of California) O En+>, a, p1/C, pl, Id Empleado O Oims Mm., uo, 4/ tucumol O Tm+> 1/ -; p, 1/ t1 d, pl, "4 7/11114 R<4

- DATE EMPLOYER FIRST KNEW OF INJURY: What date did the supervisor first know that the employee was receiving medical treatment or losing time from work due to the injury? This date is not necessarily the same as the date that the incident happened.
- DATE CLAIM FORM WAS PROVIDED TO EMPLOYEE: What date did the Supervisor give or mail the DWC1 form to the injured employee?
- DATE EMPLOYER RECEIVED CLAIM FORM: What date did the employee return the DWC1 form to the supervisor?

EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS (Form 5020)

This form must be completed by the designated department representative and forwarded to Risk Management within 5 working days of the employer's first date of knowledge, regardless of whether the employee completes and returns the Workers' Compensation Claim Form (DWCI 1).

Sole of c., rifo, nla EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS		SAN JOAQUIN COUNTY RISK MANAGEMENT 14 SHUNTER STREET, ROOM 101> STOCKTON, CA 95101	
1. MAILING ADDRESS (Number and Street, City, Zip) SAN JOAQUIN COUNTY MAILING ADDRESS WHERE INURED EMPLOYEE WORKS		2. NATURE OF BUSINESS, e.g., painting contractor, wholesale grocer, hotel, etc. COUNTY GOVERNMENT	
3. DEPARTMENT DEPARTMENT NAME HOME DEPT CODE		4. TYPE OF EMPLOYER ☐ Private ☐ State ☐ City ☒ County ☐ School District ☐ Other-Government-Specify:	
5. EMPLOYEE NAME NAME OF INJURED EMPLOYEE 1. HOME ADDRESS (_____, _____ and StrINC) EMPLOYEE HOME ADDRESS CITY/STATE/ZIP		6. SSN FOR EMPLOYEE 90. HOME PHONE NUMBER EMP HOME PHONE I EMPLOYEE'S BIRTHOATE	
7. OCCUPATION (Payroll Title) SENIOR OFFICE ASSISTANT! R06110		8. DATE OF BIRTH DATE HIRED	
9. EMPLOYMENT STATUS (Check applicable) REGULAR FULL TIME PAAT-TAE 1'EMPOARY		10. GROSS WAGES/SALARY PER WEEK(\$ PER HOUR) YES.\$ NO	
11. SUPERVISOR'S SUPERVISOR'S NAME SUPERVISOR'S PHONE I		12. SUPERVISOR'S SUPERVISOR'S EMAIL ADDRESS EMPLOYEE'S WORK PHONE I	
13. DATE OF INJURY OR ONSET OF ILLNESS WAT DATE DI IT		14. DATE LAST WORKED LAST DAY WORKED AFTER INCIDENT	
15. DATE RETURNED TO WORK DATE RETURNED AFTER ACCIDENT		16. DATE OF EMPLOYER'S KNOWLEDGE/NOTICE OF INJURY/ILLNESS WHAT DATE DID WE FIRST KNOW?	
17. SPECIFIC INJURY/ILLNESS AND PART OF BODY AFFECTED, MEDICAL DIAGNOSIS, (e.g., second degree burns on right arm, tendinitis of left elbow, head poisoning). EXAMPLE: RIGHT ANKLE STRAIN			
18. LOCATION WHERE EVENT OR EXPOSURE OCCURRED (Street, Building, Room) WHERE DID IT HAPPEN?		19. COUNTY SAN JOAQUIN	
20. DEPARTMENT WHERE EVENT OR EXPOSURE OCCURRED (e.g., shipping department, machine shop, room number) EXAMPLE: STAIRWAY IN CANLIS ADMINISTRATION BLDG		21. ON EMPLOYER'S PREMISES YES NO	
22. EQUIPMENT, MATERIALS AND CHEMICALS THE EMPLOYEE WAS USING WHEN EVENT OR EXPOSURE OCCURRED (e.g., acetylene, welding torch, farm tractor, scaffolds). EXAMPLE: CLIMBING STAIRS			
23. LIST EQUIPMENT EMPLOYEE WAS USING AT TIME INCIDENT HAPPENED EXAMPLE: EMPLOYEE TRIPPED AND FELL ON THE FRONT STEPS OF THE CANUS BUILDING SHE WAS ON THE WAY TO THE ASSESSORS OFFICE TO PICK UP PARCEL MAPS			
24. NAME OF EMPLOYEE'S PHYSICIAN PHONE I OF EE'S PHYSICIAN		25. DATE FORM WAS OONE	

DISABILITY MANAGEMENT FORMS





San Joaquin County
HUMAN RESOURCES DIVISION
 44 N San Joaquin Street, Ste. 330
 Stockton, California 95202
 Phone: 209-468-3370
 Fax: 209-953-7330 - Risk Mgmt

REPORT OF WORK ABILITY

I-E.....m-p-lo-yee /P a li en t.....N.....am-e:----- --1

Today's date: _____

Next appt date: _____

TREATMENT INCLUDES:

- ☐ Narcotic analgesic ☐ Anti Inflammatory meds
☐ Physical therapy
☐ Assistive devices (cane, brace, crutches etc.)

Date of Injury: _____

In jury: _____

i.e. left shoulder, right knee, back

EMPLOYEE IS ABLE TO RETURN TO WORK:

- ☐ Regular duty starting on _____
☐ Modified duty on: _____
 Restrictions are: ☐ Temporary ☒ Permanent
☐ OFF WORK until _____

TOTAL WORK HOURS PER DAY

- ☐ No Restriction
☐ 10 - 12 hours 04- 6 hours
☐ 07- 8 hours 01- 3 hours

Activity Chart for **MODIFIED DUTY** below **0** check **ONLY** those **ACTIVITIES** that are **RESTRICTED**

Employee is able to
 LIFT/CARRY _____ lbs.

- ☒ Unable ☐ Rarely ☐ Occasionally
☐ Frequently ☒ Constantly

	8 hr shift	10 hr shift	12 hr shift
Rarely less than 1%	5 minutes or less	10 minutes or less	12 minutes or less
Occasional 11-33%	5 minutes to 2.5 hours	10 minutes to 3.3 hours	12 minutes to 4 hours
Frequently 34-66%	2.6 hours to 5.25 hours	3.3 hours to 6.6 hours	4 hours to 8 hours
Constantly 67% & above	5.25 hours to 8 hours	6.6 hours to 10 hours	8 hours to 12 hours

Employee is able to
 PUSH/PULL _____ lbs.

- ☐ Unable ☐ Rarely ☐ Occasionally
☐ Frequently ☒ Constantly

Employee is able to:

Engage in altercations: ☐ Yes ☐ No

Engage in takedowns: ☐ Yes ☐ No

Wear duty belt: ☐ Yes ☐ No

Other restrictions/instructions (Specify):

Date _____

Physician Signature _____

Activity	Unable	Rarely	Occasional	Frequently	Constant
Drive@work	☐	☐	☐	☐	☐
Stand	☐	☐	☐	☐	☐
Walk	☐	☐	☐	☐	☐
Sit	☐	☐	☐	☐	☐
Run	☐	☐	☐	☐	☐
Bend/Stoop	☐	☐	☐	☐	☐
Squat	☐	☐	☐	☐	☐
Climb	☐	☐	☐	☐	☐
Crawl	☐	☐	☐	☐	☐
Kneel	☐	☐	☐	☐	☐
Twist	☐	☐	☐	☐	☐
Reach	☐	☐	☐	☐	☐
Overhead	☐	☐	☐	☐	☐
Hand: Specify:	☐ Right ☐ Left ☐ Both				
Grasp	☐	☐	☐	☐	☐
Finger	☐	☐	☐	☐	☐
Data Entry	☐	☐	☐	☐	☐
Write	☐	☐	☐	☐	☐
File	☐	☐	☐	☐	☐



San Joaquin County
HUMAN RESOURCES DIVISION

44 N San Joaquin Street, Ste. 330
Stockton, California 95202
Phone: 209-468-3370
Fax: 209-953-7330 - Risk Mgmt

Date:

Name
Address
City, State Zip

Re: Return to Temporary Modified Duty

Dear:

Your physician, Dr. _____, has provided our office with your current work restrictions dated _____.
According to Dr. _____ your limitations are as follows: _____

In view of your restrictions, the County has identified a transitional (modified) assignment that meets your physician's work restrictions.

Your transitional or temporary modified assignment may be available for up to 90 days. If needed, it may be extended for an additional 30 days (up to a maximum of 180 days) based on an updated doctor's work restriction order and assignment availability.

You will be required to have your physician update your work restrictions once a month. Your start date is _____. Your work hours will be _____. Please contact and report to _____ at _____.

If needed, you may be offered training to assist you working in this transitional position. If you need any assistance in meeting your doctor's work restriction orders, please let your supervisor know.

Please respond within 10 working days from the date of this letter. Failure to do so will cease our efforts in finding your temporary modified assignment.

Should you have any questions or concerns, please feel free to contact me directly at _____.

Respectfully,

Name
Title

CC:
Risk Management Office, Disability Management Unit



San Joaquin County
HUMAN RESOURCES DIVISION
44 N San Joaquin Street, Ste. 330
Stockton, California 95202
Phone: 209-468-3370
Fax: 209-953-7330 - Risk Mgmt

RETURN TO WORK ACKNOWLEDGEMENT

Employee Name:

ID#:

Incident/Accident date:

Department:

Is the employee's modified duty TEMPORARY or PERMANENT?

List physical or mental restrictions as noted by physician (attach separate sheet as necessary):

- 1.
- 2.
- 3.
- 4.

List accommodations provided to meet employee's physical or mental restrictions:

- 1.
- 2.
- 3.
- 4.

I understand that I am required to follow my physician's physical and/or mental restrictions. I also understand that I am required to work safely and perform my duties in a manner that is consistent with the customer service standards as set forth by San Joaquin County.

Employee Signature

Date:

TEMPORARY MODIFIED DUTY INFORMATION
(To be completed by Department designee only)

1. Modified duty starts(date):

2. What is the duration of the temporary modified duty:

Months

Days

3. If an extension of temporary modified duty is requested, please contact Disability Management to discuss feasibility

4. Was extension of modified duty approved?

Yes

5. If yes to question 4, state length of duration:

Months

Days

6. If no to question 4, state the reason:

Supervisor Signature:

Date:

NOTICE OF LEAVE OF ABSENCE FOR TEMPORARY DISABILITY INDEMNITY PAYMENT (FORM 29)

The following must have occurred prior to processing your Form 29 request:

- Report your injury/illness to a supervisor/manager.
- A completed claim packet must be submitted to Risk Management. Forms include:
 - Employee's Claim for Workers' Compensation Benefits form (DWC-1)
 - Employer's Report of Occupational Injury/Illness form (5020)
 - Supervisor's Report of Accident
- If you are losing time from work due to the incident, you must complete and submit a "Request for Leave of Absence" form to your department.
- If you are losing time from work due to the incident, you are responsible for providing medical documentation to the department for the period of leave and any extensions.

Please read carefully:

When an employee files a claim for workers' compensation, the Third Party Administrator (TPA) will have a period of time in which to accept, deny or delay a claim. By policy and practice, workers' compensation related leaves of absence run concurrently with Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), which provides 12 weeks of protected leave from work.

Employees with an approved workers' compensation claim, are off work due to the work injury, and authorized to receive temporary disability (TD) payments, will continue to accrue seniority, vacation, holidays, and sick leave.

TD payments will begin if your claim is approved by San Joaquin County's claim administrator (TPA). An employee who has filed a workers' compensation claim will have the following options specific to use of leave accruals while off work due to work related injury/illness.

80 hours

- Employees may elect to use 80 hours of leave accruals per pay period. This provides a regular paycheck to the employee
- Deductions continue, including the employee's cost share for health insurance for self and dependents (if any)
- Retirement contributions continue as normal
- If the claim is approved, the employee will receive a partial time reimbursement of leave accruals based on the TD payment determined by the TPA

41 hours

- Employees may elect to use 41 hours of leave accruals per pay period. This will provide a 41-hour paycheck to the employee
- Deductions continue, including the employee's cost share for health insurance for self and dependents (if any)
- Retirement contributions are pro-rated to 41 hours
- If the claim is approved, the employee will receive a partial time reimbursement of the 41 hours of leave accruals based on the TD payment determined by the TPA
- If the claim is approved, the employee will also receive a partial TD payment (TD check is mailed)

32 hours (SEIU members ONLY. Effective 10/24/22)

- **(SEIU members only)** Employees may elect to use 32 hours of leave accruals per pay period. This will provide a 32-hour paycheck to the employee
- Deductions continue. However, deductions for the employee's cost share for health insurance for self and dependents (if any) may be impacted if there is not enough wages to cover the cost. Employees who choose to use 32 hours must contact the HR Benefits Unit to determine whether separate payment is necessary to continue insurance coverages. (HR Benefits Unit 209-468-9987)
- Retirement contributions are pro-rated to 32 hours
- If the claim is approved, the employee will receive a partial time reimbursement of the 32 hours of leave accruals based on the TD payment determined by the TPA
- If the claim is approved, the employee will also receive a partial TD payment (TD check is mailed)

0 hours

- Employees who have filed a workers' compensation claim have the option of using zero (0) hours.
- Employees electing not to use time or have no accruals to use, will only receive TD payment determined by the TPA
- Workers' compensation TD checks are mailed to the employee and cannot be direct deposited
- Because payments are not generated out of payroll, it is important to be aware of the following:
 - o No deductions are taken out of TD checks (i.e. insurances, retirement, loan payments, etc.)
 - o Arrangements must be made with HR Benefits to continue payments for insurances
 - FMLA/CFRA eligible employees – applicable cost share will be applied to employee and dependent coverage
 - NON FMLA/CFRA eligible employees – applicable cost share will be applied to the employee only. Dependent coverage is at 100% cost for the employee

NOTE: Employees using less than 80 hours

Because deductions vary from employee to employee, having less than an 80-hour paycheck may not be enough to cover all deductions. For example, some employees have loan payments automatically deducted from their checks, along with gym membership fees, etc. These deductions are in addition to deductions for taxes, insurances, etc. As such, it is the **employee's responsibility** to review their paycheck stub to determine what needs to be paid. It is the employee's responsibility to make the necessary arrangements to continue payments with each respective agency.

When temporary disability (TD) indemnity payments end:

- If you are still off work and workers' compensation has ended your TD payments, please be aware that your department will revert to using your applicable leave accruals to provide you wages
- Employees should contact their department about use of accruals when TD payments have ended
- All leave accruals must be exhausted before taking leave without pay
- Employees should contact HR Benefits Unit to discuss insurance coverage status

Retirement Contributions

Contributions towards retirement are based on hours on payroll per pay period. If using less than 80 hours of leave accruals per pay period, the employee may consider contacting the San Joaquin County Employee's Retirement Association (SJCERA) for information regarding the effect on retirement service credits. SJCERA can be reached at 209-468-2163.

Resources:

Dept Payroll Contact: _____ Phone: _____
Risk Management: 209-468-3370 or sjcriskmgmt@sigov.org
Benefits: 209-468-9987 or hr-benefits@sigov.org
SJCERA: 209-468-2163

I certify that I have read and understand the above information.

Employee Signature: _____ Date: _____

Print Employee Name: _____ EE ID#: _____

☐ I certify that I am a SEIU member and have the option to use 32 hours of accruals per pay period



NOTICE OF LEAVE OF ABSENCE FOR TEMPORARY DISABILITY INDEMNITY PAYMENT (FORM 29)

Name:	Date:
Job Class:	Dept:
Empl ID:	Division:
EE contact phone:	Sup contact phone:

Our records indicate that you may be eligible to receive Temporary Disability (TD) Indemnity payments as a result of an on-the-job injury or illness. The date of your injury or illness was _____ and you have been off work since _____.

Please read this form and fill in the information requested. Sign and return it to your department with a Request for Leave of Absence form

FMLA/CFRA NOTICE:

Workers' Compensation related leave runs concurrently with Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Eligible employees are entitled up to 12 weeks of FMLA/CFRA.

Use of Accruals:

Employees who have filed a workers' compensation claim, may elect to use one of the following increments of leave accruals per pay period while awaiting a determination from the claims administrator or after the claim has been approved for TD benefits.

Please be aware, MOUs require sick leave accruals are to be used first.

___ 80 hours ___ 41 hours ___ 32 hours (SEIU Only)

___ I do not want to use any accrual (0 hours) and elect to receive TD payments only

Health Insurance:

Health insurance coverage will continue for employees and their dependents so long as accruals are utilized in increments of either 80 hours or 41 hours per pay period.

Employees who choose to use 32 hours per pay period must contact the HR Benefits Unit to determine whether separate payment to continue health insurance coverage is necessary. (HR Benefits Unit 209-468-9987).

Employees electing not to use accruals (0 hours) or have no accruals must make arrangements with HR Benefits Unit to continue health insurance coverage.

- FMLA/CFRA eligible employees – applicable cost share will be applied to employee and dependent coverage
- NON FMLA/CFRA eligible employee – applicable cost share will be applied to the employee only. Dependent coverage is at 100% cost for the employee

Return to Work:

- The employee must present a medical clearance from their physician to return to work.
- Upon return to work, TD benefits are discontinued

I certify that I have read the above information:

Employee Signature

date

FOR DEPARTMENT USE ONLY

Department Designee Print Name

Date

Department Designee Signature

Checklist:

- ☐ RLOA Form completed
- ☐ FMLA/CFRA eligibility reviewed
- ☐ FMLA/CFRA designated (as appropriate)
- ☐ Medical certification received for lost time period from work. (*Workers' compensation related absences do not require a separate HCPC form once approved by WC.*)
- ☐ Form 29 reviewed and completed with the employee
- ☐ Form 29 copy provided to the employee
- ☐ WC FAQ provided to the employee
- ☐ WC claim packet with Form 29 submitted to Risk Management

FREQUENTLY ASKED QUESTIONS



Workers' Compensation Program Frequently Asked Questions



Risk Management Office: 209.468.3370

Who decides if my claim is accepted or denied?

- The County's third-party administrator (TPA) for workers' compensation is responsible for managing the County's claims.
- The TPA determines the compensability of a claim.
- Please be aware that in some instances it could take the TPA up to 90 days to determine the compensability of a claim.

Does workers' comp have a waiting period?

- Yes, 3 days.

What does workers' comp cover?

- If you have an approved claim, workers' compensation benefits may include:
- Reasonable medical care
- Temporary Disability (TD), Temporary Partial Disability (TPD), Permanent Disability (PD)
- Labor Code 4850—specific to Safety Members only

How much does workers' comp pay?

- Workers' compensation pays approximately 2/3 of an employee's gross wages. However, because there are maximums in the amount that workers' compensation is able to pay, there may be instances when an employee could receive less than 2/3.

I need to see a doctor for my work related injury. Where can I go?

- You may go to any physician or medical provider of your choice. BUT, you must be certain that your chosen medical provider takes workers' compensation insurance.

My doctor has taken me off work. What do I do?

- You must obtain a doctor's note that specifies your work status (off work, full duty, or return to work with restrictions.)
- Make sure that physical and/or mental restrictions are specified.
- Provide a copy of that work status to your department supervisor or manager.
- Complete any documentation your department requires.
- Request that your doctor/medical provider fax a copy to San Joaquin County, Risk Management Office. Fax (209) 953-7330

I have several medical appointments that I need to attend. What happens to the time I'm losing from work?

- Workers' compensation does not cover your lost time for routine medical appointments.
- You will have to utilize your accruals in order to receive pay for your time off from work.
- Follow your department's standard protocol for requesting time off from work.

Do I need to provide notes and updates to my department?

- Yes. You are expected to maintain communication with your supervisor or manager with regards to your work status.

How do I return to work?

- Once your medical provider releases you back to work, you need to provide a doctor's note to your supervisor or manager. The doctor's note must specify your work status--full duty or return to work with restrictions.
- If restrictions need consideration, be sure that your medical provider specifies the physical and/or mental restrictions and the duration date of the restrictions.
- Coordinate with your supervisor or manager on a return-to-work date.

What if my doctor has given me work restrictions, what do I do?

- Once your medical provider releases you back to work with restrictions, you need to provide a doctor's note to your supervisor or manager.
- Your department will need time to determine if a temporary light duty assignment can be provided that will comply with your medical provider's restrictions.
- Coordinate with your supervisor or manager on a return-to-work date.
- If your department is not able to accommodate your temporary restrictions, you will be placed on a workers' compensation related leave of absence and may be eligible for TD or 4850 benefits.

Who do I give my disability or work slips to at work? HR or my supervisor?

- You must maintain communication with your department.
- Provide your doctor's notes to your supervisor or manager as you receive them from your medical provider.
- Do not assume that your doctor's office will fax notes to the County. Doctor's Offices are very busy and cannot guarantee that work slips will be faxed to the employer.

Who do I inform when I am being taken off work? HR or my Supervisor?

- You must maintain communication with your department.
- Inform your supervisor or manager directly of your work status and be sure to submit a note written by your medical provider that supports your current work status.
- Follow standard department protocols.

I know I can use my accruals while I'm out on work comp. I have been using my sick leave, what happens to that time? Will I be reimbursed? Who do I call or talk to about it?

- If you have an approved workers' comp claim, you will receive partial reimbursement of your accruals.
- Call the Risk Management Office for more details and assistance.

What happens to my accruals and seniority, while I am out on a workers' comp related absence?

- Your seniority is not affected and will continue to accrue even in your absence.
- Your accruals are not affected and will continue to accrue even in your absence.

What about my retirement benefits, are those affected?

- You must get paid from general payroll in order for your retirement contributions to be deducted from your check.
- If you are using your accruals while you are out on a workers' comp related absence, your retirement contributions will be deducted from your use of accruals.
- If you are not utilizing your accruals and only receiving workers' comp pay, your normal contributions are not being taken out and you will have to make arrangements with Retirement to buy back the time.

When should I expect my workers' comp check?

- If you have an approved claim and you have been approved to receive TD or 4850 benefits, you will be paid every two weeks.
- If you have elected to receive TD pay only (without use of your accruals), your workers' comp check will be mailed to your mailing address. Because the County has no control over the US Postal Service, please be aware there are no guarantees that you will receive your check on payday Fridays.
- Do anticipate a slight delay with the first work comp pay.
- For more information, please contact the Risk Management Office

Can I collect workers' comp pay if I am also receiving State Disability payments?

- No. Workers' compensation pay and State Disability (SDI) pay cannot run concurrently.
- If you have any overlapping periods of payment, you may be responsible for overpayments made by each agency.

Am I covered under the Family Medical Leave Act (FMLA), while I am out on a workers' comp related absence?

- Yes. In fact, workers' compensation related absences and FMLA are ran concurrently.
- If you are a Safety Member, FMLA is started after LC 4850 ends.

I normally receive automatic deposit for my payroll checks. When the County pays me for my workers' compensation check, will my automatic deposit continue?

- If you are using your accruals with your workers' comp pay, you will receive a regular paycheck from the County and your direct deposit will continue.
- If you are receiving workers' comp pay only (without accruals), you will be mailed a check to your mailing address on file. (Make sure your mailing address is current.)
- If you have need to file a change, you will have to file for a Change of Address with the Auditor's Office by completing a W-2 form.

Will my regular salary continue while I am off work?

- You have the option of using your accruals to receive regular wages while you are out on a workers' comp related absence.

How do I know "how much time" I have on the "books"? Who do I talk to about that?

- Please call your department's payroll or personnel unit.

Will my medical benefits continue while I am off work?

- Please be aware that effective March 2012, an employee cost-share for medical benefits was implemented. In order to keep medical benefits active, while you are out on a work comp related absence, this cost-share portion must be paid. To obtain more details on your cost-share, please contact the HR Benefits Unit at (209) 468-9987.
- If you have dependents on your health benefits, you may continue dependent coverage by using your accruals.

I'm still off work, but my TD benefits ended. Now what?

- Contact the HR Benefits immediately. If you are no longer receiving TD benefits, but are not able to return to work, your medical benefits can be affected, maybe even terminated unless you make arrangements.
- Consider using your accruals or arranging over-the-counter payments for your coverage with the Benefits Unit of Human Resources to continue your coverage. The Benefits Unit can be reached at (209) 468-9987.

The workers' comp process is confusing. Who can I call for assistance?

- Contact the County's Risk Management office with any general questions on workers' compensation and how workers' compensation coordinates with County processes. Risk Management can be reached at (209) 468-3370 or email at sjcriskmgmt@sjgov.org
- If you have specific questions about your claim, you may call your claims examiner.
- You may also contact an Information and Assistance Officer with the Workers' Compensation Appeals Board (WCAB). The Stockton WCAB can be reached at (209) 948-7980.

****Please be aware****

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payment is guilty of a felony. (State of CA, Dept of Industrial Relations, Form DWC-1)



Leave Administration

SAN JOAQUIN

COUNTY

Greatness grows here.

Human Resources Leadership Academy (HRLA)

Leave Administration Course

Presented by Human Resources

Updated 10/15/2024

1

INTRODUCTION

- The County complies fully with State and Federal leave laws, including California's Paid Sick Leave laws, and encourages all employees to understand their entitlements under these laws
- It's important that employees, supervisors, and managers alike understand that there is a shared responsibility to comply with the regulations set forth under State and Federal leave laws and existing Memoranda of Understanding (MOUs) and Resolutions
- Leave laws are among the most litigated of all employment law cases and can result in large liabilities
- You are encouraged to consult with your department's internal Personnel Unit before changing any practices or contact County Human Resources to determine if there are any meet and confer obligations and/or regulations that must be taken into consideration before changes are made

SJC

2

PAID SICK LEAVE

California Paid Sick Leave Laws

MOU/Resolutions

SJC

3

1

4

CALIFORNIA PAID SICK LEAVE LAW - PROTECTED SICK LEAVE

There are two California laws regarding sick leave which are important for you to know:

- The first is **Labor Code §245, the Healthy Workplaces, Healthy Families Act of 2014** ("Paid Sick Leave law"), which requires employers to provide at least 3 days of sick leave to employees for use on the 90th day of employment. On January 1, 2024, the number of sick leave days an employer is required to provide increased to 5 days.
- The second law is **Labor Code §233, known as "Kin Care"**, while this law does not require employers to provide paid sick leave, it does require employers who provide paid sick leave to permit an employee to use up to one-half (1/2) in any one year the amount of sick leave accrued in six months



4

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LABOR CODE §245, THE HEALTHY WORKPLACES, HEALTHY FAMILIES ACT OF 2014

- The County's Paid Sick Leave Policy abides by this regulation and provides eligible part-time/ temporary employees with paid sick leave, which allows for up to 5 days or up to 40 hours of leave in a 12-month period
- Part-time employees and temporary employees who accrue sick leave pursuant to Paid Sick Leave Law, may use sick leave in at least 15-minute or more increments; and
- Employees covered under bargaining units E, F, G, H, I, and R may use up to six (6) days, or forty-eight (48) hours, of accrued sick leave, per fiscal year
- **The 12-month period is defined as fiscal year: July 1 – June 30**
- Paid sick leave may be used for diagnosis, care, or treatment of an existing health condition or preventative care for an employee or an employee's qualifying family member(s)



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LABOR CODE §245, THE HEALTHY WORKPLACES, HEALTHY FAMILIES ACT OF 2014

- Paid Sick Leave policy applies only to employees who are not otherwise entitled to sick leave benefits through an existing MOU or Resolution
- The Paid Sick Leave Policy does not apply to employees who are retired annuitants of SJC; or temporary staffing agencies who are assigned to work at SJC facilities pursuant to agreement between County and the temporary staffing agency
- Existing MOU and Resolutions provide paid sick leave accruals to most full-time employees which exceed the requirements of the law



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LABOR CODE SECTION §233, KNOWN AS “KIN CARE”

Employees may use up to one-half (1/2) of their annual sick leave accrual under Labor Code §233.

