

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

**BOARD OF RETIREMENT
2223 WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

**PERSONNEL COMMITTEE MEETING
July 31, 2019
9:00 A.M.**

Members of the Committee

Chris Prevatt, Chair
Wayne Lindholm, Vice Chair
Roger Hilton

AGENDA

This agenda contains a brief general description of each item to be considered. The Committee may take action on any item included in the agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. The Committee may consider matters included on the agenda in any order, and not necessarily in the order listed.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Committee; and (2) any matter appearing on the Consent Agenda. **Persons wishing to provide public comment at this time should fill out a speaker card located on the counter at the back of the room and deposit it in the Recording Secretary's inbox on the wall near the middle of the room.** When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

CONSENT AGENDA

All matters on the Consent Agenda are to be approved by one action unless a Committee Member requests separate action on a specific item.

C-1 COMMITTEE MEETING:

Approval of Meeting and Minutes

Personnel Committee Meeting

June 17, 2019

Recommendation: Approve minutes.

ACTION ITEMS

NOTE: Public comment on matters listed in this agenda will be taken at the time the item is addressed, prior to the Committee's discussion of the item. **Persons wishing to provide public comment at this time should fill out a speaker card located on the counter at the back of the room and deposit it in the Recording Secretary's inbox on the wall near the middle of the room.**

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

A-2 REVIEW OF PROPOSED REVISIONS TO THE OCERS EMPLOYEE HANDBOOK

Presentation by Brenda Shott, Assistant Chief Executive Officer, Internal Operations, OCERS

Recommendation: Approve, and recommend that the Board approve, the revised OCERS Employee Handbook as presented.

A-3 TRIENNIAL REVIEW OF THE CEO PERFORMANCE EVALUATION POLICY

Presentation by Cynthia Hockless, Director of Administrative Services, OCERS

Recommendation:

1. Approve and recommend that the Board of Retirement approve revisions to the CEO Performance Evaluation Policy.
2. Approve and discuss the timeline for the 2019 CEO Performance Evaluation process.

A-4 REVIEW UPCOMING TOPICS FOR PERSONNEL COMMITTEE

Presentation by Brenda Shott, Assistant Chief Executive Officer, Internal Operations, OCERS

Recommendation: Discuss and review topics to be heard at future Personnel Committee meetings.

COMMITTEE MEMBER COMMENTS

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

ADJOURNMENT

NOTICE OF NEXT MEETINGS

DISABILITY COMMITTEE MEETING

**August 01, 2019
9:00 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

REGULAR BOARD MEETING

**August 19, 2019
9:00 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

PERSONNEL COMMITTEE MEETING

**August 19, 2019
11:00 A.M. OR UPON ADJOURNMENT OF THE BOARD MEETING, WHICHEVER IS LATER**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

INVESTMENT COMMITTEE MEETING

**August 28, 2019
9:00 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

All supporting documentation is available for public review in the retirement office during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Thursday and 8:00 a.m. – 4:30 p.m. on Friday.

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at adminsupport@ocers.org or call 714-558-6200 as soon as possible prior to the meeting to tell us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours notice, if possible. Please also advise us if you plan to attend meetings on a regular basis.

C-1

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
BOARD OF RETIREMENT
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA**

**PERSONNEL COMMITTEE MEETING
June 17, 2019
12:30 p.m.**

Members of the Committee

Chris Prevatt, Chair
Wayne Lindholm, Vice Chair
Roger Hilton

MINUTES

Attendance was as follows:

Present: Chris Prevatt, Chair; Wayne Lindholm, Vice Chair; Roger Hilton

Also

Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Gina Ratto, General Counsel; Cynthia Hockless, Director of Administrative Services; Anthony Beltran, Visual Technician; and Brittany Cleberg, Recording Secretary

The Chair called the meeting to order at 12:48 p.m.

CONSENT AGENDA

MOTION by Lindholm, **seconded** by Hilton, to approve staff's recommendation on all of the following items on the Consent Agenda:

C-1 COMMITTEE MEETING:

Personnel Committee Meeting

May 29, 2019

Recommendation: Approve minutes.

The motion passed **unanimously**.

ACTION ITEMS

A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

No items were trailed from the Consent Agenda.