Sick leave may be used for:

- The diagnosis, care, or treatment of health conditions or preventative care for an employee or the employee's family member
- An employee who is a victim of domestic violence, sexual assault, or stalking

Under CA Labor Code §233, §245.5©, County MOUs and Resolutions family member is defined as:

- Spouse, registered domestic partner, child, parent, sibling, grandparent, grandchild, or designated person of the employee; or the child, parent, sibling, grandparent, or grandchild of the employee's spouse or registered domestic partner
- Refer to the DH memo dated February 7, 2023 for additional information regarding using sick leave to care for a designated person.



7

PROTECTED PAID SICK LEAVE (LC §234, and §233)

Can my employer discipline me for taking a paid sick day or using paid sick leave for part of a day to go to a doctor's appointment?

In general, an employer may **not** discipline an employee for using accrued paid sick leave. However, Depending on the circumstances, the issue may be more complex and require more analysis.

The paid sick leave law specifically says the following:

- An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.



8

PROTECTED SICK LEAVE

WHEN CAN I ASK MY EMPLOYEE FOR A DOCTOR'S NOTE?

- Generally, an employee may be required to provide verification of sick leave after three days or 24 hours, whichever is greater
- Request for sick leave verification are to be made in advance
- Any sick leave use provided in accordance with MOU/Resolution is subject to verification requirements imposed by Department Head or Appointing Authority
- Supervisors/Managers are to defer to their department's internal policy for guidance



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REVIEW COUNTY POLICIES, CIVIL SERVICE RULES, MOUS/RESOLUTIONS

- ✓ Supervisors/Managers are encouraged to become familiar with existing MOUs and Resolutions for their staff
- ✓ Develop intimate familiarity with applicable sections regarding leaves from employment, which covers accrual usage, protected/unprotected leaves of absence
- ✓ Review Civil Service Rules
- ✓ Review County Policies
- ✓ Review internal policies and procedures





10

11

Protected Leave of Absence

Family and Medical Leave Act (FMLA)
California Family Rights Act (CFRA)
Pregnancy Disability Leave (PDL)
***Leaves Associated with Disability Accommodations (ADA, FEHA)**





11

12

ABSENCES CANNOT BE HELD AGAINST THE EMPLOYEE



Job Protection

Absences cannot be held against the employee in employment actions (hiring, promotions, or discipline)

Benefit Protection





12

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WHAT IS A PROTECTED LEAVE?

- A protected leave of absence means the leave is covered (or protected) by state or federal regulations
- State and federal leave entitlements provide **unpaid, job-protected leave** for specified family and medical reasons with continuation of benefits coverage
- Family and medical leave laws also prohibit retaliation or discrimination against an employee for exercising rights under FMLA, CFRA, or PDL or for giving information or testimony about alleged violations of California or federal family and medical leave laws.

Federal:

Family and Medical Leave Act (FMLA)

State:

California Family Rights Act (CFRA)
Pregnancy Disability Leave (PDL)



13

WHAT ARE THE CRITERIA FOR FMLA AND CFRA?

To be an “eligible employee” for a leave of absence under FMLA/CFRA, you must:

- Have worked at least 12 months for the County, within the last seven (7) years; and,
- Have worked at least 1250 hours in the preceding 12 months prior to the first date the FMLA/CFRA is taken.
- Any FMLA taken in the prior 12 months will deduct from the available FMLA leave benefit

NOTE: Determination as to whether an employee has been employed for a total of 12 months and has worked for at least 1,250 hours in the past 12 months must be made as of the date leave commences.
Example: Employee leave is to begin on March 24, 2022, and must have worked at least 12 months and at least 1250 hours between March 24, 2021, through March 23, 2022.



14

FMLA AND CFRA QUALIFYING REASONS

FMLA and CFRA leave entitlements provide eligible employees up to 12 workweeks of unpaid leave within a 12-month period for:

- The birth of an employee’s child and to care for a newborn
- The placement of a child with an employee in connection with adoption or foster care of a child by the employee
- To care for a qualifying family member who has a serious health condition
- A serious health condition that makes the employee unable to perform the essential function of their job (FMLA includes pregnancy and prenatal medical care, CFRA does not)
- Qualifying exigency for an employee’s qualifying “military member” on covered active duty or call to active duty
- Military caregiver leave – leave can run up to 26 weeks during the 12-month period (FMLA only)



15

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ELIGIBLE FAMILY MEMBERS – AT A GLANCE

FMLA

- Spouse
- Child – under 18 or dependent
- Parent
- In loco parentis

CFRA

- Spouse
- Registered Domestic partner
- Child – any age
- Child of register domestic partner
- Parent
- Parent-in-law**
- In loco parentis
- Grandparent*
- Grandchild*
- Sibling*
- Designated Person* (refer to DH Memo dated 02/07/23)

*effective January 1, 2021
**effective January 1, 2022
+effective January 1, 2023

16

DEFINITION OF SERIOUS HEALTH CONDITION

- Inpatient Care:**
 - An overnight stay in a hospital, hospice, or residential medical care facility
 - Any period of incapacity or any subsequent treatment in connection with the overnight stay
- Continuing Treatment:**
 - Continuing Treatment by Health Care Provider + 3 days of incapacity
 - Pregnancy (Not considered a serious health condition under CFRA – FMLA only)
 - Chronic Health Conditions
 - Permanent or Long-Term Conditions
 - Conditions Requiring Multiple Treatments

A note on Substance Abuse: absences related to the use of illegal substances do not qualify; however, if a healthcare provider places an employee off work to seek treatment for substance abuse, it may qualify as FMLA/CFRA.

17

DEFINITION OF SERIOUS HEALTH CONDITION

- The following are NOT considered a Serious Health Condition:
 - Common cold
 - Common flu
 - Earaches
 - Upset stomach
 - Headaches (other than migraine)
 - Routine dental treatment

Note: The above conditions could turn into a serious health condition if complications arise. This would be determined by a health care provider upon completion of a health care certification

18

19

INTERACTION BETWEEN FMLA AND CFRA

- FMLA and CFRA contain similar provisions and may run concurrently in certain circumstances. However, there are some specific situations where the leaves will not run concurrently
- In some cases, FMLA and CFRA may not run concurrently, and the employee could potentially qualify for a combined total of 24 weeks

Example: Because leave to care for a grandparent with a serious health condition is only available under CFRA, an employee may be entitled to take 12 weeks of CFRA leave to care for a grandparent and another 12 weeks of FMLA leave for another qualifying reason (e.g., the employee's serious health condition). The employee must satisfy the eligibility requirements (having worked 1,250 hours within 12 months) to take the FMLA leave.

Employee request 12 weeks of leave in January to care for grandparent. A grandparent is not a qualifying family member under FMLA, so they will need to satisfy the eligibility requirements to take the CFRA leave only.	The same employee returns to work, and in August request 12 weeks of leave for their serious health condition. Because they have already exhausted their 12 weeks of CFRA, they will need to satisfy the eligibility requirements to take FMLA leave only.
CFRA ONLY - 12 weeks	FMLA ONLY - 12 weeks



19

20

PREGNANCY DISABILITY LEAVE (PDL)

- Employees are eligible **upon the date of hire** - **no "hours worked" or "length of service" requirement**
- Provides up to four months of unpaid, benefits and job-protected leave for the following reasons:
 - Disabled by pregnancy, childbirth, or a related condition
 - This can include time off needed for
 - prenatal or postnatal care
 - severe morning sickness
 - Doctor-ordered bedrest
 - Childbirth/Recovery from childbirth
 - Loss or end of pregnancy
 - Any other related medical condition



20

21

DURATION OF LEAVE

- Employees may take leave on a continuous or intermittent basis, based on a health care provider's medical certification
- Continuous leave is defined as a leave of absence of more than three consecutive days
- Intermittent leave is defined as leave taken as needed for treatment or flare-ups. Frequency and duration must be specified on the medical certification
- Leave for bonding with a newborn, newly placed child under adoption or foster care may be taken continuously or in increments of two weeks or greater, except for two occasions
- Employees may also take leave on a reduced work schedule if medically necessary. Under PDL, employees may request a reasonable accommodation, such as modified work duties or transfer to an alternate position with equivalent pay and benefits, if certified by a physician



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RECOGNIZE POTENTIAL TRIGGERS

Managers/Supervisors are to recognize and act on the triggers to comply with leave laws:

- Employee is absent for more than 3 consecutive workdays due to illness/injury for self (including work-related) or eligible family members
- Employee notifies the employer of the need for FMLA/CFRA-related leave
- Employer acquires knowledge that the employee's absence is FMLA/CFRA related
- Employee is hospitalized

➤ Employees do not need to use the words FMLA, Protected Leave, or Leave of Absence to provide sufficient notice of an FMLA/CFRA leave request.



25

26

REQUIRED NOTICES AND FORMS

- Request for Leave of Absence
 - Employee required to provide 30 days notice when leave is foreseeable
 - Unforeseeable leave must be submitted as soon as practicable
 - Employees are to submit the County's RLOA form to comply with County Policy (should not delay administering protected leave rights)
- Notice of Eligibility and Rights and Responsibilities (ERR)
 - Must be provided to the employee within five (5) business days of notice that protected leave may be needed
 - Puts employees on notice that they have 15 (calendar) days from the date of notice to provide certification paperwork
- Medical Certification or other appropriate documentation
 - Certification does not need to be on County's form but does need to be complete and have all information requested
 - If not complete, provide the employee with seven (7) calendar days to provide missing information
 - Bonding leave need birth certificate or legal documents regarding placement
- Designation Notice (DES)
 - Must be provided to the employee within five (5) business days of receiving certification/documentation
 - Notifies employee if leave is approved, denied, or additional information is needed



26

27

AMERICANS WITH DISABILITIES ACT (ADA) AND FAIR EMPLOYMENT AND HOUSING ACT (FEHA)



27

28

ADA/FEHA LEAVE ACCOMMODATION

Americans with Disabilities Act (ADA):

- Title I of ADA applies to employers that have 15 or more employees, including state/local governments, employment agencies, and labor unions
- Prohibits discrimination based on the basis of disability in employment, State and Local government, public accommodations, commercial facilities, transportation, and telecommunications
- Disability is defined as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment



28

29

ADA/FEHA LEAVE ACCOMMODATION

Fair Employment and Housing Act (FEHA):

- Prohibits discrimination, retaliation, and harassment on the basis of disability and affirmatively requires employers to provide reasonable accommodations and engage in a timely, good-faith interactive process
- Protects the people of California from unlawful discrimination in employment, housing, and public accommodations and from the perpetration of acts of hate violence
- Disability is defined as a physical or mental impairment that limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment
- Will not take into account mitigating measures such as medications, assistive devices, or reasonable accommodations, unless the measures themselves present a substantial limitation on major life activities



29

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ADA/FEHA LEAVE ACCOMMODATION

The Interactive Process:

- A collaborative process where the employee and the employer communicate together to discuss the restriction(s), essential job functions, and whether an accommodation(s) is needed and/or reasonably available
- Both regulations require an employee to engage in a timely, good faith, interactive process with an injury/ill employee to determine feasible reasonable accommodation(s)
- Employer must consider any and all reasonable accommodations of which have been brought forward by the employee
- Employer must consider the preference of the employee although the employer has the right to select and implement the most effective accommodation
- It could take several sessions to determine ability to accommodate and what the accommodation(s) will be
- An indefinite leave is not considered a reasonable accommodation



30

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31

RECOGNIZE ADA/FEHA TRIGGERS

- Medical Certification (doctor's note) that extends a leave of absence beyond FMLA and CFRA eligibility, work restrictions, etc.
- Requests for Accommodation
- Employer Awareness – Consult with Human Resources or your Department's Personnel Unit, when you become aware of any of the following triggers:
 - Observing employee having difficulty performing the essential job functions
 - Employee says they have a medical condition
 - Sudden change in work performance
 - Excessive Absences/Tardiness
 - Change in behavior

CONTACT HUMAN RESOURCES OR YOUR DEPARTMENT'S PERSONNEL REPRESENTATIVE



31

32

Use of Accruals and Wage Replacement Benefits



32

33

USE OF ACCRUALS WHILE ON LEAVE

- Employees on an approved leave of absence are required to use a minimum amount of paid leave each pay period to support absences from work and maintain health benefits (e.g., sick leave, vacation, holiday, etc.) Note: Options vary when leave is related to workers' compensation injury/illness.
- In accordance with federal and state leave laws, employees may not be required to use accumulated accruals while on an **approved protected leave (FMLA, CFRA, PDL) of absence and receiving wage-replacement benefits**, such as State Disability Insurance (SDI) or Paid Family Leave (PFL)
- During protected leaves, the County will continue to provide the employer paid health care contribution. Employees must continue to pay their share of premiums
- If an employee is not on a protected leave, but is on an approved leave of absence, the County will follow applicable County policy and MOUs/Resolutions regarding an employee's requirement to use applicable accrued leave time



33

34

WAGE REPLACEMENT

Coordinating Accruals with Wage Replacement

- **Coordinate** – wage replacement and accruals are both used to keep employees in a paid status up to 100% of their regular wages
- **Wage Replacement Only** – no accruals are used, and the employee only receives wage replacement
- **Paid Leave Only** – no wage replacement is used, and the employee only uses their accruals

Employees receiving wage replacement while on a protected leave of absence have the option to:

- coordinate wage replacement with available accruals to continue employee contributions from payroll deductions
- employee may not receive more than 100% of salary (e.g., SDI + accruals = 100%)

34

35

TYPES OF WAGE REPLACEMENT BENEFITS

State Disability Insurance (SDI)

- Employment Development Department (EDD) program
- For individuals own temporary disability
- 7 day waiting period, EDD payments begin on the 8th day of leave
- Approximately 60-70% of an employee's base earnings for up to 52 weeks

Paid Family Leave (PFL)

- Employment Development Department (EDD) program
- No waiting period, EDD payments starts on 1st day of leave
- For individuals who must take time off to care for a seriously ill child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, registered domestic partner or to bond with a new child

Other Wage Replacement Benefits

- Workers' Compensation (Temporary or partial disability payments, LC 4850)
- Voluntary Disability Plans

NOTE: Workers' Compensation Benefits – Safety Officers Pursuant to Labor Code section 4850, the County does not run FMLA/CFRA during the time a covered public safety employee is on leave under 4850.

35

36

BARGAINING UNITS THAT PARTICIPATE WITH STATE DISABILITY BENEFITS

UNITS THAT PAY INTO SDI/PFL

- Senior Management
- Middle Management
- Confidential
- Professional
- Para-professional & Technical
- Office & Office Technical
- Safety, Investigative & Custodial
- Trades, Labor & Institutional
- Registered Nurses
- Physicians
- Supervisors
- Attorney
- Probation Officers

Units NOT Currently Participating in SDI/PFL

- Executive
- Exempt – Elected Officials
- Sheriff's Management
- Sheriff's Non-Management
- Sheriff Sergeants
- Correctional Officers
- Peace Officers Miscellaneous

36

12

37

Health Insurance Continuation While on Leave

Benefits While on a Protected Leave of Absence
Benefits While on an Unprotected Leave of Absence





37

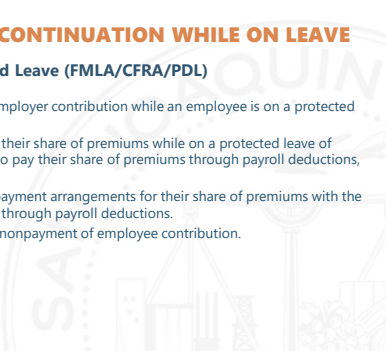
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HEALTH INSURANCE CONTINUATION WHILE ON LEAVE

Benefits While on a Protected Leave (FMLA/CFRA/PDL)

- The County will maintain the employer contribution while an employee is on a protected leave of absence.
- Employees are required to pay their share of premiums while on a protected leave of absence. Employees can elect to pay their share of premiums through payroll deductions, personal check, or credit card.
- Employees will need to make payment arrangements for their share of premiums with the HR benefits team if not paying through payroll deductions.
- Benefits will be terminated for nonpayment of employee contribution.





38

39

HEALTH INSURANCE CONTINUATION WHILE ON LEAVE

Benefits While on an Unprotected Leave

If in an unpaid status, the employee may continue coverage for up to 12 months if on an approved leave of absence

- Employees on an unprotected leave of absence are responsible for their full premium amount of coverage (employer and employee contribution)
- Employees can elect to pay the cost of their premiums through payroll deductions, personal check, or credit card.
- Employees will need to make payment arrangements for their share of premiums with the HR benefits team if not paying through payroll deductions.
- Benefits will be terminated for nonpayment





39

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RETURNING FROM A LEAVE OF ABSENCE

Return to Work after Employee's Injury or Illness

- If returning from illness or injury employee must provide an updated work status note from a health care provider
- Under protected leave employee has the right to return to the same or equivalent position
- Most often this includes the same duties, conditions, responsibilities, privileges, location, and work schedule

Failure to Return to Work

- Failure to report for duty after a leave of absence has expired, been denied, revoked, or any failure to report for duty as scheduled is cause for disciplinary action
- After three (3) days of unauthorized absence, the absence may be considered an automatic resignation
- Contact Human Resources for assistance before taking any action against the employee



40

41

RETURNING FROM PREGNANCY LEAVE - LACTATION ACCOMMODATION

- After returning from pregnancy leave, an employee who is a nursing mother may request time to pump breast milk during her workday
- The law requires the employer to provide a reasonable amount of break time for employees to express breast milk, and a private location other than a bathroom to do so. The room itself must:
 - Be safe, clean, and free of toxic or hazardous materials;
 - Contain a surface to place a breast pump and other personal items;
 - Contain seating; and
 - Have access to electricity or alternative devices (such as extension cords or charging stations) allowing the operation of an electric or battery-powered breast pump.
- In addition, the employer must provide the lactating employee access to a sink with running water and a refrigerator or cooler suitable for storing breast milk close to the employee's workspace.



41

42

RESPONSIBILITIES

Manager/Supervisor Responsibilities

Department Leave Processor Responsibilities

Employee Responsibilities

Human Resources Role



42

43

SUPERVISOR AND MANAGER'S RESPONSIBILITIES

Supervisors and Managers have a responsibility to assist employees requiring a leave of absence

- Ensure the employee has all information regarding leave of absence
- Direct employee to department leave processor
- Review staffing/coverage needs
- Maintain accurate timekeeping
- Maintain the employee's position
- Maintain communication with the leave processor and provide updates as needed
- Alert Human Resources if there is a need for accommodation
- Contact Human Resources if difficulties arise
- Ensure consistency in your Unit/Department



43

44

DEPARTMENT LEAVE PROCESSOR'S RESPONSIBILITIES

Department Leave Processors have a responsibility to assist employees requiring a leave of absence

- Review the leave process with employee and discuss leave options available
- Verify protected leave eligibility
- Provide employees with a leave packet with specific information based on the need for leave
- Review medical certification paperwork
- Designate leave appropriately
- Maintain communication with the employee's supervisor/manager, provide updates
- Provide leave packet to Human Resources for final review
- Alert Human Resources if there is a need for accommodation
- Contact Human Resources if difficulties arise



44

45

EMPLOYEE'S RESPONSIBILITIES

Employees still have responsibilities while on a protected leave:

- Give advance notice to the supervisor (at least 30 days when possible)
- Complete and return required forms
- Turn in a complete medical certification
- Consult with supervisor regarding foreseeable intermittent leave
 - Schedule foreseeable intermittent leave to ensure minimal disruption of the workplace when possible
- Communicate regularly with your supervisor any leave status updates
- Follow department call-in procedures (especially intermittent leave)
- Notify the department of wage replacement status and amount of accruals to be used
- Pay employee share of benefit premiums
- Maintain accurate timekeeping
- Provide a return to work status (own serious health condition) prior to your return



45

46

HUMAN RESOURCES ROLE

Human Resources has a responsibility to assist managers/supervisors, leave processors, and employees throughout the leave process

- Advise on State and Federal leave laws and California Paid Sick Laws
- Review all leave documentation, verify documentation is sufficient
- Provide training to managers, supervisors, and leave processors
- Provide updates on new leave laws and regulations





46

47

OTHER TYPES OF LEAVES

California Leave Laws:

- Organ Donation and Bone Marrow (SB 1304)
- School Appearance (Labor Code 230.7)
- School Activities (Labor Code 230.8)
- Voting (Elections Code 14000)
- Victims of Crime (Labor Code 230 and 230.2)
- Jury Duty/Witness (Labor Code 230)
- Voluntary Firefighter, Reserve Peace Officer and Emergency Rescue Personnel (Labor Code 230.3)
- Civil Air Patrol (Labor Code 1500 - 1507)

Additional Leaves Other type of County

- Education/Training Leaves
- Personal Leave
 - Up to 30 days at the discretion of the Appointing Authority
 - Beyond 30 days requires approved of County Human Resources Director
- Catastrophic Leave Program
- Bereavement Leave



CALL HUMAN RESOURCES



47

48

ADDITIONAL RESOURCES

- Department of Labor – FMLA
<https://www.dol.gov/agencies/whd/fmla>
- Department of Fair Employment and Housing – CFRA
<https://www.dfeh.ca.gov/family-medical-pregnancy-leave/>
- Employment Development Department – SD/PFL
<https://www.edd.ca.gov/Disability/>
- Employee Assistance Program – MHN
https://www.sjgov.org/departments/hr/employee/employee_assistance_program
- San Joaquin County Human Resources – Leave Management website
https://www.sjgov.org/departments/hr/leave_management





48

16

49

Thank you!!!

• **Leave Administration**

• Christy Sanders, Principal Personnel Analyst - csanders@sjgov.org

• Rebecca Cunningham, Leave Administration Analyst - rcunningham@sjgov.org

• **Disability Management**

• Mignon Supnet, Disability Management Coordinator - msupnet@sjgov.net

• Claire Cambra, Risk Management Analyst - ccambra@sjgov.org

CONTACT HUMAN RESOURCES MAIN LINE

209-468-3370





49

17



Human Resources Division

Brandi Hopkins, Director

Katherine Harris, Deputy Director

April 27, 2020

MEMORANDUM

TO: Department Heads

FROM: Brandi Hopkins, Director of Human Resources

SUBJECT: Use of Accruals during Authorized Leaves of Absence

A handwritten signature in blue ink that reads "Brandi Hopkins".

Human Resources has recently received numerous inquiries from Departments regarding the appropriate use of leave accruals during approved leaves of absence. Please accept this correspondence to provide consistency County-wide regarding the coordination of benefits for employees on a protected leave of absence pursuant to the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or the California Fair Employment & Housing Act (FEHA) that governs pregnancy related disability leave (PDL).

In accordance with federal and state leave laws, employees may not be required to use accumulated accruals while on an approved protected leave of absence and receiving wage-replacement benefits, such as State Disability Insurance (SDI) or Paid Family Leave (PFL). During protected leaves, the County will continue to provide the employer paid health care contribution. This change in our practices will go into effect on April 27, 2020, and will enable us to efficiently process protected leaves of absence, while complying with applicable leave laws.

Employees on an approved protected leave of absence and receiving wage-replacement benefits, may elect to coordinate those benefits with accrued time off. In no case may the employee receive more than 100% of their salary.

If an employee is not on a protected leave, but is on an approved leave of absence, the County will follow applicable County policy and Memorandum of Understandings (MOU) regarding an employee's requirement to use applicable accrued leave time. Many of you may refer to this as the "41 Hour Rule." Employees who wish to maintain their employee benefits while on an approved leave of absence are advised to review current language in applicable MOUs.

The Human Resources Division will provide detailed information and training to your Departmental Human Resources and payroll staff regarding implementation.

c: Monica Nino, County Administrator
Mark Myles, County Counsel
Lori Rolleri, County Payroll Administrator
County HR Staff
Labor Organizations
Assistant Department Heads

	SAN JOAQUIN COUNTY PAID SICK LEAVE POLICY
	Adopted: June 23, 2015 Effective: July 1, 2015

PURPOSE

In accordance with California's Healthy Workplaces, Healthy Families Act of 2014, commonly referred to as California's Paid Sick Leave Law, it is the purpose of this policy to provide paid sick leave to all San Joaquin County employees. This policy does not apply to employees who are retired annuitants of San Joaquin County Employees' Retirement Association. It also does not apply to employees of temporary staffing agencies who are assigned to work at San Joaquin County facilities pursuant to an agreement between the County and the temporary staffing agency. In those instances, the temporary staffing agency is responsible for providing sick leave to its eligible employees.

POLICY

Existing Memoranda of Understanding and Resolutions provide paid sick leave accruals to most full-time employees which meet or exceed the requirements of the law. As such, this policy applies only to employees who are not otherwise entitled to sick leave benefits through an existing MOU or Resolution. This policy provides no greater rights to sick leave than required by law, and nothing in this policy is intended to expand any individual's existing right to paid sick leave.

Effective July 1, 2015, San Joaquin County shall provide paid sick leave to employees under the following conditions:

1. As of July 1, 2015, or upon hire, employees shall immediately begin accruing paid sick leave in accordance with this policy.
2. An employee will accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. For the purposes of this policy, accrual is based on all hours worked, to include both regular and overtime hours.
3. Accrual of paid sick leave is capped at six (6) days or forty-eight (48) hours. For those employees regularly scheduled to a shift exceeding eight (8) hours per day, paid sick leave is capped at the equivalent of six (6) work days up to seventy-two (72) hours. For example, an employee who is regularly scheduled to work ten (10) hours per day can accrue no more than six (6) days or sixty (60) hours of paid sick leave.
4. Any unused accrued paid sick leave will carry over from year to year while continuously employed with San Joaquin County, up to the maximum accrual amounts specified in this policy.

Use of Accrued Sick Leave

An employee is eligible to begin using accrued sick leave on the ninetieth (90th) calendar day of employment with San Joaquin County and may use up to three (3) days or twenty-four (24) hours of

leave in a twelve (12)-month period. For the purposes of this policy, the twelve-month period is defined as a fiscal year: July 1 – June 30.

Employees whose regularly scheduled shift exceeds eight (8) hours per day will be able to use the equivalent of three (3) work days up to thirty-six (36) hours of accrued sick leave. For example, an employee who is regularly scheduled to work a ten (10)-hour shift, will be able to use up three (3) days or up to thirty (30) hours of accrued sick leave in a fiscal year period.