A-2 2019 OCERS TOTAL COMPENSATION STUDY

Presentation by Brenda Shott, Assistant Chief Executive Officer, Internal Operations & Cynthia Hockless, Director of Administrative Services, Admin/HR, OCERS; Jennifer Ramos, Consultant CPS – HR Manager, Classification and Compensation

After discussion by the Committee, staff was directed to bring this item back to the Committee in July.

A-3 REVIEW OF PROPOSED REVISIONS TO THE OCERS EMPLOYEE HANDBOOK

A-3 was pulled from the agenda.

COMMITTEE MEMBER/CEO/CONSULTANT/COUNSEL COMMENTS

The meeting **ADJOURNED** at 1:32 p.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Committee

Chris Prevatt
Chair

A-2

Memorandum

DATE: July 16, 2019
TO: Members of the Personnel Committee
FROM: Brenda Shott, Assistant Chief Executive Officer, Internal Operations
SUBJECT: REVIEW OF PROPOSED REVISIONS TO THE OCERS EMPLOYEE HANDBOOK

Recommendation

Approve, and recommend that the Board approve, the revised OCERS Employee Handbook as presented.

Background/Discussion

OCERS operates with a “split staff structure;” that is, with a workforce that is employed by the County of Orange and a workforce that is employed directly by OCERS, as provided by Government Code Section 31522.5.¹

As required by subdivision (b) of section 31522.5, OCERS follows Orange County’s Personnel and Salary Resolution (P&SR), Merit Selection Rules, and the Memorandums of Understanding between the County and the respective unions for the County employees assigned to work at OCERS. The proposed revisions to the OCERS Employee Handbook do not change in any way the terms and conditions applicable to County employees.

However, for the employees that are appointed pursuant to subdivision (a) of section 31522.5, OCERS must maintain personnel policies that set forth the terms and conditions of employment of those individuals.

¹ Government Code section 31522.5 states, in pertinent part, as follows:

- (a) In a county in which the board of retirement has appointed personnel pursuant to Section 31522.1, the board of retirement may appoint an administrator, an assistant administrator, a chief investment officer, senior management employees next in line of authority to the chief investment officer, subordinate administrators, senior management employees next in line of authority to subordinate administrators, and legal counsel.
- (b) Notwithstanding any other provision of law, the personnel appointed pursuant to this section may not be county employees but shall be employees of the retirement system, subject to terms and conditions of employment established by the board of retirement. Except as specifically provided in this subdivision, all other personnel shall be county employees for purposes of the county’s employee relations resolution, or equivalent local rules, and the terms and conditions of employment established by the board of supervisors for county employees, including those set forth in a memorandum of understanding.

May 20, 2019, Personnel Committee Meeting

At the May 20th Personnel Committee meeting, Staff presented the proposed Employee Handbook. Detailed discussion took place regarding changes to six substantive policies as outlined below. The Personnel Committee members recommended that Staff make revisions to the Employee Handbook that was presented related to the following topics:

Item #	Policy Name
1	At-Will
2	Annual Leave
5	Probation

The red-lined items below indicate those proposed changes as recommended by the Personnel Committee.

Item #	Policy Name	Employee Handbook Page #	Current PP&R Provision	Recommended Change in Employee Handbook
1	At Will Policy	9	A progressive discipline process is outlined in the PP&R (does not apply to Senior Executives who have an At-Will contract)	All OCERS direct employees hired after the new Employee Handbook is approved would be at-will, which means employment may be terminated at any time and for any reason with or without cause or advance notice (existing employees grandfathered under current terms of PP&R) Allow newly promoted employees to maintain the grandfathered provision for their employment when promoting into any classification outside of a Senior Executive classification.
2	Annual Leave	94	Employees accrue annual leave at same rate as County employees, based on the number of years of service. There is currently no limit to the amount of time that may be accrued. At termination all leave on the books must be paid out to the employee. (OCERS is not legally permitted to use the same policy on payout of accrued leave as the	OCERS direct employees hired after the New Employee Handbook is approved would accrue annual leave at the same rate as all other employees; however, the maximum annual leave balance will be limited to 16 weeks or 640 hours which equates to (80 – 8 hour days). Employees will stop accruing annual leave when the maximum is reached and would then be paid for any time that otherwise would have accrued At termination the full amount of time accrued must be paid out (which will be limited to

Item #	Policy Name	Employee Handbook Page #	Current PP&R Provision	Recommended Change in Employee Handbook
			County uses because that is a term negotiated in the County's MOU with its employees and OCERS direct employees are not a party to the MOU)	the new maximum leave balance) (existing employees grandfathered under current annual leave provisions)
3	Discipline	43	Applies to all current OCERS direct employees (except at-will executives)	Will apply only to those employees hired prior to the date the new Employee Handbook is effective
4	Grievance/Appeals	45	Grievance/Appeal process was verbatim from the County and included language that didn't apply to OCERS direct employees	Would remove reference to grievance procedure and include only the appeal procedure. The revision to the appeal process would delete the steps that were deemed not applicable to OCERS direct employees and clarify the process into four possible steps. Will apply only to those employees hired prior to the effective date of the revised Employee Handbook
5	Probation		New, promoted, or re-employed employees placed on 52 week probation.	New, promoted , or re-employed employees are At-Will therefore no probation period is necessary. Legacy employees will continue to serve a 52-week probation for internal promotions.
6	Merit Increases	111	CEO makes final determination of salary awards	Clarified that CEO will make the final determination of merit increases based on the Board approved merit and salary adjustments included in the annual budget. Merit increases may be either a lump sum or added to base salary.

Item #1 At-Will Policy

The At-Will policy will pertain to all newly hired employees on the designated after the adoption of the Employee Handbook from the Board of Retirement. Grandfathered employees receiving an internal promotion will not be subjected to the At-Will policy.

Item #2 Annual Leave

After discussion with the Personnel Committee at the May 20th meeting, the OCERS CEO is recommending all new OCERS' direct employees Annual Leave bank be capped at a maximal amount of 16 weeks or 640 hours (80/8 hour days). This number was formulized using the current amount of disability leave granted under Federal Law for a maternity leave.

The Committee also requested that Staff provide information on what other Pension systems paid leave policies are related to maximal accrual amounts. Attached to this report is an Annual Leave (Vacation & Sick Pay) report outlining the maximal accrual rates for the ten (10) comparable agencies that OCERS utilized for their 2018 Total Compensation Study.

Item #5 Probation

Language related to a new probation for newly hired At-Will employees was removed from the proposed Employee Handbook document. Existing employees promoting into a higher classification (other than into a Senior Executive position) will be required to serve a 52-week probation. The policy was updated to reflect this.

Communication with OCERS Direct Staff

Throughout the extended period of time of developing the proposed Employee Handbook, the CEO and the Senior Executives have been in regular communication with the existing OCERS Direct Staff. The Staff was given multiple opportunities to review the draft policies and provide comments. Staff was also encourage to raise any questions or concerns with the process and the Employee Handbook along the way. Some of the feedback that impacts the significant items outlined above are included below:

March 4, 2019, comments provided to the CEO from OCERS Direct Staff

“In general, the Employees’ preference would be for existing Employees to retain the current benefits as defined by the Personnel Policies and Regulations (“PP&R”) handbook in effect as of this writing; that is, Employees would prefer to (1) not be subject to an annual leave accrual limit, and (2) not be classified as at-will employees, and thereby retain the progressive discipline policy outlined in the PP&R handbook. Employees understand and recognize that an annual leave accrual limit and at-will status may be beneficial for the agency in the future and are amenable to working closely with the Executive team to modify the annual leave accrual policy and at-will status for future Employees hired on or after the effective date of the in-progress Employee Handbook.

We welcome further discussion of these suggested changes and look forward to working with our Executive team and the Personnel Committee to arrive at a mutually beneficial solution to these items.”

May 30 Assistant CEO of Internal Operations Meetings with Staff

A meeting was held with existing OCERS Direct employees to review the outcome of the May 20th Personnel Committee meeting. Current employees continue to favour the idea of grandfathering all current employees under the current employment handbook. Employees voiced understanding of OCERS need to provide a limit for current employees Annual Leave bank but asked to host an internal meeting with current employees to discuss their position for a potential scenario where the Personnel Committee decided to propose a change to existing Staff’s unlimited accrual allowance.