Accrued sick leave may be used for the following reasons, subject to the provisions as listed below:

1. For the employee's own diagnosis, care or treatment of an existing health condition or preventative care.
2. For the diagnosis, care or treatment of an existing health condition or preventative care for an employee's family member, including the employee's:
 - a. Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)
 - b. Spouse or Registered Domestic Partner
 - c. Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)
 - d. Grandparent
 - e. Grandchild
 - f. Sibling
3. To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - a. A temporary restraining order or restraining order.
 - b. Other injunctive relief to help assure the health, safety or welfare of themselves or their children.
 - c. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - d. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - e. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - f. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
4. An employee shall provide reasonable advance notification of the need to use accrued paid sick leave to his/her supervisor if the need for sick leave is foreseeable (*e.g.*, doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to his/her supervisor as soon as practicable and comply with the provisions of any current departmental policy or practice related to reporting an absence from work.

5. Employees must have accrued sick leave available at the time of usage in order to be compensated for time off taken for reasons set forth in this policy. Advance accruals shall not be provided.
6. Accrued sick leave must be used in a minimum increment of two (2) hours, up to the maximum amount(s) as outlined in this policy.
7. Use of accrued sick leave is not optional – employees must use accrued sick leave if there are sick leave hours available, and the leave meets the two (2)-hour minimum increment requirement.

Rate of Pay for Sick Leave

When used, sick leave will be paid at the same wage an employee normally earns during regular work hours.

Separation from Employment

An employee will not receive compensation for unused, accumulated sick leave upon termination, resignation, retirement, or other separation from employment with San Joaquin County.

If an employee, who has worked at least thirty (30) calendar days, separates from San Joaquin County employment, and is re-hired within one (1) year of the date of separation, any previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a re-hired employee did not work the requisite ninety (90) days of employment to use paid sick leave at the time of separation, the employee must still satisfy the ninety (90) days of employment requirement collectively during the periods of employment with San Joaquin County before any paid sick leave can be used.

Additional Provisions

- Paid Sick Leave will not be considered hours worked for purposes of overtime calculation.
- Employees covered under this policy are not eligible to participate in any existing catastrophic leave programs, either as a donor or recipient.
- Paid sick leave accrual and usage will be reported to the employee each pay period as part of the bi-weekly standard pay report either through the Payroll Unit of the Auditor-Controller's Office, or by employees' viewing in HRMS-Self Service.
- If an employee has a formal employment status change (*e.g.*, moves from part-time to full-time, or from full-time to part-time), they shall carry over his/her accrued, unused sick leave up to the maximum amounts allowable by this policy.

REFERENCES

Labor Code Sections 245-249, Healthy Workplaces, Healthy Families Act of 2014.



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Human Resources Division

Brandi Hopkins, Director

Jennifer Goodman, Assistant Director

MEMORANDUM

Date: January 4, 2023
To: Department Heads
From: Brandi Hopkins, Director of Human Resources
Subject: **UPDATED PART-TIME EMPLOYEE SICK LEAVE USE**

In July 2015 when County part-time and temporary employees became eligible and received sick leave accruals under the state Paid Sick Leave Law (Healthy Workplaces, Healthy Families Act), employees were required to utilize a minimum of two hours when they used sick leave. During the recent round of negotiations with SEIU, MOU Section 3.3.2 Sick Leave Usage was amended reducing the minimum sick leave use requirements for part-time and temporary employees who accrue sick leave pursuant to the Paid Sick Leave Law, from a 2-hour minimum to using sick leave in 15-minute increments.

In addition to the SEIU-represented part-time and temporary employees described above, please apply the 15-minute increment use to all part-time and temporary employees in all bargaining units who accrue sick leave pursuant to the Paid Sick Leave Law. The two-hour minimum use requirement will no longer apply.

Please share this information with staff in your department, including staff responsible for timekeeping and/or payroll processing. If you have any questions, please do not hesitate to contact me or our Labor Relations unit.

cc: Lori Roller, Chief Deputy Auditor Controller
Human Resources/Labor Relations Staff



Human Resources Division

Brandi Hopkins, Director

Katherine Harris, Deputy Director

April 1, 2021

MEMORANDUM

TO: County Department Heads

FROM: Brandi Hopkins, Director of Human Resources

SUBJECT: Removal of Family Sick Leave Usage Cap

Since the early 2000s, the State of California has amended labor code sections regarding an employee's ability to use and designate time as sick leave. As many of you are aware, the most recent expansion was SB 1383, which significantly expanded the definition of qualifying family member under the California Family Rights Act. Additionally, Human Resources recognizes that the County continues to experience the impacts of the COVID-19 Pandemic in our everyday family lives.

Other revisions included prohibiting employers who provide sick leave entitlements from denying an employee the right to use sick leave under the Healthy Workplaces, Healthy Families Act of 2014, which requires an employer upon request of the employee to use sick leave for family members.

Several bargaining units note the following family sick leave cap under the **3.3.2 Sick Leave Usage** provision:

(C) Illness, injury or quarantine of a member of the employee's immediate family, which requires the employee to tend, care for, or otherwise provide for the care of such person, up to a maximum of eighty (80) hours in a fiscal year.

Effective April 12, 2021, the family sick leave cap will no longer be applicable, allowing eligible employees to use family sick leave for qualifying "immediate family" members beyond eighty (80) hours in a fiscal year.

Though the cap will no longer be in place, employees are still required to continue annotating their time sheets with the Family Sick Leave payroll code, when applicable.

Please contact your assigned HR Analyst if you or your staff have any questions regarding this communication.

BH:rn

cc: Jerome C. Wilverding, County Administrator
Kathy Harris, Deputy Director of Human Resources
HR Staff
Auditor-Payroll Staff
Department Payroll Processors



February 9, 2023

MEMORANDUM

TO: Department Heads

FROM: Brandi Hopkins, Assistant County Administrator

A handwritten signature in blue ink, appearing to read "Brandi Hopkins".

SUBJECT: AB 1949 - Bereavement Leave

Governor Newsome signed into law AB 1949, which entitles employees to take up to five (5) days of protected bereavement leave under the California Family Rights Act (CFRA) upon the death of a qualifying family member. AB 1949 became effective January 1, 2023, and makes it unlawful to deny a request by an eligible employee to take such leave. Under the law, the leave is unpaid, but an employee may use available accruals, including sick leave, to be paid for the time off. This does not imply a greater right to bereavement leave other than what is required by law and the applicable Memorandum of Understanding (MOU) or Board Resolution (Resolution).

AB 1949 Bereavement Leave Overview

- Provides eligible employees of any status with up to five (5) days of unpaid bereavement leave upon the death of an eligible family member
- An employee is eligible for bereavement leave once they have been employed for at least 30 days prior to taking the leave
- The five days of bereavement leave provided under AB 1949 is protected leave under CFRA. This leave is separate and distinct from the 12 weeks of leave permitted under CFRA – it is an additional form of protected leave.
- The leave must be used within three (3) months of the date of death of the qualifying family member, and the leave does not have to be consecutive
- Employers may ask for verification

Most existing MOUs and Resolutions contain provisions that provide paid bereavement leave to full-time employees and eligible part-time employees which meet or exceed the requirements of the law, in part. In areas where the provisions do not meet the requirements of AB 1949, departments will need to provide the leave in accordance with the law.

For employees who are not otherwise eligible for paid bereavement leave as provided in an MOU or Resolution, departments will need to administer the leave pursuant to the law.

AB 1949 Guidelines

- A qualifying family member is a: spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, or grandchild.
- The five (5) days of bereavement leave are unpaid; however, the employee may elect to use any available leave accruals, including sick leave.

All MOUs and Resolutions offer a minimum of three (3) days paid, with most units allowing use of leave accruals for an additional two (2) days (allowable reasons/relationships vary by unit). Departments should allow for the use of an additional two days, consistent with the definition of a qualifying family member under the law, and allow the use of all accrued leave, including sick leave. Departments should adhere to County practice by utilizing available leave accruals prior to unpaid leave.

For MOUs that contain a restricted travel provision, the two (2) days restricted for travel should no longer be enforced.

- The five (5) days must be used within three (3) months of the date of death of the qualifying family member, and can be taken intermittently; it does not need to be consecutive. Departments may continue to approve extensions pursuant to the applicable MOU or Resolution.
- Bereavement leave can be used for each qualifying occurrence, meaning each death of a qualifying family member.
- An employee is eligible for bereavement leave under AB 1949 once they have been employed for at least 30 days prior to taking the leave. In San Joaquin County, this requirement will generally apply to those part-time and temporary employees who are not eligible for bereavement leave under an MOU or Resolution. For employees that are covered and eligible under an MOU or Resolution, there is no service requirement unless stated otherwise.
- Bereavement leave is a protected leave of absence and all employees who are eligible must be approved for the leave. Departments should track and monitor this time appropriately as protected leave.

Please disseminate this information to your managers, supervisors and payroll/timekeeping staff, and contact Labor Relations if you have questions.

BH:jtr/jc

CC: ACO Payroll
Labor and Personnel Analysts



February 7, 2023

MEMORANDUM

TO: Department Heads and Assistant Department Heads

FROM: Brandi Hopkins, Director of Human Resources 

SUBJECT: **AB 1041 – Expands the California Family Right Act (CFRA) and Paid Sick Leave Laws**

Effective January 1, 2023, [AB 1041](#) expanded the definition of “family member” under the California Family Rights Act (CFRA) and the Healthy Workplace, Healthy Families Act of 2014 (HWHFA), specifically Labor Code §245.5 to include a “designated person”.

CFRA - Leave to Care for a “Designated Person”

AB 1041 expands the list of CFRA family members eligible employees may take protected leave for to include a “designated person”. The bill defines a designated person as **“any individual related by blood or whose association with the employee is the equivalent of a family relationship.”**

- Employees must identify the designated person at the time they request leave.
- Employees are limited to one designated person per applicable 12-month period.
- The 12-month period is determined from the date an eligible employee first uses CFRA to care for a designated person (i.e. rolling year).

As a reminder, to summarize the recent changes from 2021 to the present, eligible employees may take CFRA leave for any of the following reasons (2023 new additions in **bold text**):

- Leave for the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee
- Leave to care for a child (including an adult child over 18 years of age), parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner, or **designated person** who has a serious health condition
- Leave for an employee’s own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions
- Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, registered domestic partner, child, or parent in the United States Armed Forces

Additionally, where both *parents* are employed by the same employer and take CFRA bonding leave, they are now both entitled to a total of 12 weeks individually for such leave.

It is important to be aware that because CFRA has expanded in areas not covered under the federal leave law, known as the Family and Medical Leave Act (FMLA) leave entitlements may no longer run concurrently. This means that eligible employees may take 12 weeks of CFRA leave and a separate 12 weeks of FMLA leave for a total of 24 weeks of protected leave in a 12-month period.

Paid Sick Leave to Care for Designated Person – LC 245.5

AB 1041 also amends Labor Code 245.5 to expand the definition of the term “family member” to include a designated person for whom an employee may request paid sick leave. For purposes of paid sick leave, the bill defines “designated person” as **“a person identified by the employee at the time the employee requests paid sick days”**. The definition does not require that the person be related by blood or the equivalent of a family relationship.

- Employees must identify the designated person at the time they request paid sick leave.
- Employees are limited to one designated person per 12-month period.
- The 12-month period is defined as a fiscal year: July 1 – June 30.

As such, eligible employees may request the use of accumulated paid sick leave to care for a “designated person” for reasons covered under the County’s Paid Sick Leave Policy (HWHFA), Kin Care Law (LC §233), and under existing Memoranda of Understanding and Board Resolutions.

It is important to note that the definition of a “designated person” is separate and distinct under CFRA and LC§ 245.5. Employees have the option to designate the same individual or two (2) separate individuals so long as the person qualifies under applicable law.

Procedure

- Employees requesting to use accumulated paid sick leave to care for a designated person must complete and return the attached *Designated Person Form* to their supervisor, to maintain confidential records of the individual identified.
- Employees have the option to identify or change the designated person each fiscal year for purposes of using accumulated paid sick leave (i.e. one person per fiscal year).
- Employees should annotate their time sheets with the Family Sick Leave payroll code, selecting Designated Person, when applicable.

In response to new legislation, Human Resources has revised the Request for Leave of Absence form and notification requirement forms for use going forward. Please share this information with your managers, supervisors, and staff responsible for processing leaves, timekeeping, and/or payroll processing.

Next Step:

An EPAD User Meeting is scheduled for February 23, 2023, to review the new legislation and processes established to comply with applicable laws.

Should you have any questions, please contact Christy Sanders at 209-953-7327 or csanders@sjgov.org. Thank you for your continuous support.

BH:cs

Attachments: Designated Person Form
Request for Leave of Absence
Notice of Eligibility and Rights & Responsibilities (ERR)
Designation Notice (DES)
CRD Labor Poster

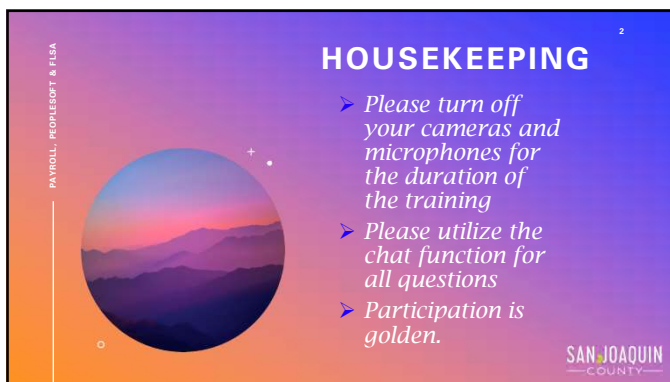
cc: County Administrator’s Office
County Counsel
Human Resources Administration
HR Principal and Analyst Staff



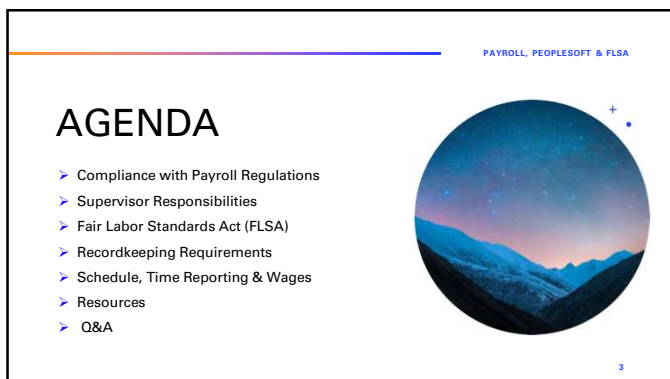
Payroll, PeopleSoft and FLSA



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3

OBJECTIVES

- Provide an overview of regulatory requirements; who they are established by; & how they apply to San Joaquin County Payroll.
- Provide an understanding of the Supervisors responsibilities.
- Inform staff of the FLSA guidelines.
- Provide an understanding of employee schedules, time reporting and wage requirements.
- Provide a list of available resources.



4



HIERARCHY

- Federal (Department of Labor)
- State
- Board of Supervisors
- County Memorandum of Understanding (MOUs) & Personnel Policies
- Departments (Auditor-Controller)

PAYROLL, PEOPLESOFT & FLSA

5

5

REGULATORY AGENCIES

FEDERAL

- The Federal Department of Labor (DOL) enforces the Fair Labor Standards Act (FLSA)
- The Fair Labor Standards Act (FLSA) is perhaps the most basic of all payroll and employment laws



STATE

- Government agencies such as San Joaquin County do not fall under State regulations. They are governed by Federal laws.
- When the Federal laws do not address a particular topic, San Joaquin County policies and/or procedures follow State guidelines.



6

BOARD OF SUPERVISORS



Mario Gardea
District 1

Paul Canepa
District 2

Sony Dhallwal
District 3

Steven J Ding
District 4

Robert Rickman
District 5



➤ Personnel Policies

➤ County Administrative Manual

➤ Administrative Policies and Procedures ([sjgov.net](https://www.sjgov.net))

➤ Board Agenda Items

➤ <https://www.sjgov.org/departments/bos>

7

PAYROLL, PEOPLESOFT & FLSA

7



MEMORANDUM OF UNDERSTANDING (MOU)

➤ Unions/Labor Organizations

➤ Bargaining Units

➤ (negotiations)

➤ Online MOU's

➤ Labor Relations Division ([sjgov.org](https://www.sjgov.org))

8

PAYROLL, PEOPLESOFT & FLSA

8

DEPARTMENT (AUDITOR-CONTROLLER)



➤ Auditor-Controller Accounting guidelines

➤ Timekeeping & Attendance

➤ Payroll Policies

➤ Administrative Policies and Procedures ([sjgov.net](https://www.sjgov.net))

County Administrative Manual

2300

Payroll

(2301.1 - 2301.21)

Section Contents

2301.1 Payroll Procedures

9

PAYROLL, PEOPLESOFT & FLSA

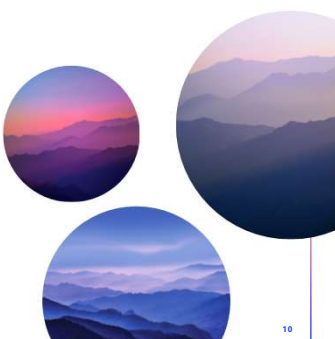
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PAYROLL, PEOPLESOFT & FLSA

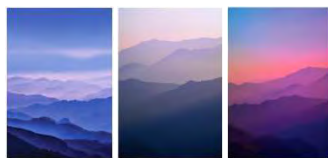
SUPERVISOR RESPONSIBILITIES

- Schedules
 - Employees adhere to their declared work schedule
 - Related forms are on file
- Time Reporting
 - Audit the accuracy of the time period
 - Check accrual balances
 - Electronically approve the timesheet for Self-Service
 - Authorize the time period with your signature on the timecard for Non Self-Service
 - Make sure the employee has signed their timecard
 - Submit completed timecard in a timely manner



10

10



Employee PeopleSoft Database Processor

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PAYROLL, PEOPLESOFT & FLSA

11

EPAD Processor

- Every department has an assigned staff who assists with payroll and personnel documents

11

LOA LEAVE OF ABSENCE

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As a supervisor, it is your responsibility to notify your Departments Employee PeopleSoft Database Processor (EPAD Processor) regarding an employee leave status (SDI, OJI...)in a timely manner. It is necessary for them to have this information in order to complete and provide the paperwork to send to Human Resources Position Control.

12



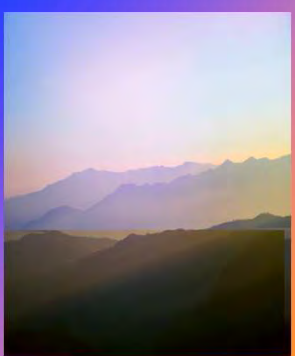
13

FLSA
(Fair Labor Standards Act)



The FLSA establishes **minimum wage**, **overtime pay**, **recordkeeping**, and **child labor standards** affecting employees in the private sector and in Federal, State and local governments

14



WAGES

FLSA REQUIREMENTS

- Basis on which employee's wages are paid
 - Classification appropriate
 - Position being filled
- All additions to or deductions from the employees' wages:
 - Must be applicable to position
 - Stop dates where applicable (overpayments)

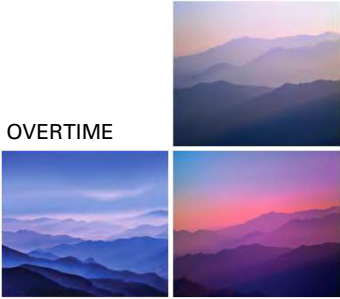
PAYROLL, PEOPLESOFT & FLSA

15

15

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OVERTIME



Overtime (OVT)

- Employees must be paid at a rate of not less than one and one-half times their regular rate of pay after 40 hours of work in a work week
- Prior OVT approval is mandatory per County policy
- MOU rules & provisions vary by labor organization and may allow for certain leave types. For example (vacation), to be counted as hours worked for overtime calculation. If not allowable, an employee may be paid straight time if/when leave time is taken in the same week the employee works overtime

16

FLSA
DOES /
FLSA
DOES
NOT

DOES NOT

- Requires employers to provide paid vacations, sick days, jury duty leave, holidays

DOES

- Requires recordkeeping by employers

DOES

- Defines child labor laws

DOES

- Regulates how often employees must be paid or when they must be paid after termination of employment (either voluntary or involuntary)

DOES NOT

17

FLSA
DOES /
FLSA
DOES
NOT

DOES

- Sets the minimum wage and overtime rates employees must receive for their work

DOES

- Mandates equal pay for equal work

DOES NOT

- Restricts the hours that employees over 16 years of age may be required to work

*The areas NOT covered by FLSA may be governed by another federal law or regulation, but in most instances, they are handled by the individual states of the employer.

18



RECORDKEEPING REQUIREMENTS

- Every employer covered by the Fair Labor Standards Act (FLSA) must keep certain records for each covered, nonexempt worker.
- There is no required form for the records, but the records must include accurate information about the employee and data about hours worked and wages earned.

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19

19



WORK SCHEDULES & TIME REPORTING

FLSA REQUIREMENTS

- Time & day of week when employee's workweek begins
- Hours worked each day
- Total hours worked each workweek

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20

20

NON-EXEMPT VS EXEMPT EMPLOYEES

- Most County Employees are in classifications that are **Non-Exempt**, meaning FLSA applies and the employee is eligible to earn overtime.
 - Failing to pay **Non-Exempt** employees overtime after 40 hours in a workweek is a violation of FLSA.
- Employees in **Exempt** classifications are not covered by FLSA and usually not eligible for overtime.
- Some **Exempt** employees at the County are entitled to overtime for reasons unrelated to FLSA (e.g. MOU language)
- FLSA status of each job classification is listed on the County's Biweekly Salary Grade Assignment Report.
 - Group 1 – Exempt from FLSA
 - Group 2 – Exempt from FLSA with Paid OT
 - Group 4 – Non-Exempt Subject to FLSA OT



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21

21

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ALTERNATIVE
WORK SCHEDULES

➤ The most common schedule is 5/8 (employees work five 8-hour shifts a week).

➤ Alternative work schedules (AWS) permit greater flexibility by enabling employees to work longer shifts on a fewer number of workdays and provide related benefits such as decreased commuting costs.

➤ Common examples of AWS are:

The 4/10 (employees work four 10-hour shifts in a workweek).

The 9/80 (employees work eight 9-hour shifts and one 8-hour shift over two weeks).

➤ Workweek schedules must coordinate with flex schedules so that they result in exactly 40 hours per workweek.

➤ An AWS should never be used as a means of avoiding paying employee's overtime.

22

22

DOES ANYONE KNOW
THE #1 RULE IN CREATING
A 9/80 SCHEDULE?

23

FLSA WORKWEEK 9/80

FLSA workweek visual

M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su
9	9	9	9	4+	-	-	9	9	9	9	9	-	-	9	9	9	9	4+	-	-

M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su
4+	9	9	9	9	-	-	9	9	9	9	9	-	-	4+	9	9	9	9	-	-

➤ The 8-hour day and the day off are the same day of the week.

➤ The workweek begins/ends at the midpoint of the 8-hour shift.

➤ Note that the split day is shown as two 4-hour segments. The first 4 hours ends the first workweek and the second 4 hours begins the next workweek.

➤ Each workweek contains one 4-hour shift and four 9-hour shifts for a total of 40 hours each week.

➤ The FLSA workweek does not coincide with the weeks of the biweekly pay period.

24

8

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AVOID THE PITFALLS OF USING A 9-80 SCHEDULE

➤ Pitfall #1 – Not designating the workweek properly

➤ Pitfall #2 – Allowing employees to change/switch their regular day off

➤ Pitfall #3 – Allowing employees to come in/leave early or come in/leave late on their 8-hour shift

➤ Pitfall #4 – Failing to monitor when lunch is taken



25

25

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TIME REPORTING

➤ Employee reporting of daily hours worked

➤ Vacation, Sick, Compensable Time etc.

➤ Daily entries of hours worked by Project ID and Activity ID (where applicable)

➤ Approved Pay Only When Worked Supplementals (Standby for example)

➤ Overtime, Compensatory Time (when applicable)

➤ Other

➤ Use the correct REG time reporting code to report shift differential (where applicable)

➤ Must have accrual balances available

➤ Standby for example

➤ Refer to MOU

➤ Refer to MOU

26

26

PAYROLL, PEOPLESOFT & FLSA

Understanding Payroll Processing with PeopleSoft

• PeopleSoft is the system of record for payroll.

• Payroll processing has strict deadlines and lockouts in order to issue timely paychecks. It is important to be aware of this timing.

• It is critical that the correct information for each employee is entered into PeopleSoft.

• Departments are set up for either self-service or non-self-service time reporting.

• Self Service: employees enter their own time directly into PeopleSoft

• Non-Self-Service: Time is either reported on a timesheet and entered into PeopleSoft by a timekeeper or payroll clerk or hours are imported to PeopleSoft from a time clock or other time collection device

27

27

9

SETUP IS CRITICAL

Job Data

- Supervisor ID
 - Holiday Schedule
 - Salary Info
 - Supplementals
- ### Time & Labor
- Schedules

28

TIMECARDS

Timecards

- Some departments still use paper timescards
- Some departments use electronic timesheets
- All departments have electronic PeopleSoft timesheet approvals

29

29

Self Service vs. Non-Self Service

TIMESHEET ENTRY

Self Service

- Employees enter their time worked and will submit absence requests for time off to their supervisor for approval.
- Supervisors will receive notification when an absence request is submitted and are responsible for approving or denying each absence request.
- Supervisors are responsible for reviewing and approving timesheets for each of their employees to ensure they are correct.
- After Supervisors have approved timesheets they will be audited by a Payroll Clerk.
- A Department Approver will review, address any issues and provide the final signoff for the department.

Non-Self Service

- Employees will report their time on a paper timesheet, time clock or other time collection device, or submit time off requests based on the policies of their department.
- Supervisors are responsible for reviewing timesheets for each of their employees to ensure they are correct.
- Approved timesheets or time off requests are forwarded to Timekeepers or Payroll Clerks for auditing and entry into PeopleSoft.
- Hours reported via time clock or other time collection device are also audited by Payroll Clerks.
- A Department Approver will review, address any issues and provide the final signoff for the department.

30

30

Self Service vs. Non-Self Service

TIMING/DEADLINES

Self Service

- **Employees** have access to enter time on their timesheets on the second day of the pay period after 12:00 p.m.
- **Employees** can submit current pay period hours and absences until 12:00 pm on the second day of the pay period. They can submit future absences at any time.
- **Supervisors** can approve absences when they are notified. Supervisors must review and approve all time by the last Friday of a pay period by 5:00 p.m.
- **Payroll Clerks** will have until 4:00 p.m. on the Monday following the last day of the pay period to audit and make last minute changes
- **Department Approvers** need to complete the final sign-off for the department by 4:30 p.m. on Monday.