June 13 Response Received from the OCERS Direct Staff

With respect to the implementation of an annual leave cap, the preference of the OCERS Direct team remains to be grandfathered under the terms of the existing unlimited annual leave accrual provision. Should it be determined that this is not possible, the OCERS Direct team is amenable to working with OCERS' executive management group and the Personnel Committee to implement a mutually beneficial agreement. The group would view the loss of unlimited leave accrual as a change to the original employment contract under which current OCERS Direct personnel were hired and would submit the following as a fair exchange:

- Implement an annual leave cap of 1,040 hours¹, with overflow hours being immediately cashed out.
- Increase the annual leave cash-out from 90 hours to 120 hours as presented to the Personnel Committee in the 2019 OCERS Total Compensation Policy memorandum of June 4, 2019.

¹ At the time of writing, a leave cap of 1,040 hours would have a direct and immediate impact on three OCERS Direct personnel who currently have annual leave balances in excess of 1,040 hours. We ask that the OCERS Direct team be involved in any discussions as to what will happen with the excess annual leave balances for these three employees (e.g., immediate payout, establishment of "legacy" leave bucket, etc.).

Staff would like the Personnel Committee to review and approve the recommendations of the CEO as outlined above in regards to the OCERS Direct Employee Handbook. It should be noted that the effective date of the new Employee Handbook can be effective either the first of the month following the approval by the Board of Retirement or on such date as designated by the Board. The dates within the Employee Handbook will be updated to reflect the effective date of the revised Employee Handbook as approved by the OCERS Board of Retirement.

Attached

- 1) Annual Leave Accrual comparison spreadsheet
- 2) OCERS Proposed Employee Handbook (Redlined)

Submitted by:



Brenda Shott
Assistant CEO, Finance and Internal
Operations

OCERS

Employee Handbook

V1.0

***JanuaryApril* 2019**



Orange County Employees Retirement System (OCERS)
2223 E Wellington Avenue Suite 100
Santa Ana, CA 92701 USA
1 (714) 558-6200
<http://www.ocers.org>

Serving the Active and Retired Members of:

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 CAPISTRANO

COUNTY OF ORANGE

ORANGE COUNTY
 CEMETERY DISTRICT

ORANGE COUNTY CHILDREN &
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 OF EDUCATION (CLOSED TO
 NEW MEMBERS)

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 EMPLOYEES
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 PUBLIC AUTHORITY

ORANGE COUNTY LOCAL
 AGENCY FORMATION
 COMMISSION

ORANGE COUNTY PUBLIC LAW
 LIBRARY

ORANGE COUNTY
 SANITATION DISTRICT

ORANGE COUNTY
 TRANSPORTATION
 AUTHORITY

SUPERIOR COURT OF
 CALIFORNIA, COUNTY
 OF ORANGE

TRANSPORTATION
 CORRIDOR AGENCIES

UCI MEDICAL CENTER AND
 CAMPUS (CLOSED TO NEW
 MEMBERS)

Congratulations on your employment with the Orange County Employees Retirement System.

You are now a member of a working team passionate about providing outstanding service to our members.

This Handbook is meant to facilitate your success. You will find it provides you with an overview of pertinent OCERS policies, your benefits and your responsibilities as an OCERS employee. Please take the time to read it thoroughly. We have found that we are more effective as a team when each and every individual has a clear understanding of expectations and obligations.

During your professional employment with OCERS, the staff members of the Administrative Service Department and your manager will work with you to ensure that you have the information you need to be successful at OCERS and will be available to assist you with questions or concerns you may have along the way.

I hope you will find your employment with OCERS both satisfying and rewarding. Your job is essential to fulfilling our mission every day to the members who trust and respect us. We are happy that you have chosen to contribute to our ongoing commitment to providing the outstanding service our member rely on and deserve.

Once again, I welcome you to the OCERS team.

Best regards,



Steve Delaney

Chief Executive Officer



2223 E. Wellington Avenue, Suite 100, Santa Ana, CA 92701 • Telephone (714) 558-6200 • Fax (714) 558-6234 • ocers.org

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Introduction to Personnel Policies

Policy Statement

Orange County Employees Retirement System's ("OCERS") Employee Policy Handbook is provided to employees for their use as a ready reference and as a collection of OCERS' personnel policies, work rules, and benefits. Employees are required to become familiar with the policies in a timely manner after the start of employment with OCERS.