Non-Self Service

- **Employees** report their hours on a paper timesheet, use a time clock or other time collection device, or submit time off requests based on the policies of their department.
- **Payroll Clerks** will have until 4:00 p.m. on the Monday following the last day of the pay period to audit and make last minute changes.
- **Department Approvers** need to complete the final signoff for the department by 4:30 p.m. on Monday.

31

31

TIMESHEET BASICS

[Timesheet Basics \(HRMS upgrade\) | SJC Home](#)

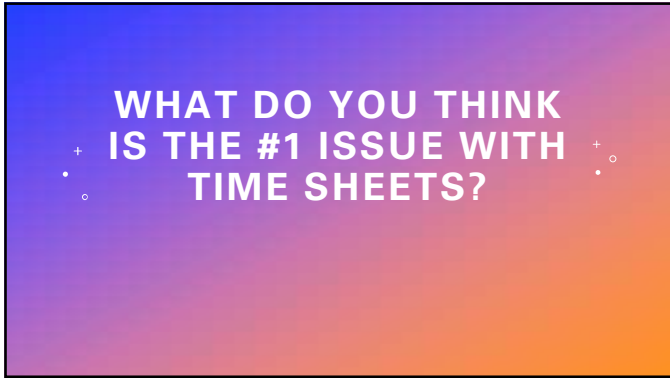
Completing your Timesheet (Timesheet with Absence) Learn how to fill out your timesheet and include an absence.

32

TIMESHEET BASICS

Submitting an Absence for Current Pay Period | SJC Home

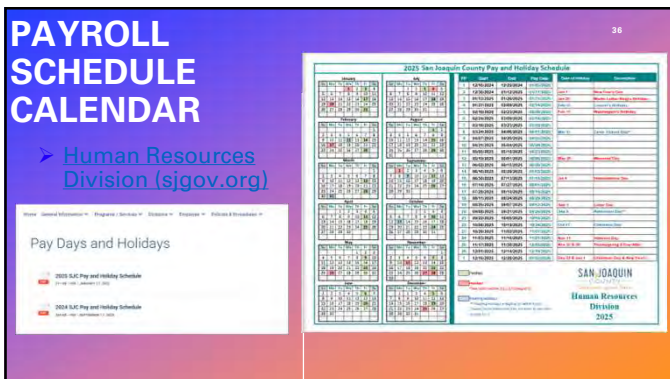
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34



35



36

RESOURCES

- County Administrative Manual
- US Department of Labor - www.dol.gov
- State of California Employment Development Department - www.edd.ca.gov
- State of California Franchise Tax Board - www.ftb.ca.gov
- Bureau of Labor Statistics - www.bls.gov
- Social Security Administration - www.socialsecurity.gov
- Internal Revenue Service - www.irs.gov
- American Payroll Association - www.aapa.org
- San Joaquin County - www.sjgov.org
- San Joaquin County MOUs - [Labor Relations Division \(sjgov.org\)](http://www.sjgov.org)
- San Joaquin County Intranet - [Home | SJC Home \(sjgov.net\)](http://www.sjgov.org)
- Viewing paycheck in PeopleSoft - [Viewing Your Paycheck | SJC Home \(sjgov.net\)](http://www.sjgov.org)
- Approving timesheets - [approving-employee-timesheets-in-current-pay-period.pdf \(sjgov.net\)](http://www.sjgov.org)
- Approve an absence request - [how-to-approve-an-absence-request-in-the-current-pay-period.pdf \(sjgov.net\)](http://www.sjgov.org)



37

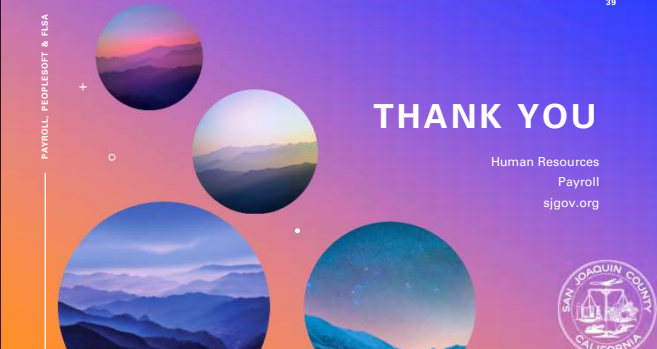
PAYROLL, PEOPLESOFT & FLSA



QUESTIONS?

38

PAYROLL, PEOPLESOFT & FLSA



THANK YOU

Human Resources
Payroll
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39



Hiring and Interview Skills



1

Training Objectives



Participants will:

- receive an overview of the applicant referral process
- learn the purpose of an interview
- learn how to develop effective interview questions
- know how to create a positive interview process
- learn how to accurately rate a candidate
- learn how to properly document the interview

2

Applicant Screening Process

- Phases of recruitment
 - Application screening
 - Meet minimum qualifications
 - Examination process
 - Written
 - Oral board/practical examination tool
 - Combination
 - Placement on eligible list

3

The Referral Process

- Rule of Rank (Open)
 - Top rank(s) certified to provide:
 - Number of names referred equal to the number of positions plus nine (9), or 10% of the list, whichever is higher
 - When filling 9+ positions, number of names equal to 2x the number of positions or 10% of the list, whichever is higher
- Rule of Five (promotional only)
 - Will receive 5 names for 1 vacancy
(4 + number of vacancies)
- Rule of the List
 - All eligibles are certified and referred (entire list)
- All referred should be scheduled for a hiring interview

4

Purpose of the Interview

- Assess and clarify the level and quality of each candidate's job-related experience, education and scope of assignments.
- Inquire about changes in employment and information on the application.
- Assess overall potential of candidates.
 - Measure knowledge, skills, and abilities to perform the required job functions.

5

Interview Purpose - Continued

- Provide information about the job, department and the County.
- Provide information about the duties and performance expectations.
- Develop documentation to differentiate between candidates and justify hiring decisions.

6

Preparation for the Interview



7

7

Composition of the Panel

- Minimum of two members
- Members have job-related knowledge and skills
- Select panel members that can be objective
- Same members interview all candidates (with minimal exceptions)
- Members reflect the diversity of the County community



8

Development of Interview Questions

- Questions prepared in advance
- Questions elicit measurable factors:
 - qualifications
 - past performance
 - knowledge
 - skills
 - experience that relates to the candidate's ability to perform the job
- Same questions asked of all candidates
- Appropriate follow-up questions
- Closing question to ask candidate

9

Best Practices

- Ensure all questions are legally compliant
- Questions must be purposeful
- Avoid complex, confusing, or redundant questions
- Avoid personal or non-job related issues
- Avoid controversial issues

10

Unacceptable or Illegal Questions

(Appendix A)

- Age
- Race
- Citizenship
- Family Responsibilities
- Height or Weight
- Marital Status
- Organizations - Clubs
- Military/Vet Status
- Political Affiliation



Ancestry
Color
Creed
Gender
Gender Expression
Gender Identity
Medical Condition
National Origin
Religion
Sexual Orientation
And more... See App. A

11

11

Basic Types of Questions – Guidelines

- Yes-no question
 - Are you willing to work overtime?
- Direct Questions
 - When do you expect to graduate?
- Open-ended question
 - The courses you have completed relate to this in what way?
- Situational question
 - What would you do if . . . ?

12

Health or Disability

- ADA Definition of a Disability
 - A physical or mental impairment that substantially limits one or more of the major life activities
 - Having a record of such impairment
 - Or regarded as having such impairment
- Avoid asking personal questions about candidate's disability or health; the interview focus is about the job and the candidate's ability to perform the duties.

13

Reasonable Accommodation

- Candidate Consideration Process
 - Class specification
 - Mental/physical requirements of job
 - Can you perform the essential job functions?
 - Ask of all candidates
 - **Contact the department's assigned Personnel Analyst if there are any questions in this area!**

14

Examples of *Acceptable* Questions

- "This job requires that you be able to...
- Lift 50 pounds
 - Use a keyboard approximately 6 hrs per day
 - Sit for extended periods of time...
- Can you perform this with or without reasonable accommodation?"

15

Acceptable Questions If Applicant is **Obviously Disabled**

- Consistently asking the same required questions of all applicants will address this issue.
- Given the essential functions, do you need any accommodations to assist you in performing this job? If yes, please share the accommodation you need?
- **No further inquiries about the answers to the above; fully document response.**

16

Can we ask....

Do you currently take any
medication?

17

Can we ask....

Do you have any family
obligations that would
prevent you from working
overtime?

18

Can we ask....

Are you anticipating going
on any leaves?

19

Can we ask....

Are you experienced with
Microsoft Excel?

20

Can we ask....

Can you bend at the waist
and lift 50 lbs?

21

Can we ask....

How is your hearing?

22

BREAK TIME



23



Developing Interview Questions - Exercise

- Consider job tasks
- Consider knowledge and skills needed to perform job tasks

Develop questions that assess the candidates' knowledge, skill and ability to perform job tasks

24

Exercise 1 – Developing the Interview Questions

- Develop 5 questions
- Use resources (Supervisor job knowledge, minimum qualifications, job spec, Guidelines – Appendix B)



25

Handout Review

Sample Interview Questions



26

26

Developing the Rating Form

- Questions of candidates
- Establish rating factors/base point
- Determine rating method for the factors
- Documentation tool for the process

27

The Interview Session

- Notification of candidates
- Interview location
- Welcoming atmosphere
- Time management
- Pertinent Exercises
- Review of applications (update as needed)
- Listen and concentrate; take notes
- Ask candidate for brief, final statement
- Conclude interview with general process information

28

The Remote Interview Session

- Notification of candidates of virtual meeting format
- Ensure candidate has downloaded appropriate software platform, i.e. Teams, Zoom
- Check for time zone differences
- Send any practical exercises well in advance of interview
- All panel members should be visible to candidate

29

Orientation of Candidates

- Introduction of interview panel to candidate
- Explanation of interview process
- Advise candidates that notes will be taken during the interview



30

Addressing Application Information

- Salary Inquiries
 - AB 168 – ban on employer inquiries into an applicant’s salary history
 - Should not ask for or prompt candidates to share current or previous salary information
 - May be discussed if candidate voluntarily provides the information
 - If the candidate is a current county employee, let them know that you will be requesting a written release to review their central personnel file in Human Resources

▪ **Questions? Ask HR!**

31

How to Rate

- Review interview notes; rate on information elicited in interview.
- Complete the rating form (if one is used).
- Use consistency when rating candidates.
- Avoid consideration of factors not related to job performance.
- Do not consider individual’s success or failure in previous interviews or exams.
- Documentation should be specific to support ratings.
- Documentation may become public record.

32

Checking References – Contact Human Resources For Guidance

- Develop a consistent process.
- Obtain written consent from applicant prior to conducting any verbal or written contacts.
- Reference checks are used to verify statements made by, and information obtained from the candidate.
- Confirmation of degrees conferred, licenses obtained, positions held, work assigned, and skills possessed.
- References should be conducted prior to any and all job offers.
- Verify capabilities, job-related qualities, and employee’s work habits.

33

Make Your Final Selection

- Selection can be clearly outlined and supported by job-related requirements in relation to the applicant's knowledge, skills and ability to do the job.
- Supported by a fair and equitable hiring process



34

Job Offers

- Must be in Writing!
- May be a contingent on the candidate passing a pre-employment:
 - Background Check
 - Drug Screening
 - Physical Examination
 - Psychological Examination



35

Notification of Candidates

- Departments will notify HR of final hiring decision.
- After all candidates have been interviewed, the department will notify all candidates of the outcome by the most efficient means.



36

Documentation

- Records must be kept in these areas:
 - Development of interview questions
 - Information concerning applicants
 - Interview notes and rating sheets
 - Results of the interview
- Department records are confidential and maintained for at least one year following selection.

37

Questions?



38

38

Take A Look!!

- HR Website – www.sjgov.org/departments/hr
 - OR County Intranet
 - 1. County Civil Service Rules
 - 2. Organization Listing
 - 3. Employment Opportunities
 - 4. Staff Development
 - 5. Education Reimbursement
 - 6. On-line Forms – Leave Processing
 - 7. MOU Contracts
 - 8. Risk Management

39



Department Hiring Interview Guidelines

San Joaquin County Human Resources Division

2004

Updated 2009

Updated 2015

Updated 2022

Department Hiring Interview Guidelines

INTRODUCTION

This handbook is designed to assist department administrators, managers, and supervisors to prepare for and conduct interviews in a skillful and professional manner. The use of interviews generally enhances the probability of selecting the most qualified candidates for vacant positions. These guidelines are general in nature, and no attempt has been made to address specific problems and considerations that will vary from job to job and from one interview situation to another.

The judgments made in an interview can have considerable weight in deciding who will and who will not have the opportunity for employment with the County. Because of the importance of these judgments, this handbook has been prepared to give the interviewer guidelines for rating the candidates.

COURSE OBJECTIVES

Participants will:

- understand the Civil Service certification process.
- learn the purpose of an interview.
- learn how to develop effective interview questions.
- know how to create a positive interview process.
- learn how to accurately rate a candidate.
- learn how to properly document the interview.

OVERVIEW

The structured interview is a procedure designed to measure work-related behaviors, knowledge, skills, and abilities of candidates using a structured interview format and provides a systematic process for observing representative samples of work behavior elicited by specific questions. These face-to-face interviews supply information on a combination of factors that may not be obtainable in any other manner, such as verbal skills, analytical ability, decision-making ability, or other observable work-related behaviors. The interview can best be used to measure those factors in an interpersonal, interactive situation using a structured measurement tool.

Purpose of the interview

- Assess and clarify the level and quality of the candidate's job-related experience, education, and the scope of his/her assignments.
- Inquire about reasons for changes in employment, such as promotions, transfers, and separations.
- Inquire about information provided on the application, or about information offered verbally by the candidate that may be deemed vague, incomplete, contradictory, or suggest concealment. The interview permits questioning which can result in unexpected disclosures, and assists in determining how much a candidate has developed from his or her education and experience.
- Assess the overall potential of the candidate.
- Provide the candidates with information about the job, the department and/or the County that would assist the candidate in making an informed decision about the desirability of the job based on their own interests and career goals. Candidates should be left with a good impression of the County and a desire to become part of it.
- A final and critical purpose of the interview is the development of documentation that justifies hiring decisions and defends against candidate appeals or lawsuits. An interview must not discriminate on the basis of age, race, color, sex, marital status, disability, medical or mental condition, political or religious affiliation, arrests, criminal record, child care arrangements, place of residence, spouse's occupation, success or failure in previous interviews or exams, or any other area that is possibly discriminatory and not job related.
- The primary goal of any selection method, including the interview, is to differentiate between candidates on the basis of their relative suitability for employment. The information gathered can be evaluated in a uniform fashion to produce an objective assessment of the candidate's suitability based on specific job-related factors.

PREPARATION FOR THE INTERVIEW

Composition of the interview panel

The members of an interview panel have considerable authority and as a result assume serious responsibility in the selection process.

- Panels may consist of one to four members. It is recommended that a minimum of two panel members be utilized for clarity and to prevent challenges to professional integrity.
- The panel chair is responsible for greeting the candidate, verifying each candidate's name, introducing the panel to each candidate, and establishing a reasonable interview schedule to provide follow-up discussion.
- It is recommended that panel members have knowledge of the job, knowledge of the technical aspects of personnel selection, and possess communicative, analytical, interviewing, and decision-making skills.
- Arrangements should be made so that the same people will interview all candidates for a position. Panel members should disqualify themselves from the interview if they have a bias that would adversely affect the selection process, if they are related to the candidate, or for justifiable reasons that would interfere with an objective evaluation. A relative is defined as follows: husband, wife, child, father, mother, sister, brother, father-in-law, mother-in-law, grandparent, son-in-law, daughter-in-law, grandchild, foster parent or guardian. A close relationship with a sister-in-law, brother-in-law, or cousin may also necessitate withdrawal from the panel.
- It is desirable to have qualified interviewers who reflect the diversity of the community.

Development of interview questions (See Appendix B)

- A standard list of well thought out and carefully worded questions must be prepared and finalized in advance of the interview. The interview panel should discuss the questions prior to the interview, including the desired or anticipated responses and follow-up questions or probes.

- The interview questions should be written to measure the required knowledge, skills and abilities for the entry-level position. For journey level positions, the candidate is generally expected to possess journey level knowledge and abilities related to the job and these factors should be evaluated in the interview.
- The same set of questions should be asked of all candidates.
- Follow-up questions may be asked to ensure that the candidate has understood the intent of the question, to ensure that the interviewers have understood the intent of a response, or to verify or clarify answers given by the candidate
- In addition, each candidate should be asked the following question at the end of the interview: “Is there anything you would like to tell this panel that would allow us to better evaluate your abilities to perform in this position?”

Basic Types of Questions Used in the Interview

The information elicited from a question may vary greatly depending on the type of question used.

- Yes-no questions should be used infrequently because they result in the interviewer doing more talking than the candidate and the responses elicit a minimum amount of information, i.e., “Will you be willing to work overtime?” The yes-no question is used mainly to confirm statements on an application or to clarify a statement made by a candidate.
- The direct question can be helpful in obtaining more information about a certain area or to discover the candidate’s knowledge on a specific technical issue in a manner similar to a “fill in the blank” question on a written test, i.e., “When do you expect to graduate?” or “What type of drug is most frequently abused by teenagers?” Overuse of the direct question can create a shallow and interrogation-like interview.
- The open-ended question allows candidates to express ideas and information they think important and to demonstrate their ability to organize their thoughts and ideas, i.e., “The courses you have completed relate to this job in what way?” Direct questions are often used to follow-up on the candidate’s responses to open-ended questions.

- Situational questions pose job-related situations or problems to candidates, i.e., “What would you do if . . .?” The candidate describes how they would deal with the situation or problem. The response can provide a basis for the evaluation of a candidate’s decision-making ability, analytical abilities, job knowledge, and reasoning or philosophy on some concept, principle, issue or approach. The situational question should be designed so that the candidate must reason out the answer by using job-related knowledge. This type of question can be time-consuming to develop and administer, but the results can be well worth the time.
- Avoid using words that may “lead” the respondent or imply a desired answer. Do not ask a question like “Wouldn’t you rather delegate authority than try to do all the work yourself?” Instead, ask “Would you rather delegate authority or do the work yourself?”

General Question Rules for Interviewers

- Preparation of questions, in advance, is strongly recommended to ensure that each interview is conducted consistently.
- Questions should have a definite purpose, i.e., to specifically relate to the minimum job qualifications and required skills and abilities.
- Avoid posing a question that contains two or more questions as this may create ambiguity or permit only a partial answer to the question.
- Be sure each question is stated as clearly and simply as possible.
- Avoid questions involving moral or non-job related controversial issues.
- Ask men and women the same questions, and do not ask questions that relate to age, ancestry, color, creed, gender, gender expression, gender identity, genetic information, marital status, medical condition, military/veteran status, national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex, or sexual orientation, arrests, criminal record, child care arrangements, place of residence, spouse’s occupation, success or failure in previous interviews, or any other area that is possibly discriminatory and not job related.
(Appendix A)

ADMINISTERING THE INTERVIEW

Setting up the Interview

A smooth flowing and successfully administered interview requires careful planning, coordination, and scheduling. Following are guidelines for a successfully administered interview:

- Provide timely and reasonable notice to candidates as to when and where they are to appear for the interview.
- Arrange for the use of a comfortable, distraction-free room with adequate space and suitable physical arrangement.
- Prior to the interviews, panel members must understand the position being interviewed for, understand what they are to evaluate, and know how to make and record the evaluations.
- The interviews must be standardized, presenting the same conditions to each candidate to ensure there is a consistent assessment of the candidates. Be sure all procedural details, i.e. who will ask which questions and in which order, are agreed to in advance.
- Allow sufficient time intervals between candidates to review notes, fill in gaps, perform the rating, and prepare for the next candidate. The panel chair should control inappropriate or non-related panel discussions about candidates.

Candidate Orientation

In the orientation, the interview panel will be introduced to the candidate by the panel chair. Areas that may be covered during this orientation session are: Organizational structure of the agency, salary/benefits, recruitment material, information pertaining to the agency, work unit or division in which the job is located, the duties related to the job, any unusual working conditions, any other information which will help the candidate understand the job. Candidates should be afforded the opportunity to ask any questions they may have.

Besides a general overview of the job, an explanation of the purpose or goals of the interview should be presented during the orientation session. Candidates should be advised that notes will be taken and that the interviewers may take turns asking questions.

The Interview Session

Prior to admitting a candidate to the interview room, the interview panel should briefly review the job application and note any questions left unanswered or raised by responses given on the application. The first task, once the candidate enters, should be to create a comfortable atmosphere to put the candidate at ease.

Questions from the job application are a good starting point; then proceed to the pre-established list of questions. The same prepared questions should be asked of each candidate. During the interview, panel members should take notes that will later assist them in making and substantiating the ratings.

Pointers

- Create and maintain a positive, cooperative attitude. Treat all candidates equally, fairly, and with dignity and respect.
- Speak clearly and distinctly.
- Start note-taking at the beginning of the session, not at some critical point in the interview.
- Ask questions in a positive, empowering manner. Do not interrogate.
- If you do not understand a response, ask the candidate for clarification. Summarize points and repeat statements, as appropriate, to ensure understanding.
- Don't "lead" the candidate; your objective is to elicit their responses.
- Demonstrate your interest in the applicant by actively listening and concentrating on their responses. Do not interrupt.
- Concentrate on each individual response and maintain positive eye contact with the candidate.
- Resist fatigue and inattention when interviewing a large number of candidates.
- Ask candidates if they would like to offer a brief, final statement.

- Conclude the interview with general information about the process.

RATING THE CANDIDATES

One of the most difficult aspects of the interviewer's job is rating the candidates. A valid interview is dependent on how accurately the job analysis, selection factors, and interview questions represent the job performance criteria. Therefore, the interviewers must accurately rate the candidates on the responses to the established interview questions. Interviewers must be consistent in the standards applied in rating.

The Rating Scale

- A rating form should be used for each candidate.
- Candidates are rated on knowledge, abilities, and qualifications for the respective position.

How to Rate

Immediately after the candidate is excused, each panel member should review his or her notes and add information that was not noted during the session. If a rating form is used, it should be completed at this time. The more specific the documentation, the easier it will be to later defend the ratings, but remember that any comments recorded may become public record if an appeal is made.

Pointers for Rating Candidates:

- Do not make premature decisions during the course of the interview.
- Do not consider factors unrelated to job performance.
- Make independent rating judgments only after the interview is completed.
- Ratings are based only on information elicited during the interview or on the observable behavior of candidates in the interview.
- A panel member having knowledge of a candidate's activities outside the interview situation may not rate on the basis of those activities unless those activities were offered during the interview.
- Do not consider an individual's success or failure in previous interviews or examinations in rating a candidate.

Pitfalls to Avoid When Rating

Ratings are adversely affected by a number of influences and tendencies inherent in the interviewers themselves or in the interview situation. Many of these errors can be identified and dealt with. Some of the common pitfalls to be avoided are:

- The “halo effect,” which is the tendency to rate several or all factors based on an overall impression or judgment on one fact. A conscious effort must be made to rate each selection factor independently, not allowing other factors to improperly influence the rating.
- The “leniency effect,” which is the tendency to rate all candidates highly and the “stringency effect” which is the tendency to rate all candidates low. Both of these errors will tend to cause a tight grouping of candidates and will not result in the desired “spread” or variance in scores necessary for differentiating the suitability of the candidates.
- The “central tendency effect,” which is the tendency to use only the middle portions of the rating scales. This error has the same undesirable result as stated above.
- The “contrast effect,” which is the tendency to under- or over-rate a candidate because of a strong or weak showing of the previous candidate.
- A change in rating standards due to fatigue, diminishing recollection of earlier candidates, or change in the general level of candidates’ qualifications across sessions.
- The “contamination” error, which is the making of inaccurate ratings due to an interviewer’s insufficient or vague understanding of the selection factors.
- Making “snap” judgments based only on responses made in the first part of the interview, and then attending to only those responses or behaviors that confirm this initial judgment.
- “Personal bias” which can prevent objective ratings if the interviewer allows conscious or unconscious prejudices and attitudes about cultural stereotypes, lifestyles, personality, appearance, idealistic stereotypes, and other idiosyncratic perceptions to affect his/her judgment.

- The mental tendency to place more weight on negative than on positive information. It is important to integrate positive and negative information into the proper perspective and balance.

NOTIFICATION OF CANDIDATES

After all candidates have been interviewed and the interviewer ratings calculated, the departments notify Human Resources concerning the final hiring decision. Even if a candidate is not hired, the department must still notify the individual as soon as possible regarding the outcome of the selection process. Once the selection has been made, the original list with notations, applications, and any additional documentation (i.e., waivers, etc.) must be returned to Human Resources.

Documentation

Adequate records must be kept in the following areas: development of the interview, information concerning applicants, interview notes and rating sheets, and results of the interview. These records are confidential. It is recommended that the hiring department retain these documents according to the records retention schedule for the department.

The results of the selection process (who was hired and why) should be documented.

Information relating to the candidates and the interview panel must consist of the names of candidates interviewed, the position applied for, the interview date and time, names of the interview panel members, documentation of any occurrences that may be of concern, panel member notes, and all written communication with candidates.

+ See Appendix "D" for the Selection Interview Panel Checklist.

Appendix A

The following are guidelines on types of questions that are considered unacceptable or illegal according to Federal Regulations and Guidelines and are presented for your information.

All inquiries which unnecessarily reveal a person's age, ancestry, color, creed, gender, gender expression, gender identity, genetic information, marital status, medical condition, military/veteran status, national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex, or sexual orientation, arrests, criminal records, child care arrangements, place of residence, spouse's occupation, success or failure in previous exams, or any other area that is possibly discriminatory and not job-related, whether or not they are covered in this guide are unacceptable. Only questions eliciting job-related information are acceptable. Any other questions may be a basis for appeal.

AGE

Any inquiry that implies a preference for persons of a particular age or age group is unacceptable. If you ask a person during an interview "How old are you?", you are implying that the question is part of your selection process and age is being used as selection criteria.

ARRESTS

All inquiries during the interview process relating to whether a person has ever been arrested are considered unacceptable. These questions are generally reserved for background checks completed during the hiring process. However, the standard County application requires disclosure of prior criminal convictions. Information provided on an application is open for questioning or follow-up clarification by the panel. Such review should be consistently applied to all candidates in the interview process.

CITIZENSHIP

General inquiries into a candidate's citizenship are illegal because they unnecessarily reveal a person's national origin, descent or birthplace. During hiring, candidates must provide eligibility to work documentation.

FAMILY RESPONSIBILITIES

All inquiries relating specifically to a candidate's children, spouse, childcare arrangements or spouse's employment are unacceptable. However, questions on whether a candidate will be able to maintain the established work schedule or meet the job responsibilities are acceptable during the hiring interview.

HEALTH OR DISABILITY

General inquiries concerning health and/or observed or presumed disabilities may not be made. During the hiring interview, candidates may be asked if they can perform the essential functions of the job, with or without accommodations. Human Resources will accommodate candidates requiring special testing or physical accommodations during the Civil Service exam process, as appropriate. Departments should contact Human Resources for guidance if a candidate indicates a need for special accommodations as appropriate under ADA.

ADA Definition of a Disability

- A physical or mental impairment that substantially limits one or more of the major life activities.
- Having a record of such impairment.
- Or regarded as having such impairment.

HEIGHT OR WEIGHT

Questions concerning a person's height or weight are unacceptable.

MARITAL STATUS

No inquiries should be made concerning whether a person is married, single, divorced, separated, widowed, etc. Marital status is not a relevant selection criterion and should not be included in a hiring interview.

ORGANIZATIONS

Do not ask a candidate to list the organizations, clubs, societies, or lodges they belong to unless their membership is related to work performed or skills learned as a member or volunteer in the organization.

PREGNANCY

The hiring interviewer may ask a candidate if they anticipate any leave of absence from the job, but cannot ask questions concerning whether the candidate is pregnant or other related family planning questions. These questions are considered as possible sources of discrimination against women.

Appendix B

Sample format for developing interview questions

Position: Clerical Department: Human Resources Job Title: Office Assistant

1. Job tasks:

- Using a computer, transcribes correspondence and reports from handwritten notes.
- Greets individuals at the counter and provides assistance.

Questions relating to the factor:

- Have you ever worked on a computer? (yes-no question)
- If yes, with what software programs are you most familiar? (direct question)
- What is your experience with transcribing correspondence from a tape recorder or handwritten notes? (situational question)
- Describe your experience working with customers who enter the office (situational question).

2. Knowledge required to perform the task:

- Modern office equipment, including word processing software programs.
- Modern business office procedures.

Questions relating to the factor:

- With what kind of office equipment are you familiar? (direct question)
- What types of tasks have you performed in your prior work experience that would prepare you for this position? (open-ended question)

3. Skills or abilities required to perform the task:

- Type at a minimum of 45 wpm.
- Communicate effectively, both orally and in writing.

Questions relating to the factor:

- How many words per minute can you type? (direct question)
- If you were an office assistant in this department, how would you explain the policy statement that was given to you to read before this interview? (situational question)

4. Personal characteristics required to perform the task:

- Open and friendly (personal characteristic)

This factor is an observational situation and should not be part of the interview questions.

Appendix C

Interview Checklist

1. _____ Select and schedule panel members.
2. _____ Prepare job-related interview questions and determine which questions each panel member will ask of the candidate.
3. _____ Schedule room a **minimum of two weeks** prior to interview.
4. _____ Packet made for all panel members consisting of:
 - Photocopies of candidate applications
 - Copies of position job specifications
 - Position salary and benefit information
 - Panel member rating forms
5. _____ Provide panel members with supplies:
 - Pencils
 - Notepads
 - Paperclips
 - Other miscellaneous supplies, as necessary
6. _____ Provide candidates with introductory information prior to commencement of interview.
7. _____ Review written interview guidelines provided by Human Resources with all panel members.
8. _____ Maintain all interview materials in a confidential envelope for a minimum of one year.
 - Interview questions
 - Rating forms
 - Panel member notes
 - Applications of candidates
 - All other related materials

Appendix D

Selection Panel Checklist

1. _____ Review eligibility list provided by the Human Resources Division.
(Follow Rule of Rank, Rule of Five or Rule of the List procedures,
as appropriate for selection.)
2. _____ Select interview panel.
3. _____ Select interview dates, providing candidates ample prior notice.
4. _____ Schedule interview room.
5. _____ Develop questions in written format (maintain according to retention
schedule).
6. _____ Notify candidates of interview date/time (done by interviewing
department).
7. _____ Identify all current County employees on eligibility list provided by
Human Resources.
8. _____ Make a good faith effort to contact employees on the eligibility list.
Document effort to contact.
9. _____ Review written interview guidelines as provided by Human
Resources.
10. _____ Notify successful candidate(s).
11. _____ Notify unsuccessful candidate(s).
12. _____ Return and route certified list with results to the Human Resources
Division via JobAps.

Candidate Name: _____

**Attachment C: San Joaquin Human Resources
Office Assistant Position
Sample Interview Rating Form**

DIMENSIONS	Not Competitive < than 70 points	Satisfactory 70 – 79 points	Good 80-89 points	Excellent 90-100 points	Points
Technical Knowledge:					
Administrative Knowledge/Abilities					
Communication/Interpersonal Skills					

Rater's Signature: _____ Total Points: _____ divided by 4:: _____

Name, Department, San Joaquin County _____

Name, Department, County _____

100-90	Demonstrates exceptional knowledge or experience with numerous examples of actual experience; clearly identifies key concepts; work sample offered or referenced
89-80	Provides responses that touch on key concepts that support high level of proficiency in dimension; provides some examples
79-70	Provides general information with no specific examples; may require probing for information
65	Lacks experience and/or knowledge; unable to answer questions to demonstrate any level of proficiency

OFFICE ASSISTANT**DEFINITION:**

Under close supervision, performs general clerical, office technical and/or secretarial tasks of routine difficulty and complexity in a wide variety of office settings throughout the County; and does related or other work as required in accordance with Rule 3, Section 3, of the Civil Service Rules.

CLASS CHARACTERISTICS:

This is the first working-level class in the Office Assistant series. Incumbents are expected to apply a routine amount of initiative and independent judgment to perform a limited range of duties utilizing standardized procedures within well-established policies. Most new or unusual situations are referred to a supervisor or more skilled co-worker for advice and direction. Depending upon the assignment, incumbents may be required to develop a limited understanding of technical subject matter and perform duties that are unique to the work area. This class is typically multi-allocated with the class of Senior Office Assistant, and incumbents can usually promote to the higher level when they meet the minimum qualifications and Civil Service requirements, **and** when they have demonstrated satisfactory performance.

TYPICAL DUTIES:

1. Prepares routine reports and documents from written material or machine transcription using a typewriter, word processor or other office equipment; formats documents, charts, reports and forms using techniques that may require the use of office automation equipment; edits for punctuation and spelling; proofreads for accuracy and consistency; may independently compose and prepare reports, letters and/or memoranda.
2. Performs basic secretarial work; receives and screens visitors, callers and mail, and directs to appropriate individual or office; takes and transmits messages; makes appointments; greets and assists customers in person, on the phone, on the computer or through other means of communication.
3. Provides and gathers routine information to/from a variety of sources; asks/answers questions and completes forms; identifies customer needs; searches for, receives and explains information regarding rules, regulations, policies, procedures and technical office operations; may issue certificates, permits, licenses and other documents; provides customer service in a calm, helpful and effective manner.
4. Processes and maintains routine information related to departmental operations, including information of a limited technical, specialized or sensitive nature; codes, files and retrieves documents and records using standard alphabetical, numerical, coded and computerized filing systems.
5. Researches, compiles, maintains and processes basic statistical, financial and/or numerical data related to departmental personnel, payroll, purchasing, inventory, budget and/or other functions; verifies and makes basic entries and notations; reviews material for completeness and accuracy; performs basic computations and calculations; may compute, collect and receipt small amounts of money; may maintain basic ledgers and accounts; may process basic accounts payable/receivable, billing operations, and/or deposits; may develop and maintain routine spreadsheets and databases, either by hand or computer.

6. May operate a multi-line telephone switchboard; may dispatch vehicles.
7. May help train or review the work of others; may provide technical assistance as part of a training program.

MINIMUM QUALIFICATIONS:

(Special Note: For positions reclassified to this class as part of Classification Studies #01-18 and #02-08, the incumbents occupying those positions on the effective date that the study is implemented by the Board of Supervisors shall be deemed to meet the minimum qualifications for the class.)

Experience: One year of general clerical, secretarial and/or office technical work.

Substitutions: a) One year of business training in an approved vocational training program may substitute for the above-required experience; **or** b) Completion of 30 semester/45 quarter units at an accredited college or university may substitute for the above-required experience.

Certificates: 1) Valid typing/keyboarding or other acceptable certification of ability to input data at the rate of 45 words per minute, *if required by the nature of the assignment*; **and/or** 2) possession of an acceptable proficiency certificate in one or more computer software programs, *if required by the nature of the assignment*.

Special Requirement: Most positions require the ability to use computers and/or word processing equipment. If required by the nature of the position, demonstrated general or software-specific computer proficiency may be required prior to appointment.

Knowledge of: General office practices and procedures; personal computer systems and general office computer software; fundamental public relations techniques; basic filing and recordkeeping systems; standard language mechanics; standard correspondence and report formats; basic arithmetical operations related to clerical processes; basic cash handling procedures.

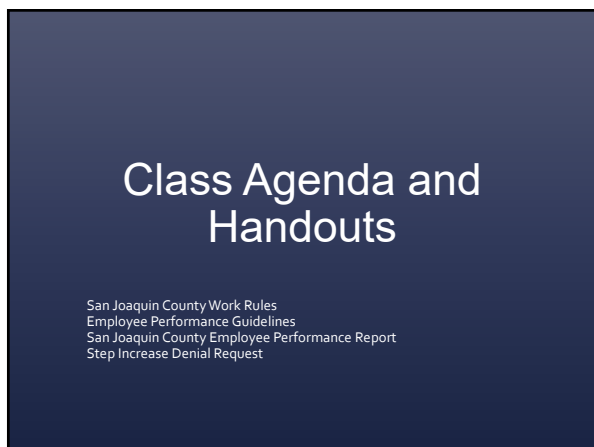
Ability to: Utilize standard office procedures and equipment; follow oral and written directions; establish and maintain effective working relationships with others; communicate effectively with others; write clearly and legibly; perform basic arithmetical operations; match names and numbers.

Physical/Mental Requirements: **Mobility**—frequent operation of a data entry device, repetitive motion, sitting for long periods, walking; occasional standing, pushing, pulling, bending, squatting, climbing; **Lifting**—frequently 5 pounds or less; occasionally 5 to 30 pounds; **Visual**—constant good overall vision and reading/close-up work; frequent color perception and use of eye/hand coordination; occasional use of depth perception and peripheral vision; **Hearing/Talking**—frequent hearing of normal speech, hearing/talking on the telephone, talking in person; **Emotional/Psychological**—frequent decision making, concentration, and public contact; **Special Requirements**—some assignments may require working weekends, nights, and/or occasional overtime; **Environmental**—occasional exposure to varied weather conditions.



Performance Evaluation Guidelines







Why Do Performance Evaluations?

- Communication tool
- Document performance
- Use as review for writing the next evaluation
- Identify performance problems
- Provide guidance
- Motivational tool
- Develop goals
- Document corrective actions
- Hiring tool (supervisors may view personnel file)

Responsibility of the Supervisor

- To set short & long-term goals, expectations and performance standards for employees
- To continuously document work performance
- To communicate work standards and appropriate behavior on the job

Responsibility of the Supervisor

- To provide both positive and negative feedback on a regular basis
- To present negative feedback in a constructive manner when addressing problem areas, and include steps for the employee to make improvements
- To allow appropriate time to make corrections in performance and/or behavior

The Relationship of the Performance Evaluation to Progressive Discipline Process

- When addressing performance concerns, evaluations need to clearly and concisely address the performance concern areas.
- Supervisors should use Labor Relations as a resource when addressing performance problems that may lead to discipline.
- Arbitrators look at past evaluations.

Basis For Conducting The Performance Evaluation

- Civil Service Rule 13 – Page 6 of Guidelines
 - Employee Performance Reports
 - Appropriate use of forms
 - Frequency of reports
 - Use of reports
- MOU's [Labor Relations Division \(sjgov.org\)](https://www.sjgov.org/departments/hr/divisions/labor-relations)
<https://www.sjgov.org/departments/hr/divisions/labor-relations>
- SJC Work Rules
- Failure to complete evaluation is a violation of the rules, standards, and policies of SJC, and the MOU

Frequency of Reports Civil Service Rule 13, Section 2

- For permanent status employees, reports shall be prepared and submitted at least once a year
- For probationary status employees, reports shall be prepared and submitted at the end of the 4th, 7th, and 11th months of the probationary period

Frequency of Reports Civil Service Rule 13, Section 2

- Special evaluation reports may be submitted at any time
- Temporary and Part-Time employees do not receive evaluations (but performance should be documented)

Use of Evaluation Reports Civil Service Rule 13, Section 4.

- The supervisor should retain a copy of the report and provide a copy to the employee.
- The original and attachments shall be forwarded to HR for filing in the personnel file.
- Employee performance reports shall become part of the employee's personnel record.
- Performance reports may be considered along with other pertinent information when a salary step increase or a disciplinary action is being contemplated.

MOU Provisions Regarding Performance Evaluations

- The content of performance evaluations is not grievable.
- Employee may request evaluation be reviewed by reviewing officer.
- A reviewing officer is someone above the supervisor in the department who is not part of the evaluation process for the employee.

Satisfactory Performance is Needed for Employees...

- To be granted a leave of absence
- To participate in a promotional exam
- To be transferred, promoted, reinstated, or restored to an eligible list
- To receive a step increase (SJC Salary Ordinance)



Video

Avoiding Litigation Landmines



BREAK TIME



How to Provide an Effective Evaluation



- Establish the criteria and expectations to be evaluated
- Gather and document your observations
- Prepare the written evaluation ahead of time
- Provide coaching and follow-up

Specify Standards and Expectations – Examples

- Quality & quantity of work
- Deadlines to meet, speed to maintain
- Accuracy and thoroughness of work
- Methods or procedures required
- Professionalism in the workplace
- Ability to get along with others
- Maintaining confidentiality
- Use of skills
- Attendance/punctuality

Writing the Performance Evaluation

- Whenever possible, performance reports shall be prepared by the immediate supervisor.
- Must be reasonable, consistent, valid, objective & timely
- Job Related
 - To class specification
 - To job standards, procedures & regulations
 - To established goals/objectives/expectations
 - To knowledge & abilities to perform the job
 - To training
- Use previous evaluation(s) to compare work performance, improvement, and/or performance plan objectives

Questions to Consider

- Did employee meet/exceed standards?
- Does employee have skills to do the job?
- Has employee skill level increased?
- Did the employee receive a commendation?
- Did you receive a complaint about the employee?
- Was any necessary corrective action effective?
- Does employee follow rules & standards?
- Does employee utilize supervisory guidance?

Developing Job-related Goals & Expectations

- Things to consider when developing performance standards:
 - Class specification
 - MOU's
 - Civil Service and County Work Rules
 - Department/County policies and/or standards
 - Appropriate workplace behaviors
 - Quantity; quality; deadlines; accuracy and detail; required procedures; work habits
- Things you should not consider:
 - Protected Leave Time
 - Personal Bias – your opinions and impressions instead of facts and observations.

Documentation

- Keep documentation (positive & negative) for all subordinate employees (don't single out one employee)
- When using documentation, *be consistent*
- Becomes a tool for writing the evaluation
- NO SURPRISES on the evaluation
- Maintain documentation for the performance rating period (longer if there are performance problems)

Establishing Objectivity

- Use specific terms and define intent of comments.
 - Example: "Employee is doing a good job,"
specify/describe what is "good."
- Avoid personal traits. Measure the performance against job specifications.
 - Example: "Employee demonstrates initiative."
Instead - "Employee starts new work without being reminded and seeks additional work when available."

Objective Criteria Example

- Example: *Employee has a positive attitude.*
- More Specific:
When given work assignments, the employee accepts willingly and completes all assignments given in a timely manner. When assignments are completed, the employee volunteers and takes the initiative to assist others or asks for additional work.

Be Specific

General John did a great job on that project.

Specific John's attention to detail on the accounting project saved us money during the recent budget constraints. His rapport with staff was also beneficial in the successful completion of this project.

<u>Be Specific</u>	<u>General</u>	Number of contracts processed by Mary is too low.
	<u>Specific</u>	The average number of contracts processed in this unit is 10 per week. Mary's average has consistently been three per week, which is below average for her program assignments as compared to the unit average.

<u>Be Specific</u>	<u>General</u>	Sam is not detailed oriented enough.
	<u>Specific</u>	Sam's reports to the Director contained calculation errors that should have been spotted and corrected. In the last three reports submitted by Sam, numbers were incorrect and column headings were wrong. This resulted in a failure to meet deadlines due to the time required to correct the reports.

Employee Performance Report: Using the Eval Form <i>Link to HR Management Tools page</i> ▪ Overall Rating of Satisfactory or Unsatisfactory. ▪ Supervisors are encouraged to complete Sections A, B, and C in a descriptive manner. ▪ If a supervisor has performance related concerns, a consultation with Human Resources is appropriate. ▪ A performance report submitted with only a mark (X) for the rating of Satisfactory or Unsatisfactory, without narrative in Sections A, B &/or C to support the rating, is incomplete.	
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Section A: Special Recognition

- In addition to general comments to support a satisfactory evaluation rating, the Special Recognition Section highlights work areas where an employee is performing well.
- Use specific work examples and/or activities that support the satisfactory rating.
- This section may also be used to note exceptional performance and/or specific work activity.

Section B: Improvement Needed

- This section describes areas where the employee can improve their work performance *OR* describe areas of employee performance that are not at the minimum performance standards for their classification.
- The supervisor may wish to explore with the employee suggestions in how to achieve work performance improvement.
- If this section is used to support an unsatisfactory evaluation, it is critical that the evaluator specifically and objectively document the nature, scope and consequence of the employee's performance and how it was detrimental to organizational operations.

Section C – Plans for Employee Development

Use of Section C:

1. Establish plans for employee development. Review the last evaluation for completion of the last plan.
2. If there were serious performance problems described in Section B, then the evaluator must write a development plan for correction of performance issues.
3. Ensure all mandatory trainings are completed and up to date
4. Required for an unsatisfactory rating.

Section C – Plans For Development (Satisfactory Rating)

- Development and enhancement of the employee's job related skills.
- Long and short-term employee job goals and methods of achievement.
- Broader utilization of the employee within their class specification.
- Employee career advancement.

Section C – Plans for Development Unsatisfactory Rating

- The steps must be detailed and written in a manner that will ensure the employee understands what must be done to correct the performance.
- The documentation is a requirement and must be included in the performance evaluation.

Unsatisfactory Performance Report Information

- The employee's performance is considered Unsatisfactory when performance does not meet minimum performance standards and expectations.
- Periods of unsatisfactory employment are excluded from seniority accumulation for layoff purposes or credit for promotional examinations.
- In cases of termination or release from probation, a development plan is not prepared.

The Unsatisfactory Evaluation

- Employees who receive an unsatisfactory evaluation must receive a follow-up evaluation within 90 calendar days from the date of the final review of the last unsatisfactory evaluation. Supervisor follow-up is necessary.
- If the 90-day follow-up evaluation is not completed, the status reverts to satisfactory.

90
DAYS

Withholding Merit Increase

- Merit increases will be automated with People Soft. Therefore, if an unsatisfactory evaluation will be given, the department/supervisor ***must*** advise Human Resources at least two (2) pay periods prior to the merit increase date.
- The merit increase will be put on hold until a satisfactory evaluation is received.
- The follow-up evaluation will determine when the step increase will be granted.
- This also pertains to probationary employees who will automatically become permanent at the end of the 12-month probationary period.

Release During Probation

- Before releasing an employee, the County department should contact HR/Labor Relations Office for guidance.
- Probation is an extension of the examination period.
- Probationary employees can be removed when they do not meet minimum performance standards during the first 12 months of employment.
- Probationary employees who have permanent classified status have rights back to their previous classification prior to promotion.
- New County Probationary employees do not have appeal rights.

Supervisor and Employee Meeting To Discuss Performance

- The supervisor should schedule an appointment with the next higher level supervisor/manager.
- The supervisor should schedule an appointment with the employee.
- Adequate meeting time, with privacy and without interruptions, should be planned.
- Establish goals and objectives you wish to discuss with the employee ahead of time.

The Performance Evaluation Meeting

- Signatures are not to be obtained until a review of the evaluation's content with the employee has occurred.
- Signature of the employee does not necessarily indicate agreement with the rating.
- Employees reserve the right to submit a written rebuttal to an evaluation that will be filed with the evaluation in Human Resources.

Mythbuster: Employee Representation

- The performance evaluation meeting is not a right-to-representation meeting. Managers should not allow employee representatives to attend.
- The performance evaluation *review* meeting is also not a right-to-representation meeting.
- The performance evaluation meeting is not a disciplinary meeting.
- If questions arise about employees' right to representation, contact Labor Relations for advice (468-9668).

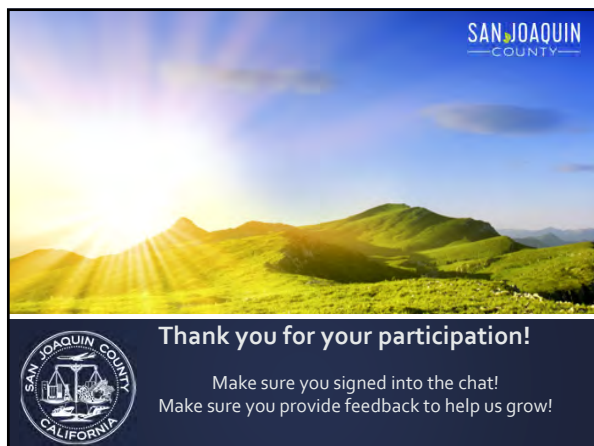
Take A Look!!

- Your Assigned HR Analyst—primary resource
- HR Website – www.sjgov.org/department/hr
 - OR County Intranet
 - 1. County Civil Service Rules
 - 2. Organization Listing
 - 3. Employment Opportunities
 - 4. Staff Development
 - 5. SJC Engage
 - 6. Education Reimbursement
 - 7. Online Forms – Leave Processing
 - 8. MOU Contracts
 - 9. Risk Management



SAN JOAQUIN
COUNTY

We're here to help!
HR: 209-468-3370



SAN JOAQUIN
COUNTY

Thank you for your participation!
Make sure you signed into the chat!
Make sure you provide feedback to help us grow!

Performance Evaluations Handouts

1. San Joaquin County Work Rules
2. Avoiding Landmines
3. Employee Performance Guidelines
4. Performance Evaluation Form
5. Request to Withhold Step Increase Form

San Joaquin County Work Rules

1. Conduct

County departments are public service agencies, and employees shall provide prompt, courteous service to the clients they serve. Fellow employees shall also be treated with courtesy and consideration. Employee's conduct and language on the job shall be appropriate to the work setting.

2. Standards of Dress and Appearance

Personal appearance has a direct bearing on the impression that clients and the general public have of the County, its departments, and the services they provide. Employees shall dress in a neat and business like manner appropriate to their job classification and duties.

3. Use of Equipment, Materials, and Other County Property

All County property is to be used for County business only. Individual work areas including offices, desks, files, and bookcases are County property and open to the County as employer at all times unless excluded by specific agreement or by the Peace Officers' Bill of Rights. In addition, employees shall exercise care to protect any County property entrusted to them and to use it in the manner for which it was intended.

4. Work Hours

Employees shall begin work on time and devote their assigned work hours to carrying out their jobs. Rest breaks, meals and time off shall be taken at times authorized by the employee's department head (or designee).

5. Confidentiality

Employees shall maintain the confidentiality of files and other information obtained on the job. Release of any information to other persons shall be authorized by the employee's department head (or designee).

6. Personal Business

Employees shall not conduct personal business on County time.

7. Use of Alcoholic Beverages or Controlled Substances

Employees shall not use or have in their possession, opened containers of alcoholic beverages or any controlled substances during work hours or on County premises, unless the substance was specifically prescribed for that employee by a physician or unless specifically sanctioned by the department head. In addition, employees shall not report to work under the influence of such substances.

8. Safety

Employees shall follow all safety rules for the performance of their jobs and operation of equipment. Employees

shall report unsafe conditions to their department heads (or designee).

9. Outside Employment

The County may limit an employee's employment in other jobs if:

- a. the outside employment interferes with the performance of the employee's County job, OR
- b. there is a conflict of interest as specified in Government Code 1126

Employees have an obligation to inform their department heads (or designee) of outside employment so the above determinations can be made.

10. Political Activity

Employees shall not engage in political activities, which are prohibited by law, on County time or with employees who are on County time.

Rule 14 of the Civil Service Rules and Regulations gives department heads the authority, with input from the Director of Human Resources, to establish specific regulations governing the conduct, appearance, and performance of employees in their departments. Any rules established by a department must be in conformance with existing state and federal laws, Civil Service Rules, and negotiated Memorandum of Understanding.

AVOIDING LITIGATION LANDMINES: A Survival Guide for Managers - Outline

Landmine #1: Failure to Document

Performance Documentation

- Do It Regularly
- Be Objective
- Give Examples
- Review with Employees

Landmine #2: Failure to Train

Employee Training

- Provide Opportunities
- Confirm Training Occurred
- Evaluation Training
- Review with Employee

Landmine #3: Failure to Keep Evidence

Evidence

- Recognize it as Evidence
- Make a Copy
- Share with Employee
- Use as a Teaching Tool

Landmine #4: Grade Inflation

Employee Evaluations

- Be Timely
- Be Honest
- Consider Full Evaluation Cycle
- Review with Employee

Landmine #5: Failure to Consult Human Resources

Human Resources

- View as an Ally
- Consult Early On
- Use Their Expertise

Landmine #6: Inappropriate Electronic Messages

Electronic Messages

- Use as Though Public
- Assume It can be Retrieved
- Consider How You Say It
- View as Evidence

Landmine #7: Inconsistent Treatment

Consistent Treatment

- Be Objective
- Treat Like Situations Alike
- Justify Exceptions

Landmine #8: Inappropriate Talk about Ex-Employees

When an Employee Leaves

- Keep Situation Confidential
- Even With Peers
- Respect Privacy
- Refer Questions to Human Resources

Landmine #9: Uncontrolled References

Oral & Written References

- Follow Company Policy
- You Speak for the Company
- Assume Remarks are Public
- Consult with Human Resources

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EMPLOYEE PERFORMANCE GUIDELINES

**SAN JOAQUIN COUNTY
HUMAN RESOURCES DIVISION**

EMPLOYEE PERFORMANCE GUIDELINES

Why Evaluations Are Important

If asked, most managers and supervisors and employees will agree that regular employee performance evaluations are important. Often evaluations are not prepared, or if the evaluation has been prepared, it is generally incomplete.

Performance evaluations are necessary for the following reasons.

- Provide a review of past work performance and create the opportunity to develop new performance goals.
- Establish lines of communication about employee performance.
- Create an opportunity to discuss professional development goals and objectives.
- Document employee performance and provide support for merit increases, promotions, or terminations.
- Document corrective action necessary to improve work performance.
- It is the supervisor's and manager's responsibility to monitor, evaluate and coach employees.
- Civil Service Rules and MOU's state employee performance evaluations will be completed during the probationary period and on an annual basis for permanent status employees. Special performance reports may be conducted as needed.

The Basis for the Evaluation

- Rule 13 of the Civil Service Rules, Memoranda of Understanding, and San Joaquin County Work Rules state that the county and departments, with input from the Human Resources Director, have the authority to establish standards governing the conduct, appearance and performance of employees. These standards serve as a guide for managers and supervisors in preparing employee evaluations.
- Setting goals, expectations and standards for employees are part of the manager's and supervisor's responsibilities. When an employee is hired, it is important to convey expectations and standards of the work to be performed and the appropriate behavior on the job. In addition, determining short and long-term goals establishes the framework for the employee's performance expectations. Goals should be developed with the employee shortly after hiring. Goals should be specific, job and task related, and relevant to the mission of the department or unit. These goals become a tool for measuring employee performance and writing the performance evaluation.

- Continuous feedback regarding the employee's performance is an important aspect of the manager's or supervisor's job. By providing both positive and negative feedback on a regular basis, the manager or supervisor is giving the employee information about work performance and, if needed, allowing appropriate time to make corrections in performance and/or behavior. Regular feedback avoids "blindsiding" the employee at evaluation time with a negative report. When evaluating an employee, positive feedback is just as important as negative feedback. The manager or supervisor should consider how any feedback is communicated to the employee. When addressing problem areas, feedback should be presented in a constructive manner. . A manager should include steps for the employee to make improvements when discussing negative behavior or overall work performance.
- The written performance evaluation is a summary of the significant events or activities during the performance period. Therefore, it is important for the manager to continuously document work performance. Performance evaluations should be considered a "year-round" job and begins at the point of hire. (See Completing the Employee Performance Report section – page 7.)
- After the performance evaluation is completed and reviewed, the manager and employee should establish new goals, expectations and standards for future job performance. New goals, expectations and standards should be based on information documented in the just completed performance evaluation, as well as any professional development activities that are required or desired for the position.

Common Pitfalls in Writing Performance Evaluations

Following are pointers for the evaluator to be aware of when preparing to write the performance evaluation.

- The "halo effect" is the tendency to rate the employee based on the overall impression of the work, but avoiding or ignoring smaller problem areas that need attention. Continuous documentation over the course of the evaluation period can assist the supervisor in writing the evaluation.
- The "pitchfork effect" is the tendency to rate the employee based on a recent event, either positive or negative. Evaluations are for the entire time period indicated and continuous documentation of performance can help the evaluator avoid focusing on a recent event.
- "Stereotyping" is a preconceived perception of the employee. Supervisors need to be aware of their perceptions and biases, and avoid those when preparing a written evaluation.
- "Comparing" is when supervisors tend to compare one employee's performance with another without considering the differences of each

individual. One way to avoid this is to write evaluations for employees at separate times, which will allow the supervisor to focus on the individual rather than a group of employees.

- “Mirroring.” People have a tendency to favor people much like themselves. This tendency carries over into the workplace and during the performance rating period. Supervisors may have difficulty evaluating and appreciating the differences that others bring to the workplace. Supervisors may rate the employee most like themselves higher than those who are different. It is important for the supervisor to consider the individual work performance of each employee and avoid favoritism.
- Managers and supervisors want to avoid being the “bad guy.” They avoid writing negative evaluations because they fear it will reflect badly on themselves as supervisors if an employee is not performing to expectations, or they prefer not to “upset” the employee with negative feedback. The effect of this tendency is that employees will not know where they may need to improve their work performance or behaviors. By providing this information in a constructive, written evaluation, the supervisor is helping the person become a better employee. Of course, identifying problem areas requires identifying solutions, and providing guidance and resources to resolve the problem areas. This is the responsibility of the supervisor.

CIVIL SERVICE RULE 13. EMPLOYEE PERFORMANCE REPORTS

Section 1. Employee Performance Reports

The performance of each employee in the classified service shall be regularly evaluated by the appointing authority or his designated representative. The reports shall be submitted to the Human Resources Department on forms designated by the Human Resources Director.

Section 2. Frequency of Reports

- a. Permanent Status Employees: Reports shall be prepared and submitted at least once each year.
- b. Probationary Status Employees: Reports be prepared and submitted at the end of the 4th, 7th, and 11th months of the probationary period.
- c. Special Reports: The appointing authority may also submit special reports on any employee at the time.

Section 3. Preparation of Reports

Whenever possible, reports shall be prepared by the immediate supervisor. Each employee shall be given a copy of his Performance Evaluation Report following a discussion of the report with the rater. The employee will sign the report as an indication that it was discussed with him by the rater. Signature of the ratee does not necessarily indicate agreement with the rating. He may choose to discuss the report with a Reviewing Officer designated by the appointing authority.

Section 4. Uses of Reports

Employee Performance Reports shall become a part of the official personnel record of the employee. Employee Performance Reports may be considered along with other pertinent information when a salary step increase or a disciplinary action is being contemplated.

The Employee Performance Reports shall be used for layoff purposes in accordance with Section 17 (a), 3.

In addition, the last available Performance Report must have an overall rating of at least satisfactory if the employee is:

- a. To be granted a Leave of Absence.
- b. To participate in a promotional examination.
- c. To be transferred, transfer-promoted, promoted, reinstated, or restored to an eligible list.

(Entire rule revised 8/25/70)

THE PERFORMANCE EVALUATION

Managers and supervisors who prepare performance evaluations should develop reports that are reasonable, consistent, valid and objective. The following are guidelines for the writing of the Employee Performance Report.

Job Relatedness

The performance evaluation is developed on job related factors only. Job related factors include but are not limited to the following:

- Class specification and/or informal job description.
- Job standards, procedures and regulations.
- Established goals, objectives and expectations.
- Knowledge and abilities to perform the job.
- Job relationships required for successful performance, i.e., supervisors, coworkers, county employees and the public.
- Training received during the performance evaluation period and the application of the training in relation to job performance.

What the employee does on the job:

- Quality of work, including the nature and consequences of errors made during the evaluation period.
- Production rate, if applicable.
- Commendations awarded relative to employee performance.
- Complaints received relative to employee performance.
- Use of job skills and efforts to enhance skills.
- Ability to work with others.
- Attendance, use of sick leave, punctuality.

Questions to consider when preparing to write the performance report:

- Did the employee meet or exceed quantity and quality standards?
- Does the employee have the skills to perform the job? If so, are the skills used effectively?
- Has the employee increased skill level and established value to the organization?
- If corrective action was instituted due to errors and/or complaints that damaged the efficiency of organizational operations, was it effective?
- Has the employee demonstrated job related efficiency through special efforts and capabilities?
- Does the employee follow organizational rules and standards of the county and the department?
- Does the employee utilize supervisory guidance?

Avoiding vague subjective terminology when writing the performance evaluation:

- Use specific job related terms and clearly define intent of comments. For example, instead of saying an employee does a good job, specify what is “good.” Rather than saying attendance is poor, specify the number of days absent, sick leave used, patterns of use, and the effect the absences have had on job performance. (Note: If the leave is protected under the Family Medical Leave Act, Pregnancy Disability Leave or California Family Rights Act, these are not reasons to document leave time taken for performance purposes.)
- Avoid the use of personal “traits” such as integrity, loyalty, honesty, initiative, etc. Measure employee performance against the job specifications. For example, rather than stating the employee demonstrates initiative, state the employee starts new work without being reminded; improves job skills through training or courses, or; learns other job tasks in the office to enhance agency effectiveness.

COMPLETING THE EMPLOYEE PERFORMANCE REPORT

Employee Performance Reports are to be completed according to the schedule outlined in Civil Service Rule 13 (see page 4).

Overall Rating

Overall performance is rated as Satisfactory or Unsatisfactory.

Instructions for Completing the Satisfactory Section of the Evaluation Form

Supervisors are encouraged to completed the Satisfactory Sections A, B, and C, as appropriate, using the following guidelines. Each section should be completed in a descriptive manner.

Careful attention must be made when marking a Performance Report “Satisfactory” if performance problems exist. This action would not be consistent with Human Resource policy and could result in substantial difficulty if dismissal is later recommended. If a supervisor or manager has performance related concerns, a consultation with Human Resources is in order.

Section A – Special Recognition:

In addition to general comments to support a satisfactory evaluation rating, the Special Recognition section highlights work areas where an employee is performing well. Use specific examples of the work and/or activities to support the rating or special recognition. . Through the performance evaluation, supervisors should convey to the employee the positive contributions made in the position and the organization.

Example: Jane has been employed in her position for five years. She continues to perform at a satisfactory level, and meets the minimum expectations for the position by completing her work in a timely manner, meeting critical deadlines, attending training to enhance computer skills, and communicating well with co-workers, supervisors and customers.

This section is also used to note exceptional performance and the rater shall specify the work or activity in detail.

Example: During this performance evaluation period, John has exceeded the minimum expectations of his position, by taking the lead to develop and submit the annual budget by the deadline date.

Section B – Improvement Needed:

The Improvement Needed section describes areas where the employee can improve their work performance OR describes areas of employee performance that are not at the minimum performance standards for that classification. This section may also include information provided by the employee regarding areas in which they desire to improve or develop.

Information documented in this section should not conflict with an overall satisfactory rating. For example, if the performance concerns are significant, an unsatisfactory rating may be warranted, and the overall rating should appropriately reflect the failure of the employee to meet minimum standards.

If this section is used to indicate a more serious performance problem, it is critical that the evaluator specifically and objectively document the nature, scope and consequence of the employee's performance and how it was detrimental to organizational operations. Actions or steps to be taken by the employee to improve work performance must be identified in the document.

Examples for improvement needed:

1. Jane has asked for additional in computer training to ensure that she is keeping current in her computer skills. She has indicated that she would like to attend upcoming training in Word 2002. (Outline for this training plan would be described in Section C)
2. On occasion John has failed to meet critical deadlines that have resulted in late payments. (Supervisor should use Section C to outline plans for development to assist John in improving in this area. For example, enrollment in a time management class)

Section C – Plans for Employee Development:

This section is used to establish plans for employee development. If there were performance problems described in Section B, then the evaluator must write a development plan for correction of the performance issues.

Example:

John will attend a time management class and will communicate workload issues on a weekly basis with his supervisor to ensure that critical deadlines are met.

Other examples for use of this section include:

- Development and enhancement of the employee's job related skills.
- Employee career advancement.
- Employee's organizational skills.
- Long and short-term employee job goals and methods of achievement.
- Broader utilization of the employee within their class specification.

Instructions for Completing the Unsatisfactory Performance Report

Employee performance is considered Unsatisfactory when performance does not meet minimum performance expectations of the appointing authority (for example: rules, minimum qualifications, attendance).

Example:

When John was hired, he was scheduled for two Safety Training courses and was provided a copy of the department's safety guidelines. However, on several occasions he has failed to wear appropriate safety gear. He has received verbal counseling regarding his actions on September 1, 2003 and November 15, 2003. Yesterday, John again failed to follow safety guidelines, which warrants this special unsatisfactory evaluation.

Any regular or special evaluation with a rating of "unsatisfactory" shall include an employee development plan. Except in cases of termination, release from probation, or leave of absence, employees who receive an unsatisfactory performance evaluation must receive a follow-up evaluation within 90 calendar days from the date of the final review of the initial unsatisfactory evaluation.

An employee development plan will outline specific steps to be taken by the employee to correct the job performance. These written steps must be detailed and written in a manner that will ensure the employee understands what must be done to correct the performance. This documentation is a requirement and must be submitted with the performance evaluation.

Periods of unsatisfactory employment are excluded from seniority accumulation for layoff purposes or credit for promotional examinations. Therefore, the 90-day follow-up meeting with the employee to review job performance is mandatory.

SUPERVISOR AND EMPLOYEE MEETING TO DISCUSS PERFORMANCE REPORT

The manager or supervisor responsible for completing the evaluation will prepare the performance report, schedule an appointment with the employee to discuss the report, and obtain signatures. Signatures are not to be obtained until a review of the evaluation's content has occurred. Employees reserve the right to submit written comments regarding any evaluation and have those comments filed with the formal evaluation in the Human Resources Division personnel files.

When the manager or supervisor schedules the performance review meeting with the employee to review the content of the evaluation form, adequate meeting time (with privacy and without interruptions) should be planned for reviewing the report and to permit the employee to respond to the content.

At the meeting, the supervisor will go over each section of the evaluation form, explaining the content described within the form in an effort to increase understanding between the supervisor and the employee regarding job performance. In the event of a negative evaluation, the supervisor should allow the employee to state his or her side of a situation by remaining objective and listening carefully to the employee's statements to determine validity. An evaluation is not final until the review has been completed and signatures obtained. Therefore, the rater has an opportunity to make revisions to the form if deemed appropriate.

If the evaluation is rated Satisfactory, it is strongly recommended that the evaluation meeting between the supervisor and employee include the development of goals and objectives for the upcoming performance period.

Should an employee refuse to sign the performance report, the supervisor must document that fact on the evaluation and submit the report to Human Resources.

Employees are granted the opportunity to discuss the performance report with the appointing authority or designee within a reasonable timeframe from the date of the original appointment with the rating supervisor. An appointment with the Reviewing Officer should be scheduled within a reasonable period of time. Following the meeting with the appointing authority, the performance evaluation will stand as recommended.

DOCUMENTATION RECORD KEEPING

The supervisor should retain a copy of the performance report and give a copy to the employee. The original report and any attachments are to be forwarded to the Human Resources Division for filing in the personnel file within the designated time period.

**SAN JOAQUIN COUNTY
EMPLOYEE PERFORMANCE REPORT**

EMPLOYEE NAME: (Printed)	CLASSIFICATION	EMPLOYEE ID #	DEPARTMENT	DEPT #
REASON FOR RATING ☐ PROBATION ☐ FINAL PROBATION ☐ REGULAR ☐ SPECIAL		RATING PERIOD FROM: _____ TO: _____		

☐ **SATISFACTORY** (Section A is to be completed for recognition of special performance. If improvement is needed, comments are required in Sections B and C).

Comment Sections (Attach additional sheets if necessary)

- A. Special recognition is given this employee for the following aspects, of job performance:
- B. Employee needs to improve performance in the following aspects of job performance:
- C. Plans for employee development:

☐ **UNSATISFACTORY** (Comments are required) *

This employee does not meet the required standards of work established by this department because of the following:

*NOTE: Periods of unsatisfactory service are excluded from seniority for layoff purposes or credit for promotional examinations. Employees who receive an Unsatisfactory Performance Evaluation must be re-evaluated within 90 days of the date of an Unsatisfactory rating.

- ☐ I hereby certify that this report was discussed with me. I understand my signature does not necessarily mean I agree with this report.
- ☐ I request an appointment to discuss this rating with the review officer designated by my appointing authority.

EMPLOYEE SIGNATURE:	DATE:
---------------------	-------

RATED BY:	TITLE:	DATE:
REVIEWED BY:	TITLE:	DATE:

Electronic Evaluation Form: 6/02

DISTRIBUTION OF COPIES: ORIGINAL • HUMAN RESOURCES DIVISION • COPIES: EMPLOYEE • DEPARTMENT • DIVISION



SAN JOAQUIN COUNTY

UNSATISFACTORY PERFORMANCE REQUEST TO WITHHOLD STEP INCREASE

DATE: _____ (must be two pay periods prior to scheduled increase)

FROM: _____
Department Name Department Number

TO: HUMAN RESOURCES DIVISION
POSITION CONTROL

The employee identified below has a pending unsatisfactory performance evaluation for the following period: From _____ To _____

As of the effective date above, please withhold any step increase action for this employee based on an unsatisfactory performance evaluation. The documented evaluation is in process and will be forwarded to the Human Resources Division within 10 business days. A follow-up evaluation, not to exceed 90 days from the end date of the unsatisfactory evaluation period will also be documented. Should unsatisfactory performance continue, subsequent notification will be made to the Human Resources Division.

It is understood that submission of this form does not waive the requirement to submit the required unsatisfactory evaluation. It is further understood that if the special, follow-up evaluation or subsequent notification of continued unsatisfactory performance is not submitted, that the employee will receive a step increase beginning the pay period following the 90 day extension.

EMPLOYEE# _____ EMPLOYEE NAME _____

Signature of Appointing Authority or Designee

Date



Communication and Conflict

HRLA Series

Communication and Conflict

Overview

Objectives

Upon completion of this module, participants will be better prepared to:

- Know when to “switch hats” between supervisor and coach.
- Coach employees in a way that balances task and relationship.
- Develop employees by empowering them.
- Manage conflict.

Agenda

- Overview
- Employee coaching defined
- Coaching model
- Coaching questions
- Managing onflict
- Action Plan



Coaching Defined

In the purest sense, a coach helps a person to achieve his/her own goals. Coaching draws out the best in a person or a group and provides guidance and support.

The leader who can create coaching relationships with employees will generally get much better results than one who does not. The primary difference is that the leader-as-coach helps the employee to define his/her goals, relate his/her goals to job duties, and draws out the employee's skills and talents. Coaching has become a more collaborative relationship, which is largely due to the shifting trend in management to empower and influence employees instead of directing their activities.

Two Hats

The craft of coaching is composed of a set of fundamental skills. These skills, when used appropriately, allow the coach to help the employee define goals and to achieve those goals. Ideally, the coach only works toward the employee's goals and in service of the employee's agenda. In this sense, coaching is an excellent model for employee development.

Therefore, the supervisor needs to know how to "switch hats" between the role of supervisor and the role of coach. This skill allows the supervisor to fulfill both functions more effectively.

You Supervise...

Things and situations by...

- Controlling
- Containing
- Deciding
- Getting results

You Coach...

People by...

- Guiding
- Supporting
- Empowering
- Building relationships

Coaching Opportunities

When will you coach an employee? When the opportunity arises. Nearly all coaching opportunities fall into one of the five categories below.

OJT (On-the-job training)

- When an employee doesn't have a required skill, provide OJT.

Support

- When an employee already knows how to perform a task and needs reinforcement or encouragement, provide support.

Motivation

- Provide motivation when an employee is meeting expectations but could do better based on his/her education, experience, and ability.

Alignment

- When an employee occasionally falls below expectations or needs further improvement or development, provide alignment.

Realignment

- When an employee consistently performs below expectations, realign the behavior.



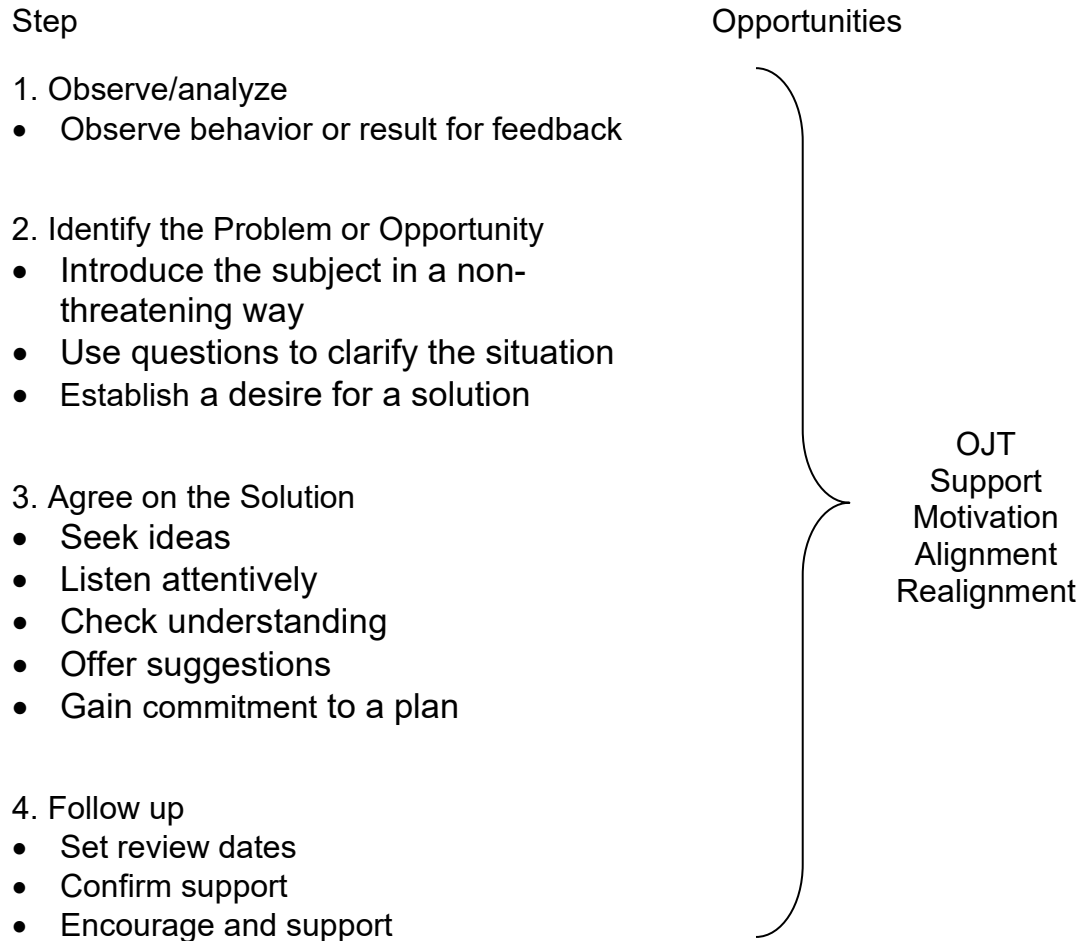
Exercise: Coaching Situations

Instructions: Using the left column as a guideline, provide some specific examples of situations (past, present or future) in which you would need to provide some coaching. To respect confidentiality, please use fictional names.

Situations	Specific Examples
OJT: When an employee doesn't have a required skill, provide OJT.	
Support: When an employee already knows how to perform a task and needs reinforcement or encouragement, provide support.	
Motivation: Provide motivation when an employee meets expectations but could do better based on his/her education, experience, and ability.	
Alignment: When an employee tries but occasionally falls below expectations or needs further improvement or development, provide alignment.	
Realignment: When an employee doesn't try or consistently performs below expectations, realign the behavior.	

A Coaching Model

The four-step model of effective coaching below applies to the opportunities for coaching. Although the detail of each step will vary depending on the opportunity, the model applies consistently at a high level.



Coaching Opportunity: OJT (On-the-job Training)

When an employee doesn't have a specific required skill, provide OJT.

Model	OJT Steps
1. Observe	a. Determine if OJT is needed
2. Identify the Opportunity	a. Prepare the Learner • Establish a positive atmosphere; empathize with the learner • Provide background; help the learner understand the purpose and benefit; explain what happens when done incorrectly • Provide resources (equipment, materials, etc.)
3. Agree on the Solution	a. Demonstrate the process using SMART • S = Start: explain when this task needs to be started • M = Materials: go over the materials needed to perform this task • A = Actions: demonstrate the task by carefully going over the steps • R = Result: show the result and how it meets the task standard • T = Task standard: how the employee will know it was done as expected b. Encourage questions; make sure questions are answered c. Have the learner perform the task • Offer support and guidance • Provide corrections as needed • When the required performance is observed, reinforce it • Continue until the employee can perform consistently with your help
4. Follow up	a. Establish a plan for follow-up • Check back later for questions; evaluate progress • When employee can do it consistently without your help, congratulate him/her on mastering the skill

Coaching Opportunity: Support

When an employee already knows how to perform a task or has demonstrated potential and needs reinforcement or encouragement, provide support.

Model	Support Steps
1. Observe/analyze	a. Observe the behavior or results
2. Identify the Opportunity	a. Review or describe what you've observed/heard. • Give employee the chance to respond. • You may need to probe.
3. Agree on the Solution	a. Communicate continuous faith by reminding employee of: • Examples of past successes. • Demonstrated abilities. • How he or she has gotten through "tough times" before, or how they successfully developed the skill in the first place. b. Demonstrate your confidence in the employee's ability by: • Keeping employee on the task/project, etc. • Offering support/resources to help. • Giving employee a new challenge.
4. Follow up	a. Establish a plan for follow up: • "Let's get back together. You can let me know how things are going and if I can be of more help."

Coaching Opportunity: Motivation

Provide motivation when an employee is meeting expectations but could do better based on his/her education, experience, and ability.

Model	Motivation Steps
1. Observe/analyze	a. Observe the behavior or results
2. Identify the Opportunity	a. Review or describe what you've observed. • Give employee the chance to respond. • Use questions to clarify the situation. b. Establish a desire to change.
3. Agree on the Solution	a. Explore ideas that will help the employee to meet his/her potential: • Encourage team member to take on new tasks and responsibilities • Help team member to see situations from others' points of view • Focus team member on the issue, situation, or problem and away from placing blame • Encourage team member to participate fully b. Check understanding c. Gain commitment to a plan
4. Follow up	a. Establish a plan for follow up:

Coaching Opportunity: Alignment

When an employee tries but occasionally falls below expectations, or needs further improvement or development, offer alignment.

Model	Alignment Steps
1. Observe/analyze	a. Observe the behavior or results
2. Identify the Problem	a. Introduce the subject in a non-threatening way. b. Use questions to clarify the situation. c. Establish a desire for a solution.
3. Agree on the Solution	a. Seek ideas b. Listen attentively c. Check understanding d. Offer suggestions e. Build on ideas f. Gain commitment to a plan
4. Follow up	a. Establish a plan for follow-up • Set review dates • Confirm support

Coaching Opportunity: Realignment

When an employee doesn't try or consistently performs below expectations, realign the behavior.

Model	Realignment Steps
1. Observe/analyze	a. Observe the behavior or results
2. Identify the Problem	a. State the observed problem as specifically as possible. (The "what?") • Tell the employee how their performance problem or behavior affects others. (The "so what?") • "When 'xyz' happens, it impacts..." • Remind the person that they are valuable, which is one reason you are concerned. • Then wait for a response.
3. Agree on the Solution	a. Remind them of the goal, both for the individual and the team. b. Ask for a solution and commitment from the employee. • "What will you do to deal with the situation?" c. Agree on a course of action. • "So, we have agreed that..."
4. Follow up	a. End the realigning session on a positive note. • "I know you can be successful at this." • "Let's follow-up regularly. What works for you?"

Realignment Tips:

- Realign immediately or as close to the problem as possible.
- Realign in private and without anger to avoid undermining self-esteem.
- Watch out for "sidetracks" which seek to avoid the problem.
- Emphasize the impact the employee's performance has on the team's performance.
- Focus on how the person can improve performance.

Exercise: Coaching Worksheet

Instructions: Select a coaching situation from page 4 and prepare to coach it by completing the form below.

1. Observe / Analyze

2. Identify the Problem or Opportunity

3. Agree on the Solution

4. Follow up

Coaching Questions

Now that you have the gist of the four-step coaching model, let's add some tools for skills enhancement: questions, rapport, and active listening.

Questions

Coaches guide by questions rather than tell with orders or declarations. There is a time for telling, but most coaching situations call for questions because of two benefits:

- Self-discovery and buy-in – The best solutions come from within. Would you argue with your own solution?

Questions are not appropriate for step 1 as they could be taken as leading or manipulating in nature. Questions are appropriate for steps 2 through 4, and the following questions serve as examples from which to create your own.

Step 2: Identify the Problem/Opportunity

- Introduce the subject in a non-threatening way
 - “How do you think things are going with the project?”
- Use questions to clarify the situation.
 - “How would you describe the situation?”

Step 3: Agree on the Solution

- Seek ideas
 - “What do you think could be done to solve the problem?”
 - “Which do you think would be the most important area on which to work?”
- Listen attentively.
 - “Those sound like good options. What else?”
- Check understanding.
 - “So you feel it would be best to...Is that correct?”
- Offer suggestions.
 - “I have a suggestion or two. Would you like to hear them?”
- Gain commitment to a plan
 - “So in this plan, I will...and you will...Is that your understanding?”

Step 4: Follow Up

- Seek agreement on a follow up time and place
 - “When would be a good time to meet to discuss progress?”

Managing Conflict

Many of us overreact when we are in a conflict situation, which makes the situation even more difficult. Assertive/Responsive language is a way to keep things from escalating by addressing the issue in a cooperative way.

Aggressive

Aggressive communication focuses on other's difficult behavior. I use the YOU word and focus my comments on what the other person is doing.

Example: You haven't heard a word I said.

Assertive

Assertive communication focuses on my feelings about the situation. I use the I word to express what I am thinking and feeling.

Example: I need you to stop using such offensive language. If you don't stop swearing at me, I'm going to hang up.

Responsive

Responsive communication focuses on input from others. I ask for help to deal with the situation.

Example: I need your help to solve this problem.

Nonassertive

Nonassertive communication focuses totally on what others want and on the feeling of inadequacy.

Example: I don't have anything to contribute.

Assertive/Responsive

Assertive/Responsive communication combines elements from two levels, which focuses on input from others. I ask for help to deal with the situation.

Example: I need your help to solve this problem. To do that, however, I need you to stop using such offensive language.

Exercise: Identify the Type

Identify the various types of communication. Mark each statement as follows:

- Aggressive
- Assertive
- Responsive
- Assertive/responsive
- Nonassertive

1. Tony, I need to talk with you about discussions at staff meetings. I feel you are making it difficult for me to contribute.
2. You are irritating me.
3. What do you think we ought to do about the situation?
4. I really don't have anything to say. I'm totally unaware of what you are all talking about.
5. I feel that our meeting is going all over the place. At first I was getting confused, but now I'm getting upset at the lack progress. I am wondering if we can somehow get back to the agenda.

Assertive/Responsive Practice

Example:

Sarah: The comments you made at the meeting today were totally inappropriate. I'm sure I'll be hearing from the client.

Carlos: But it's just what everybody has been thinking anyway.

What would be a better response?

Carlos: I'm sorry; I should have spoken to you first about my concerns. Do you have time to talk with me today?

Turn the following statements into assertive / responsive

1. Jeff: I am so sick of all of the paperwork you're putting on us. I'm just going to start turning mine in late as a protest.

Sheila: You really don't get it do you? Any idea who gives me all this paperwork?

What would be a better response for Sheila?

2. Felicia: I don't know how to do this. Why did you give it to me?

Mario: Because it's supposed to be part of your job, if you could ever be bothered to learn how to do it!

What would be a better response for Mario?

3. Harry: Here you go boss. This is the best I could do on short notice.

Curtis: This is the worst proposal I've ever read! Do you really think I can approve it?

What would be a better response for Curtis?

Action Plan

Describe at least two ways you will use the skills you gained in this course.

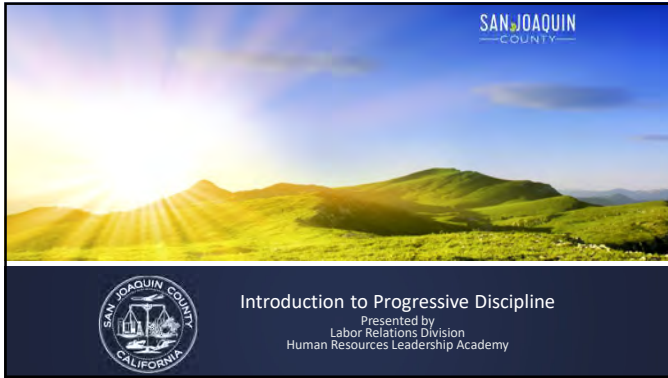
Action	Date

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3. *Coaching for Improved Work Performance*, F. Fournies, McGraw-Hill



Introduction to Progressive Discipline



1

Program Objectives



- Gain an understanding of Progressive Discipline concepts
- Review the San Joaquin County rules that govern disciplinary matters
- Understand how to issue discipline in your role as a supervisor or manager.
- Understand the role and support of Labor Relations (LR) in the progressive disciplinary process.

2

Program Outline



- Labor Relations Quiz
- Basis for Discipline
 - Civil Service Rule 18
 - SJC Work Rules
 - Departmental Policies
- Case Studies
- Formal Discipline
 - Notice of Intent (NOI)
 - Order of [Discipline]
- Due Process
 - Investigative Interviews
 - Weingarten Rights
 - Skelly Procedures
 - Appeal Rights

3

QUIZ



- Take a few minutes to complete the quiz. We will go over it towards the end.

4

Progressive Discipline - Basics

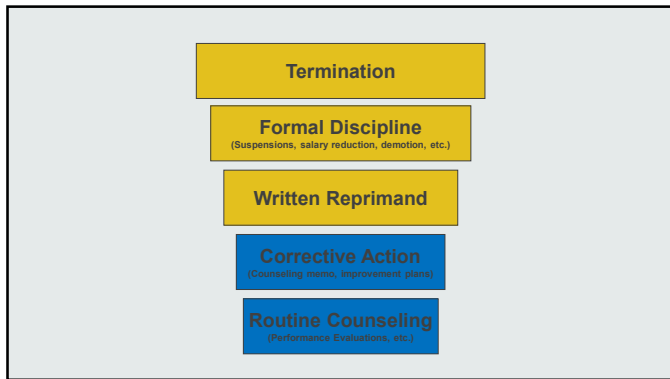
- Purpose of Discipline
 - To improve performance and/or correct behavior that fails to meet *established* expectations.
- Fair & Equitable
 - Corrective versus punitive in nature.
- Some cases may warrant a more severe level of discipline as the initial action
- This training applies to general employees
 - Peace officers (as defined under state law) have different disciplinary rules and standards - POBR

5

Progressive Discipline – Includes:

- Initial discussion with the employee
 - Counseling
 - Instruction
 - Clearly identify the issue(s)
 - Expectations
- Verbal counseling or email summarizing (documenting) discussion
- Written Reprimand

6



7

Preventive Measures

- Clearly stated rules and expectations
- Probationary period
 - Extension of the hiring process
- Performance evaluations
- Consistency
- Documentation

8

Performance Evaluations

- Performance Evaluations are not discipline
- Probationary employees
 - Extension of the hiring process
- Utilized as a tool for both positive and negative feedback
- Should be issued timely and address any performance concerns
 - NO surprises!
- Objectives should be clear, achievable and understood by the employee
- Special Evaluations: Use to address significant changes in job performance
 - Can be issued at any time

9

Informal Discipline

- Memo of Counseling
- Written Reprimand



10

Memo of Counseling

- A coaching tool to reinforce policies, expectations, behavior, etc.
- Establishes expectations.
- Tool used to document initial events that may not yet be an "issue" (arriving late, absenteeism, performance, etc).
- Utilized to document verbal coaching/counseling.
- A document to be *issued and signed*.
- An email is not a Memo of Counseling.

11

Written Reprimand

- Reprimands are used when coaching & counseling has not improved the conduct satisfactorily.
- May include listing of the violations under Rule 18
- Is often effective in making an employee realize the seriousness of the behavior.
- Establishes a warning to potential formal discipline.
- A Written Reprimand should include:
 - **Fact Pattern:** Specifics leading to the letter of reprimand.
 - Stated expectations of change in the employee's behavior.
 - What may result if the stated expectations are not met.

12

Formal Discipline – Supporting Factors

- Civil Service Rule 18

There are 15 Reasons for Dismissal, Suspension, and Demotion.

Can you list some of them?

13

Formal Discipline – Supporting Factors

- Civil Service Rule 18

- Incompetency or inefficiency
- Insubordination
- Neglect of Duty
- Dishonesty
- ... *and other reasons*

14

Formal Discipline – Supporting Factors

- Violation of Civil Service Rules...

...But also, violations of:

- County Work Rules;
- Departmental rule;
- Departmental policy or regulation.

- How do you as a manager or supervisor inform staff of rules?

15

Types of Formal Discipline

- Suspension
- Reduction of Salary
- Demotion
- Termination



16

Selecting Formal Discipline

- Guidelines to consider:
 - Seriousness of the conduct in relation to the position and history of performance;
 - Impact it will have (behavioral change);
 - What actions have been taken against others in similar situations?

Labor Relations can assist.

17

Just Cause Standard

- Common standard used by arbitrators in considering discipline recommendations:
 - The applicable rules of standards have been communicated to the employee;
 - Employee's negative behavior reasonably relates to the rule or standards;
 - Progressive preventative/corrective actions have occurred;
 - The proposed discipline fits the offense.

18

Just Cause Standard

- Applicable rules/standards are enforced uniformly and not discriminatorily against this employee;
- A reasonably thorough investigation must precede the decision to discipline; and,
- Proof of misconduct must be by a preponderance of the evidence (more likely than not it occurred).

19

Due Process

- Public sector employees have a protected right (property interest) for continued employment & entitled to due process.
 - Exceptions may include probationary, at-will, specific classifications, part-time and/or temporary employees.
- Due process is a fundamental basis of fairness:
 - Consistency with expectations & level of discipline
 - Investigative Interviews & Weingarten Rights
 - Notice of Intent (advanced notice)
 - Skelly Hearing
 - Right to Appeal

20

Weingarten Rights

- Weingarten Rights are conveyed by law.
- An employee has a right to have *representation* during an *investigatory* meeting with the employer if the employee has a *reasonable expectation* that discipline may result.
- Invoking Weingarten Rights and process.
 - Performance Appraisal?
 - “Ordinary” meeting & conversation?
 - Conducting Investigative Interviews?

21



22

Workplace Investigations

- Identify the person to conduct the investigation
- Identify all witnesses
- Interview pertinent parties
- Document information thoroughly & factually
- Maintain objectivity

23

Conducting the Investigative Interview

- This is an opportunity to perform one's homework to support the investigation.
 - Timing: During work hours and enough time for completion.
 - Location: Off workroom floor and in a private setting.
 - Minimize disruptions and distractions.
- Have an additional management member present, primarily to document the conversation
 - Don't "tag-team" employee with questions (i.e. coerced confession). Do an organized hand-off of questioning after initial questioning is finished.
- Notify in advance, if reasonable, for availability of representation.

24

Conducting the Investigative Interview

- Do not allow representative to interfere or otherwise disrupt the investigative interview.
- Have questions prepared in advance and in relation to the violation.
- Recommended: Recruit a note taker; allows you to focus on the line of questioning, gauge responses and reactions – and have a witness
- Remain calm & professional throughout investigative interview.
- Take employee responses in consideration before determining disciplinary action.

25

Notice of Intent to Dismiss, Suspend, Demote or Reduce Salary

- Charges relate to a specific violation.
- Penalty is specific.
- Prior disciplinary action is listed.
- Process:
 - Labor Relations Recommendations
 - County Counsel Recommendations/Approval
- EMPLOYEE RIGHTS:
 - Respond in writing to this Notice of Intent and to request an informal hearing with the appointing authority within seven (7) days after you receive this notice.
 - Have access to copies of all materials supporting the proposed action and the right to be provided with copies on request.
 - Be represented at the informal hearing by a representative of your choice.
- Weingarten Rights are not applicable in delivering NOI.

26

Skelly Meeting

- Employee Skelly Rights
 - Opportunity for the employee to give their side of the story
- Skelly (pre-deprivation) Hearing
- Selecting a Skelly Officer
- Skelly Officer Responsibilities

27

Order of Dismissal, Suspension, Demotion or Reduction in Salary

- Address:
 - Department Address (personal address optional).
- The Reason for this action is:
 - Ensure it duplicates the language on NOI.
- Notice of Appeal Procedure:
 - *Within seven (7) days after you receive this order, you may appeal it to the Civil Service Commission through the Director of Human Resources of San Joaquin County. Upon filing your appeal, the Director of Human Resources shall transmit the order and appeal to the Civil Service Commission. See Civil Service Rule 18 for further information.*
- **Weingarten Rights are not applicable when delivering the Order.**

28

Part-Time Employee Discipline

- Disciplinary procedures are different for part-time employees
 - Do not have Civil Service Status
 - Serious Discipline Appeal outlined in MOU
- Identify part-time employee status
- Call your department HR or Labor Relations

29

CASE STUDY

Review Case
Discuss recommendations



30

Case Study #1

Perry is a Maintenance Worker III (Lead) in the Department of Public Works. For one week each month the work crew he supervises is assigned to work for the Police Department in a graffiti abatement program to remove graffiti at various locations in the City. The Public Works Superintendent has directed Perry to have his crew report to the Police Sergeant and take direction from him as to the work assignments to be completed. The work crew reports to the same Police Sergeant each morning during those weeks and receives numerous locations which they respond to and remove graffiti. Assignments not completed are returned to the Police Sergeant for reassignment the next week they are assigned to the Police Department.

Perry has been returning assignments to the Police Sergeant, which were not completed, stating that there was not enough time in the day to complete the assignments. You discover that during the week assigned to the Police Department, the work crew Perry supervises has been performing graffiti abatement for about 4 hours each day, then going to other locations to assist another work crew with Public Works projects for the remainder of the day.

As the Superintendent, you question Perry about his assignment and he advised that he thought the Public Works project the other crew was assigned to was more important.

- Was the direction given to Perry by the Superintendent and Police Sergeant clear?
- What work rule(s) has Perry violated? (Refer to Handout) What level of discipline is appropriate, if any? Assume employee
- as no prior disciplinary actions, letters of reprimand or counseling.

31

Case Study #2

Marilyn is a Typist Clerk III in the Department of General Services. Despite periodic unannounced absences, Marilyn is an average employee. On Monday she is absent and you, her supervisor, turn on her computer late Monday afternoon to make corrections to a staff report she had been preparing for you.

As you search through the files attempting to find the report, you locate files that Marilyn has saved to prepare documents for a horse owners association, which she is the secretary of. The documents consist of meeting notices, event flyers, newsletters and membership dues billing for over 100 members. Additionally, her email mailbox contains 83 personal messages from different locations in the Country, which arrived over the weekend and on that Monday. Stationary for the association is also in her desk.

You question her about the above upon her return to work. She admits that during her breaks and lunch she did prepare the documents on the computer, but only printed them at home after transferring the data to a disk. She denies that she has stationary at work, and when asked if she used the computer for any other personal reasons did not admit to numerous personal email communications.

What work rule(s) has Marilyn violated? (Refer to Handout.)

What level of discipline is appropriate, if any? Assume employee has no prior disciplinary actions, letters of reprimand or counseling.

32

Case Study #3

Jim works with a large mechanical metal cutting machine, which produces a variety of metal products as part of an industrial metals production plant. His machine is a critical link in the production line and if Jim is unable to keep pace with other shops in the plant, the entire plant's productivity suffers. Jim is an active member of his union and has participated for several years on the union's safety committee. He has occasionally found himself at odds with management over minor safety issues, but has always worked through those difficulties. Jim was recently appointed to a shop steward position at about the same time a new shop foreman was hired. The new foremen became Jim's supervisor. Last week, Jim successfully handled his first grievance between a co-worker and the new shop foreman. A higher level manager resolved the grievance contrary to the position taken by the foreman.

When Jim reported for work yesterday, he noticed a small, almost indiscernible crack in the main cutting blade of his machine. Jim became concerned because he believed this indicated a stress failure brought on by metal fatigue. If this large blade were to continue to be subjected to the high pressures involved in cutting metal, it could suddenly fail, shatter, and pose a risk of serious injury or death to the machine operator. Jim reported this to the foreman. The foreman inspected the blade and told Jim he did not see the crack, nor did he believe that a blade failure represented a safety hazard. He ordered Jim to continue operating the machine. As the foreman walks away, Jim considers what to do next.

- Does Jim have a duty to continue operating the machine?
- Based on the circumstances presented, is neglect of duty occurring in this case?
- If Jim refuses to continue operating the machine, is he being insubordinate?

33

QUIZ



34

Labor Relations Quiz

1. Labor Relations is a resource for *all* County employees. F
2. LR mission is to promote non-adversarial relations with *unions*. T
3. Discipline is intended to *punish* employees for wrongdoing. F
4. Progressive discipline is *required* to start at the first step. F
5. A Written Reprimand is considered a *formal discipline* action. F
6. Employees can have union representation during *investigative* meetings. T
7. Management *must* inform employees of their right to representation. F
8. *Reasons* for issuing formal discipline can be found in CS Rule 18. T
9. Civil Service employees are entitled to their *Due Diligence* rights. F

35

Labor Relations Quiz

10. County email can be *discoverable* during legal proceedings. T
11. Management is *obligated* to help employees who are failing. T
12. Management has the *burden of proof* in employee discipline. T
13. The probationary period is an extension of the *hiring process*. T
14. Probationary employees have a *property right* to their position. F
15. At a disciplinary meeting, the supervisor is on *trial*. F
16. Having a collaborative union-management relationship is *taboo*. F
17. Civil Service employees are entitled to Due Process. T
18. The *Skelly Officer* decides if disciplinary action should be revoked. F

36

Common Disciplinary Mis-Steps

- Excessive time period
- Over-Charging
- Penalty is excessive or too lenient
- Overlooking similarly situated employees
- Consistency
- Failing to contact LR
- Lack of specificity in documentation
- Too much Info
- Unwillingness to issue discipline
- Performance evaluations vs discipline

37

Labor Relations Unit



Chuck Flesher 468-9670
Principal Analyst

Laura Garcia 468-3270
Senior Analyst

Luisa Godfrey 468-9668
Analyst

Roman Plateau 468-3273
Analyst

38

SAN JOAQUIN
COUNTY



**Thank you for your
participation!**

Please provide feedback to help us improve!

39



San Joaquin County
Human Resources Division
44 N. San Joaquin St., Suite 330
Stockton, California 95202
209-468-3370
www.sjgov.org/departments/hr

Progressive Discipline Training

Human Resources
Leadership Academy

Presented by the Human Resources Division

SAN JOAQUIN
—COUNTY—
Greatness grows here.

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Human Resources Leadership Academy

Contents

RULE 18. DISMISSAL, SUSPENSION, DEMOTION, OR REDUCTION OF SALARY	1
San Joaquin County Work Rules	4
Case Study #1	5
Case Study #2	6
Case Study #3	7
SKELLY PROCEDURES	8
NOTICE OF INTENT TO DISMISS, SUSPEND, DEMOTE OR REDUCE SALARY	12
ORDER OF DISMISSAL, SUSPENSION, DEMOTION OR REDUCTION IN SALARY	13
<u>Quiz</u>	
LABOR RELATIONS QUIZ	14

RULE 18. DISMISSAL, SUSPENSION, DEMOTION, OR REDUCTION OF SALARY

Section 1. Reasons for Dismissal, Suspension, Demotion, or Reduction of Salary

In the event of dismissal, suspension, or demotion or reduction of salary of any employee in the Classified Service, the Appointing Authority taking such action shall, as prescribed in the Enabling Act, state the reasons therefor. The following reasons shall be deemed sufficient for dismissal, suspension, demotion, or reduction in salary, provided that such action shall not be limited to these reasons and provided that they are adequately documented by evaluation reports or supporting data:

- a. Absence without leave.
- b. Conduct unbecoming an employee in the public service.
- c. Disorderly or immoral conduct.
- d. Incapacity due to mental or physical disability. A medical examination may be required by the Appointing Authority. The Commission shall in this case designate the physician to make such examination.
- e. Incompetency or inefficiency.
- f. Insubordination.
- g. Intoxication while on duty.
- h. Neglect of duty.
- i. Negligence or willful damage to or misuse of public property or waste of supplies or equipment.
- j. Violation of any lawful or reasonable regulation or order made and given by a superior officer.
- k. Fraud in securing appointment.
- l. Dishonesty
- m. Addiction to use of narcotics or habit-forming drug.
- n. Conviction of a misdemeanor or a felony.
- o. Willful violation of any of the provisions of the civil service law or of these rules.

Rule 18 Continued

Section 2. Order of Dismissal, Suspension, Demotion or Reduction in Salary

- a. An employee in the Classified Civil Service may be dismissed, suspended, or reduced in rank or compensation by the Appointing Authority after appointment or promotion is complete by written order, stating specifically the reasons of the action and the employee's right of appeal. The appointment or promotion shall not be deemed to be complete until the employee has served the required probationary period of one year. The order shall be immediately filed with the Director of Human Resources and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced in rank or compensation.
- b. The Appointing Authority may not substitute other forms of disciplinary action for dismissal, suspension, demotion, or reduction of salary. (Rev. 3/21/72)

Section 3. Appeal and Answer

The employee, within seven (7) calendar days after the order is furnished to the employee, may appeal the order in writing to the Director of Human Resources. The employee, in making the appeal, shall designate in writing whether the matter will be heard by the Civil Service Commission in accordance with Section 4, 4.1, 5, and 8 of this Rule or whether the matter will be submitted to binding arbitration in accordance with Sections 6, 7, and 8 of this Rule (Rev. 2/28/84)

Section 4. Hearing

Within twenty days from the filing of the appeal the Commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing. The hearing shall be informal and the Commission shall not be bound by any of the rules of evidence governing trial procedure in State Courts; provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code save and except that the employee may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code. (Rev. 3/21/72)

Section 4.1. Withdrawal of Appeal

An appellant or his authorized representative may withdraw his appeal without prejudice provided that such withdrawal is filed with the Director of Human Resources at least twenty-four (24) hours prior to the time set by the Commission for the hearing of the appeal.

Rule 18 Continued

Section 5. Findings and Decision

The Commission shall, within ten working days after the completion of the hearing, determine a verdict. The verdict by the Commission shall specify a finding as to each ground or reason charged. By specific decision the Commission shall affirm, revoke or modify the order and the Appointing Authority shall forthwith enforce and follow the Commission's decision. If it is found that the charges are not supported by the facts, then the employee shall be restored forthwith to his previous position with all rights and privileges pertaining thereto and with full back pay for the time lost.

Section 6. Arbitration

When an employee designates the matter to be determined by arbitration, the timing and procedure of such arbitration shall be established by agreement of the parties to the arbitration. Unless otherwise agreed, the arbitrator shall be selected from a list of five (5) individuals. Each party shall name two (2) such individuals and the fifth individual shall be a member of the State Office of Administrative Hearings. The parties then shall use a striking procedure to select the arbitrator. The Director of Human Resources shall assist the parties in the administration of the arbitration but shall not be a party to the arbitration or otherwise be involved in the arbitration. The costs of the arbitration shall be borne equally by the parties. (2/28/84)

Section 7. Enforcement of Arbitration Award

If an award by an arbitrator requires action by the Civil Service Commission or the Board of Supervisors before it can be placed in effect, the Director of Human Resources will recommend to the appropriate body that it act to make such award effective. (2/28/84)

Section 8. Exclusivity of Procedure and Appeal

An employee shall have the employee's appeal determined by the Civil Service Commission or by arbitration but an employee shall not have the right to have the matter determined by both the Civil Service Commission and arbitration and a matter determined by one procedure may not be appealed through the alternate procedure. The determination by the Civil Service Commission or by arbitration is final and binding upon the parties and any appeal therefrom shall be to a court of competent jurisdiction within ninety (90) days of the decision of the Civil Service Commission or arbitrator. (2/28/84)

Section 9.

Provisions of Sections 6, 7, and 8 of the Rule shall not abridge any rights to which an employee may be entitled under other sections of the Civil Service Rules and Regulations regarding hearings before the Civil Service Commission. (2/28/84).

San Joaquin County Work Rules

<u>1. Conduct</u> County departments are public service agencies, and employees shall provide prompt, courteous service to the clients they serve. Fellow employees shall also be treated with courtesy and consideration. Employee's conduct and language on the job shall be appropriate to the work setting. <u>2. Standards of Dress and Appearance</u> Personal appearance has a direct bearing on the impression that clients and the general public have of the County, its departments, and the services they provide. Employees shall dress in a neat and business like manner appropriate to their job classification and duties. <u>3. Use of Equipment, Materials, and Other County Property</u> All County property is to be used for County business only. Individual work areas including offices, desks, files, and bookcases are County property and open to the County as employer at all times unless excluded by specific agreement or by the Peace Officers' Bill of Rights. In addition, employees shall exercise care to protect any County property entrusted to them and to use it in the manner for which it was intended.	<u>4. Work Hours</u> Employees shall begin work on time and devote their assigned work hours to carrying out their jobs. Rest breaks, meals and time off shall be taken at times authorized by the employee's department head (or designee). <u>5. Confidentiality</u> Employees shall maintain the confidentiality of files and other information obtained on the job. Release of any information to other persons shall be authorized by the employee's department head (or designee). <u>6. Personal Business</u> Employees shall not conduct personal business on County time. <u>1. Use of Alcoholic Beverages or Controlled Substances</u> Employees shall not use or have in their possession, opened containers of alcoholic beverages or any controlled substances during work hours or on County premises, unless the substance was specifically prescribed for that employee by a physician or unless specifically sanctioned by the department head. In addition, employees shall not report to work under the influence of such substances. <u>8. Safety</u> Employees shall follow all safety rules for the performance of their jobs and operation of equipment. Employees shall report unsafe conditions to their department heads (or designee).	<u>9. Outside Employment</u> The County may limit an employee's employment in other jobs if: a. the outside employment interferes with the performance of the employee's County job, OR b. there is a conflict of interest as specified in Government Code 1126 Employees have an obligation to inform their department heads (or designee) of outside employment so the above determinations can be made. <u>10. Political Activity</u> Employees shall not engage in political activities, which are prohibited by law, on County time or with employees who are on County time. Rule 14 of the Civil Service Rules and Regulations gives department heads the authority, with input from the Director of Human Resources, to establish specific regulations governing the conduct, appearance, and performance of employees in their departments. Any rules established by a department must be in conformance with existing state and federal laws, Civil Service Rules, and negotiated Memorandum of Understanding.
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Established January 1988
Re-published February 2007

Case Study #1

Perry is a Maintenance Worker III (Lead) in the Department of Public Works. For one week each month the work crew he supervises is assigned to work for the Police Department in a graffiti abatement program to remove graffiti at various locations in the City. The Public Works Superintendent has directed Perry to have his crew report to the Police Sergeant and take direction from him as to the work assignments to be completed. The work crew reports to the same Police Sergeant each morning during those weeks and receives numerous locations which they respond to and remove graffiti. Assignments not completed are returned to the Police Sergeant for reassignment the next week they are assigned to the Police Department.

Perry has been returning assignments to the Police Sergeant, which were not completed, stating that there was not enough time in the day to complete the assignments. You discover that during the week assigned to the Police Department, the work crew Perry supervises has been performing graffiti abatement for about 4 hours each day, then going to other locations to assist another work crew with Public Works projects for the remainder of the day.

As the Superintendent, you question Perry about his assignment and he advised that he thought the Public Works project the other crew was assigned to was more important.

Was the direction given to Perry by the Superintendent and Police Sergeant clear?

What work rule(s) has Perry violated? (Refer to Handout)

What level of discipline is appropriate, if any? Assume employee has no prior disciplinary actions, letters of reprimand or counseling.

Case Study #2

Marilyn is a Typist Clerk III in the Department of General Services. Despite periodic unannounced absences, Marilyn is an average employee. On Monday she is absent and you, her supervisor, turn on her computer late Monday afternoon to make corrections to a staff report she had been preparing for you.

As you search through the files attempting to find the report, you locate files that Marilyn has saved to prepare documents for a horse owners association, which she is the secretary of. The documents consist of meeting notices, event flyers, newsletters and membership dues billing for over 100 members. Additionally, her email mailbox contains 83 personal messages from different locations in the Country, which arrived over the weekend and on that Monday. Stationary for the association is also in her desk.

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What work rule(s) has Marilyn violated? (Refer to Handout.)

What level of discipline is appropriate, if any? Assume employee has no prior disciplinary actions, letters of reprimand or counseling.

Case Study #3

Jim works with a large mechanical metal cutting machine, which produces a variety of metal products as part of an industrial metals production plant. His machine is a critical link in the production line and if Jim is unable to keep pace with other shops in the plant, the entire plant's productivity suffers. Jim is an active member of his union and has participated for several years on the union's safety committee. He has occasionally found himself at odds with management over minor safety issues, but has always worked through those difficulties. Jim was recently appointed to a shop steward position at about the same time a new shop foreman was hired. The new foreman became Jim's supervisor. Last week, Jim successfully handled his first grievance between a co-worker and the new shop foreman. A higher level manager resolved the grievance contrary to the position taken by the foreman.

When Jim reported for work yesterday, he noticed a small, almost indiscernible crack in the main cutting blade of his machine. Jim became concerned because he believed this indicated a stress failure brought on by metal fatigue. If this large blade were to continue to be subjected to the high pressures involved in cutting metal, it could suddenly fail, shatter, and pose a risk of serious injury or death to the machine operator. Jim reported this to the foreman. The foreman inspected the blade and told Jim he did not see the crack, nor did he believe that a blade failure represented a safety hazard. He ordered Jim to continue operating the machine. As the foreman walks away, Jim considers what to do next.

Questions:

1. Does Jim have a duty to continue operating the machine?
2. Based on the circumstances presented, is neglect of duty occurring in this case?
3. If Jim refuses to continue operating the machine, is he being insubordinate?

SKELLY PROCEDURES

The following is a general outline for Skelly Hearings relative to employee discipline. Each situation is unique and must be evaluated individually. Accordingly, it is important to be flexible and ready to make appropriate adjustments to accommodate different situations. Do not hesitate to call the Labor Relations Office for more specific guidance.

The Skelly Officer

The person who is assigned by the appointing authority to hear an employee's response to a formal Notice of Proposed Disciplinary Action is commonly referred to as the "Skelly Officer".

The case of John F. Skelly v. State Personnel Board, 15 Cal. 3d 194, established the requirement in California that a permanent public employee must be given written notice and an opportunity to respond, either orally or in writing, before discipline may be imposed and the right to the documents used in making the decision.

The role of the Skelly Officer is to stand in for the appointing authority to receive any explanation, argument, or evidence that the employee may wish to offer in response to the allegations. The Skelly Officer is not a trier of the facts and should not attempt to make findings of fact or attempt to reach absolute or final conclusions regarding factual issues or any other issues involved in the proposed disciplinary action. The function of the Skelly Officer is to provide the employee a reasonable opportunity to respond to the proposed disciplinary action and to assure the employee that such response, if any, is considered. If the Skelly Officer determines that there are previously unknown factors which would tend to justify the employee's behavior or mitigate the discipline involved, the Skelly Officer should communicate those factors to the appointing authority along with a recommendation as to the significance of such factors in relation to the proposed discipline.

Skelly Procedures Continued

Conduct of the Hearing

The Skelly Officer should make a brief opening statement. The following is a suggested statement but need not be rigidly adhered to:

“This is an informal interview commonly referred to as a ‘Skelly Hearing’. The purpose of this hearing is to permit the employee to present evidence or argument in opposition to or mitigation of the charges as set forth in the ‘Notice of Proposed Disciplinary’ Action in this case. This is not a formal hearing, and no witnesses will be permitted to testify. Nor will there be any cross-examination.

The discussion in this meeting will be limited to the charges set forth in the ‘Notice of Proposed Disciplinary Action’ and the facts and underlying those charges.

Upon completion of this meeting, I will provide a report and recommendation to the appointing authority in relation to the charges set forth in the ‘Notice of Proposed Disciplinary Action’. The appointing authority will then make the final determination as to the further conduct of this proposed disciplinary action. The decision of the appointing authority will be communicated to you in writing.

You may begin by discussing your response, if any, to each of the charges in order or in any other manner you may wish.”

The employee’s representative at the Skelly Hearing is usually a representative of the employee’s union, although on occasion the employee will be represented by an attorney. In either case, the right to the hearing is the right of the employee. This should be borne in mind in dealing with the attorney or the union representative during the hearing. If the employee wishes an attorney or union representative to speak for the employee, it should be permitted.

Prior to the Skelly hearing, the employee will usually have requested and received copies of all of the background documents that form the basis for the charges contained in the ‘Notice of Proposed Disciplinary Action’. If this was not done, the Skelly Officer should allow the employee or the representative to review the documents at the time of the Skelly hearing.

The recommendation of the Skelly Officer to the appointing authority is a confidential communication and should not be transmitted to the employee, representative, or anyone else. The Skelly Officer should not orally indicate to the employee or anyone else what the Skelly Officer’s recommendation will be.

Skelly Procedures Continued

The Skelly Officer should not become involved in settlement negotiations. If an offer of settlement is made by the employee or the representative, it should be transmitted to the appointing authority for consideration. The employee or the representative must make the offer of settlement, not the Skelly Officer or the appointing authority.

Basic Guidelines

Do:

1. Explain the purpose of the hearing to the employee.
2. Maintain control of the hearing.
3. Listen to the employee's argument.
4. Take notes so that you can transmit accurate information to the appointing authority.
5. Accept any relevant documents the employee may submit.
6. Provide the employee with relevant documents available to you, if requested.
7. Maintain a calm, unbiased attitude throughout the hearing.

Do Not:

2. Allow yourself to become involved in a discussion of the merits of the case.
3. Allow the hearing to become a forum for advocating employee causes in general.
4. Allow yourself to become involved in settlement negotiations.
5. Discuss with the employee or the representative what your possible recommendation may be.
6. Argue with the employee or the representative.
7. Attempt to "try" the case.

(Department Letterhead)

SAMPLE WRITTEN REPRIMAND

Date (month, date, year)

TO:

FROM:

SUBJECT: Written Reprimand

This is to notify you that you are officially reprimanded for the following:

You are expected to _____.

Future incidents of a similar nature may result in disciplinary action up to and including termination.

Employee Signature

Date

Department Head or Designee Signature

Date

COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA
NOTICE OF INTENT TO DISMISS, SUSPEND, DEMOTE OR REDUCE SALARY

NAME John Doe DATE XX/XX/XX

ADDRESS 123 Main Street, Stockton, CA 95202
(City) (State) (Zip)

EMPLOYEE'S CLASS Office Assistant

You are hereby notified of my intent to take the following action effective Within 30 days in accordance with Civil Service Rule 18.

ACTION PROPOSED: Five working day suspension

The reason for this action is: Violation of Civil Service Rule 18 sections 1b Conduct Unbecoming, 1f Insubordination, and County Work Rule #1 Conduct. See attached.

Date Appointing Authority or Designee Title

CERTIFICATION OF APPOINTING AUTHORITY

I hereby certify that the Notice of Intent was filed with the Director of Human Resources of San Joaquin County on

_____, and that the employee was furnished with a copy thereof on

in the following manner:

By personal service

By certified mail with return receipt, deliver to addressee only

By _____

Date Appointing Authority or Designee Title

Employee's signature in case of personal service Department

Date Employee Signed

EMPLOYEE RIGHTS

You are hereby notified that you have the right to:

- a. Respond in writing to this Notice of Intent and to request an informal hearing with the appointing authority within seven (7) days after you receive this notice.
- b. Have access to copies of all materials supporting the proposed action and the right to be provided with copies on request.
- c. Be represented at the informal hearing by a representative of your choice.

Distribution:

Human Resources (White)
Employee (Canary)
Department (Pink)

HRD 12-A (12/96)

COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA
ORDER OF DISMISSAL, SUSPENSION, DEMOTION OR REDUCTION IN SALARY

NAME John Doe DATE XX/XX/XX

ADDRESS 123 Main Street, Stockton, CA 95202 DEPARTMENT Behavioral Health Services

EMPLOYEE'S CLASSIFICATION Office Assistant

You were served with a "Notice of Intent to Dismiss, Suspend, Demote or Reduce Salary" on
XX/XX/XX

X A preliminary hearing has been held at your request and the information presented has been considered.

 You did not request a preliminary hearing within seven (7) days of receipt of the "Notice of Intent".

You are hereby notified that effective XX/XX/XX the following action will be taken:

Five working day suspension

The reason for this action is: Violation of Civil Service Rule 18 sections 1b Conduct Unbecoming, 1f Insubordination,
and County Work Rule #1 Conduct. See attached.

Date Appointing Authority or Designee Title

CERTIFICATION OF APPOINTING AUTHORITY

I hereby certify that the above order was filed with the Director of Human Resources of San Joaquin County on
_____, and that the employee was furnished with a copy thereof on

in the following manner:

By personal service

By certified mail with return receipt, deliver to addressee only

By _____

Date Appointing Authority or Designee Title

Employee's signature in case of personal service Department

Date Employee Signed

NOTICE OF APPEAL PROCEDURE: Within seven (7) days after you receive this order, you may appeal it to the Civil Service Commission through the Director of Human Resources of San Joaquin County. Upon filing of your appeal, the Director of Human Resources shall transmit the order and appeal to the Civil Service Commission. See Civil Service Rule 18 for further information.

Distribution: White - Human Resources
Green - Employee
Canary - Civil Service Commission
Pink - County Counsel
Goldenrod - Department

HRD 12-B (12/96)

LABOR RELATIONS QUIZ

	<u>True or False</u>	
1. Labor Relations is a resource for <i>all</i> County employees.	T	F
2. LR mission is to promote non-adversarial relations with <i>unions</i> .	T	F
3. Discipline is intended to <i>punish</i> employees for wrongdoing.	T	F
4. Progressive discipline is <i>required</i> to start at the first step.	T	F
5. A <u>Written Reprimand</u> is considered disciplinary action.	T	F
6. Employees can have union representation during <i>investigative</i> meetings.	T	F
7. Management <i>must</i> inform employees of their right to representation.	T	F
8. <i>Reasons</i> for issuing formal discipline can be found in CS Rule 18.	T	F
9. Civil Service employees are entitled to their Due <i>Diligence</i> rights.	T	F
10. County email can be <i>discoverable</i> during legal proceedings.	T	F
11. Management is <i>obligated</i> to help employees who are failing.	T	F
12. Management has the <i>burden of proof</i> in employee discipline.	T	F
13. The probationary period is an extension of the <i>hiring process</i> .	T	F
14. Probationary employees have a <i>property right</i> to their position.	T	F
15. At a disciplinary meeting, the supervisor is on <i>trial</i> .	T	F
16. Having a collaborative union-management relationship is <i>taboo</i> .	T	F
17. Civil Service employees are entitled to Due Process.	T	F
18. The <i>Skelly Officer</i> decides if disciplinary action should be revoked.	T	F



Budget Basics



1



2



3



Agenda

- An overview of budgets
- To review the budget process timeline
- Basic budget responsibilities

4



Intended Outcome:

- To give you a basic understanding of the budget process
- To understand budget and timelines and submittal processes
- To understand your vital role in budget management and monitoring

5

What is a budget?



6

The County budget is a financial plan outlining how the County will spend money and fund services in the coming year.

It is a legal document approved by the Board of Supervisors.

7

San Joaquin County Budget

- Approximately 800,000 residents
- The Board adopts a multi-billion dollar budget to support the services we provide to members of our community
- Over 8,300 Full-Time Equivalent (FTE) staff authorized
 - 7,684 full-time allocated positions (as of 7/1/25)
 - Additional 648 part-time FTE are authorized in 25-26
- Our 25-26 budget is approximately \$3.0 billion and is larger than Stanislaus County budget at approximately \$1.9 billion, but smaller than Sacramento County at \$8.9 billion

8



Governor's Budget

- The Governor submits a budget to the Legislature by January 10 each year.
- It contains recommendations and estimates for the state's financial operations for the upcoming budget year and also provides historical actuals and current year estimates
- During the May revise, the Governor revises the budget to better reflect the revenue and expenditure numbers for the upcoming budget year.
- Many County programs and services are dependent on funding included in the State budget

9

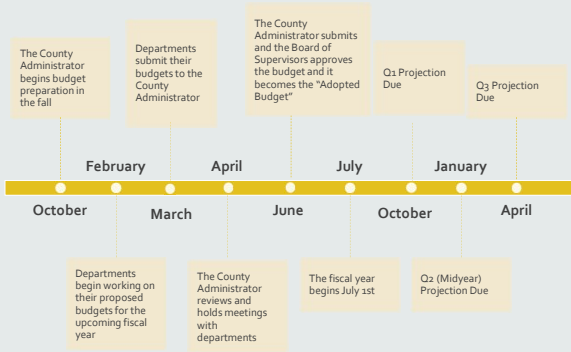
Can anyone tell me what dates
 the County's fiscal year runs?



10

Budget Cycle

The Fiscal Year Runs July 1st
 Through June 30th Each Year



11

Name a source of
 county revenue?

12

Sources of County Funding

"REVENUE"

Any addition to cash or other current assets

➤Federal funding

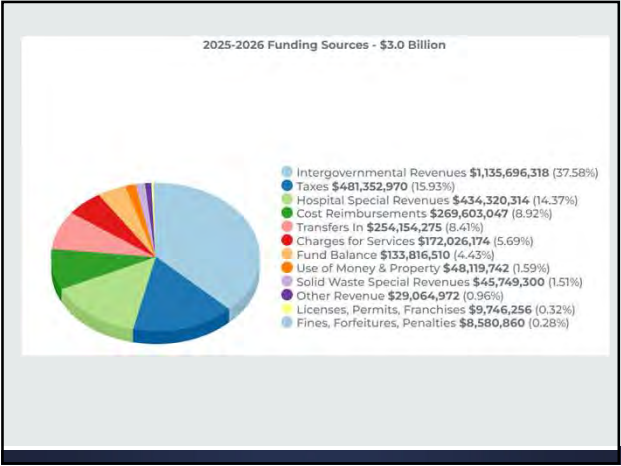
➤State funding

➤Local (Property & Sales Tax)

➤Fees & Grants

➤Charges for services, such as patient revenue

13



14

Federal & State Funding =

\$1.1 billion

▪Counties support a myriad of health, human services, and other programs.

▪Counties carry out functions such as overseeing elections.

15

Local funding

(General Purpose Revenue)

- Sales Tax
- Property Tax
- Business License Tax
- Transient Occupancy Tax

2025-2026 General Purpose Revenue estimate = \$476.8 million

Consisting mainly of property taxes, sales taxes, and interest.

A large portion of General Purpose Revenue supports public safety and criminal justice services.

16

“EXPENDITURES”

A budgeted estimate of expenditures authorized by the Board for spending is an Appropriation.

- The Board adopts a spending plan in June for the upcoming July-June Fiscal Year
- Departments may have their spending plan altered during the course of the year. A mid-year increase in overall expenditure authority requires Board approval.

17

Service	Amount	Percentage
Health Services	\$1,204,158,863	39.84%
Law & Justice	\$644,361,297	21.32%
Human Services	\$637,350,954	21.09%
Roads & Facilities	\$159,194,312	5.27%
Capital Maintenance	\$149,086,694	4.93%
General Government	\$148,011,091	4.90%
Environmental Protection	\$41,522,157	1.37%
Parks & Recreation	\$22,062,611	0.73%
Education	\$11,482,759	0.38%
Contingencies	\$5,000,000	0.17%

18

Can anyone name the largest expense to most organizations?

19

Operating Expenses

In many organizations one of the largest expenses is typically payroll and related benefits.

Category	Percentage
Salaries And Benefits	44%
Services And Supplies	28.6%
Centrally-Budgeted Expenses	4.8%
Capital Expenditures	6%
Other Charges	10.3%
Transfers Out	3.5%
Public Works Project Exp	2.6%
Provision For Contingency	0.2%
Other Financing Uses	0.05%

20

Work through department HR representative

Human Resources must review position requests for appropriateness and need

Position changes are processed via the annual budget

Requests for positions may be made during the course of the year under special circumstances and require Board approval

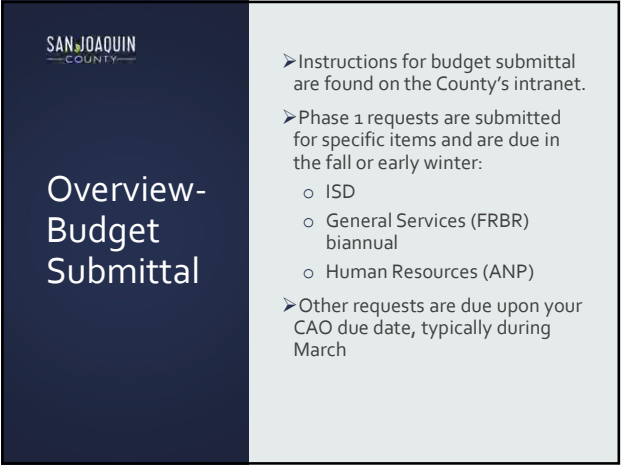
Adding / Deleting Positions

SAN JOAQUIN COUNTY

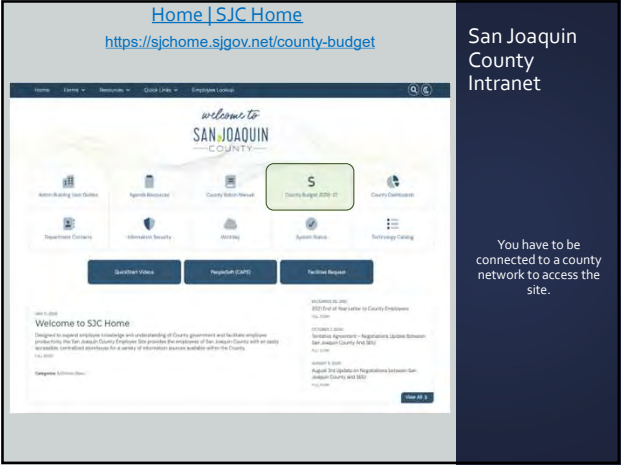
21



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33

Procurement

BOARD APPROVAL	GOODS	SERVICES (except for Maintenance and Repair)
	N/A	BOARD APPROVAL for \$20K+ (including O&M) for contracts more than 1 year
Aggregate (thru Budget Process)	doesn't aggregate because it is goods	\$20K & under lets negotiate between C&S services
Formal Solicitation (PA discretion) Purchasing Approved Cooperative Exception to Competition - Single/Sole Source Exception to Competition - Emergency	OVER \$20K	OVER \$20K
Informal Solicitation - Single Quote = no competition (Blanket Purchase Orders only for goods and services and some maintenance)	UP TO \$20K (excludes O&M, Office Equipment under \$100K)	UP TO \$200K
Fixed Asset - Budget book or CAO appropriation	UP TO \$10,000 -with life expectancy of 2 years or more, and - \$20K includes tax and freight	N/A
P-Card for qualified low-dollar goods	\$1,000	N/A

37

Procurement

BOARD APPROVAL	PUBLIC WORKS *based on CIP (general Construction) Excludes less than \$100K *Self-organized and P&C, less than \$100,000, less than \$20K capital *Self-organized and P&C, less than \$100,000, less than \$20K capital			
	MAINTENANCE	UPCCAA (Repair)	CONSTRUCTION & CIP	JOC
	BOARD APPROVAL for over \$20K	BOARD APPROVAL for \$22K+	BOARD APPROVAL for \$20K+ Requires Board Action - 1. Award of the contract and 2. Approve Plans/Specs	
Aggregate (thru Budget Process)	\$20K & under lets aggregate between C&S services	doesn't aggregate because it is Board Approved		
Formal Solicitation (PA discretion) Purchasing Approved Cooperative Exception to Competition - Single/Sole Source Exception to Competition - Emergency	OVER \$20K	\$22K+	\$22K+ - \$225K, as set after bid review; Board approval of resolution	UP TO \$80K, JOC Limit - PA or JOC (and goods) - BOARD APPROVAL, if not already
Informal Solicitation - Single Quote = no competition (Blanket Purchase Orders only for goods and services and some maintenance)	UP to \$20K	\$75K to \$225K Excludes all of contracts in category from the UPCCAA (Repairs) Contract List (BCL)	Can apply UPCCAA	
Fixed Asset - Budget book or CAO appropriation	N/A	N/A	N/A	N/A
P-Card for qualified low-dollar goods	N/A	N/A	N/A	N/A

38

Procurement

Goods/ Commodities	\$1- \$35,000 \$35,000+ Single item \$10,000+	Purchasing Discretion Bid, Cooperative, or Sole Source Fixed asset requires specific budget line or CAO approval
Professional Services (may need ICA)	The Purchasing Agent's authority is \$200,000 per vendor, per fiscal year \$200,000+ = Formal Bid/Coop/SSS/ER, then Board approval	
Federally Funded Procurements	Require additional checks and language provisions (Exhibit Z and Sam.gov)	

39

Procurement	
Cal Card	County Procurement Card may be used for goods only, subject to expenditure limits
Direct Voucher	May be used only for select types of expenses, such as utilities
Purchase Order: Services or Blanket PO	Blanket PO for recurring purchases of goods or low dollar consulting or professional services
Purchase Order: Goods/Special Item	One-time purchase of goods
Purchase Order: Payment Vehicle	- Formal Contract, often using an Independent Contract Agreement (ICA) - Leases - Public Works Project

40



41



42

Budget Checking

- **Budgetary authority** guides procurement and is controlled by a **budget checking** process in the ERP system.
- Purchase orders generate an **encumbrance** which reserves the needed funds in the budget for the future expense.
- As invoices are processed against the purchase order, **expense** is recorded and encumbrance is released.
 - Any funds remaining on the purchase order stays encumbered until a change order is done to release the funds.
- The ERP system also validates budget availability for the following transaction types:
 - Non-purchase order invoices
 - Payroll
 - Credit Cards
 - Journals & SSTs

43

Best Learning Practices

- Seek a mentor
- Review and use the County's interactive budget book, posted online
- Review prior years' budgets
- County Administrative Manual
- Monthly Financial reports



44

Next Steps

- Review your budgets and begin to understand the county financials, timelines, and procedures
- Look into internal and outside resources to familiarize yourself with budget and financial processes
- Mobilize your team around organizational objectives and learn where your financials fit in

45

You have a
duty to be
fiscally
responsible.

46

Questions?

47

Thank you for your
participation!
Make sure you signed in!

48

PURCHASING MATRIX

VERSION 2.20.2026	GOODS	SERVICES (except PW Maintenance and Repairs)	PUBLIC WORKS *bonds @ \$25K (payment & performance) *prevailing wage @ \$1000 *DIR registration AND PWC 100 at \$15K maintenance /\$25K repair bid bond required (formal solicitation)			
			MAINTENANCE	UPCCAA (Repair)	CONSTRUCTION & CIP	JOC
			BOARD APPROVAL for over \$200K	BOARD APPROVAL for \$220K+	BOARD APPROVAL for \$200K+ Requires 1 Board Action** to: 1. Award of the contract and contingencies 2. Approve Plans/Specs	UP TO \$6M JOC Lists - PW and GSD (rebid yearly) - BOARD APPROVAL of lists Annually
Aggregate (thru Budget Process)	doesn't hit aggregate because it is goods	\$200K & under hits aggregate because it is services	\$200K & under hits aggregate because it is services	doesn't hit the aggregate because it is Board Approved		
Formal Solicitation (PA discretion) Purchasing Approved Cooperative Exception to Competition - Single/Sole Source Exception to Competition - Emergency	OVER \$35K	OVER \$200K	OVER \$200K	\$220K+	\$220K - \$235K award after bid requires Board approval of resolution	
Informal Solicitation: Single Quote = no competition (Blanket Purchase Orders only for goods and services and some maintenance)	UP TO \$35K (exception = *Office Equipment under \$100K)	UP TO \$200K	UP to \$200K	\$75K to \$220K reach out to all contractors in category from the UPCCAA Registered Contractor List (URCL)	Can apply UPCCAA	
				UP TO \$75K = 1 quote from URCL (vendor re-registration required yearly)		
Fixed Asset - Budget book or CAO appropriation	UP TO \$10,000 - with life expectancy of 2 years or more, and - \$10K includes tax and freight	N/A	N/A	N/A	N/A	N/A
PCard for qualified low-dollar goods	\$1,000	N/A	N/A	N/A	N/A	N/A

*At the discretion of Purchasing Agent what constitutes Office Equipment. Office Equipment is equipment used for business and professional services such as computers, printers, telephones, answering machines, etc.

**Board Approved Resolutions for PW (March 2025) and CAP (February 2026) allowing submission of award recommendation, plans, specs in ONE BOD action.

PCC 20131 - \$6,500 threshold for PW formal solicitation

HUMAN RESOURCES LEADERSHIP ACADEMY SERIES COMPLETION FORM

(Please Print/Fill Out/Sign/Return)

Name: Employee ID # _____

Job title: _____

Department: _____

I acknowledge that I fully participated in the following trainings in their entirety & received all of the backup documentation & policies for the designated course(s):

<u>Completed</u>	<u>Date</u>	<u>Course Title</u>
☐	_____	HR0100- HRLA: Civil Service Rules
☐	_____	HR0030- HRLA: Introduction to the Role of the Leader
☐	_____	HR0052- HRLA: Risk Management: What Every Manager Should Know
☐	_____	HR0070-HRLA: EEO: Discrimination and Harassment Laws & Prevention (Self-guided video)
☐	_____	HR0008- HRLA: Communication & Conflict Management
☐	_____	HR0027- HRLA: Hiring & Interview Skills
☐	_____	HR0029- HRLA: Intro to Progressive Discipline
☐	_____	HR0101- HRLA: Leave Administration
☐	_____	HR0057- HRLA: SJC Performance Evaluations Guidelines
☐	_____	HR0815- HRLA: Payroll, People Soft & FLSA
☐	_____	HR0814- HRLA: Understanding the Internal Structure
☐	_____	HR0780- HRLA: Union Relations for Managers
☐	_____	HR0881- HRLA: Budget Basics

I acknowledge that it is my responsibility to agree and adhere to the principles and guidelines in the training and in these policies.

Employee Signature: _____ **Date:** _____

Note:

The information on this form will be used to accurately identify employees who have received training. This form will be filed in the employee's PeopleSoft training records for the purpose of identifying which employees have been trained.

Once you have completed all of the courses in this series, please return your completed form to sjengage@sjgov.org in order to receive credit for your trainings and to be placed on the list for your program completion certificate.