Scope/Coverage

These Personnel Policies supersede all previously promulgated policies on this topic, including the PP&R (defined below) and Employee Handbook and apply to personnel who are employed by OCERS ~~the following entities~~ unless otherwise specified:

- ~~1. OCERS;~~
- ~~2. Orange County (County employees who work at OCERS); and~~
- ~~3. Third-party vendors and contract employees.~~

Authority

OCERS' Personnel Policies and Regulations ("PP&R") were adopted originally by the Board of Retirement (Board) on November 11, 2002, pursuant to California Government Code Sections 31468, 31522.5, 31557.3, and 31678.3.

The Chief Executive Officer ("CEO") has the duty to recommend to the Board these Personnel Policies. Additionally, the CEO is authorized to assess human resources needs; to establish and implement appropriate human resources programs and procedures, consistent with the personnel policies of the Board; to hire, manage and terminate senior management, and oversee the hiring of management and termination of staff; and to develop training and job development programs for OCERS as approved in the Administrative Budget.

These Personnel Policies do not create a contract for employment. ~~With respect to employees employed by the County of Orange, the intent is that these personnel policies will be interpreted in a manner that is consistent with the provisions of applicable Memorandums of Understanding ["MOU"]; provided, however, to the extent they do conflict, the MOU will control as long as it is consistent with applicable law.~~

OCERS retains the right to modify, change, revise, supplement, delete, or rescind any or all of its Personnel Policies, at any time, without notice, whenever OCERS determines that such action is required.

For questions regarding any of these policies, please contact Administrative Services.

Recruitment and New Hires

This chapter contains the following policies related to personnel recruitment and new hires:

- At Will Policy

At Will Policy

Policy Statement

Employment with OCERS is “at-will”, which means it may be terminated at any time and for any reason, with or without cause or advance notice, by either the employee or OCERS.

Purpose

The purpose of this policy is to establish an at-will relationship between OCERS-direct employees hired directly by OCERS on or after ~~January~~July 1, 2019 and OCERS.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals employed directly by OCERS on or after January 1, 2019.~~

Provisions

1. Employees hired or re-hired by OCERS on or after ~~January~~July 1, 2019, are employed on an at-will basis. All such employees are hired for an unspecified duration and are not guaranteed employment for any specified length of time.
2. Employment is at the mutual consent of each employee and OCERS, and as a result, may be terminated by OCERS or the employee at any time, with or without cause or advance notice. The CEO must approve all terminations of at-will employees.
3. The at-will status of the employment relationship between OCERS and its employees hired on or after ~~January~~July 1, 2019, cannot be altered by any oral or written statements, guidelines or policies contained in any of OCERS documents or communications, except where there is an express written agreement that is signed by the employee and OCERS’ Chief Executive Officer.
4. Completion of, or participation in, an introductory period of employment does not change an employee’s status as an at-will employee.
5. If an employee hired by OCERS prior to July 1, 2019 receives a promotion into a non-Senior Executive position, he/she will retain their grandfathered status and the At-Will Policy will not apply.
- 4.6. OCERS Direct Employees hired on or after July 1, 2019 will serve a fifty-two (52) week probation upon promotion.

Chapter 2

General Personnel Policies

This chapter contains the following policies related to general personnel policies:

- Discrimination and Harassment Policy
- Confidentiality Policy
- Electronic Resources Policy
- Social Media Policy
- Personnel Records Policy
- Telecommuting Policy
- Personnel Policy

Discrimination and Harassment Policy

Policy Statement

OCERS is committed to a work environment in which all individuals are treated with respect and dignity. It is the policy of OCERS to provide and promote equal employment opportunity for all personnel.

Purpose

OCERS is committed to fostering a work environment that is free from Discrimination, Harassment, retaliation or abusive conduct. OCERS will not tolerate any kind of Discrimination, ~~against or~~ Harassment, retaliation or abusive conduct of employees or applicants for employment by anyone.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and all OCERS personnel who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Policy Statement

- a. All persons covered by this policy will not be discriminated against on the basis of any Protected Characteristic.
- b. Employees are prohibited from discriminating against or harassing OCERS ~~and County~~ personnel, applicants for employment and third party vendors' if the conduct adversely affects OCERS' operations or reputation or takes place during an OCERS employment related event, whether or not the incidents occur on OCERS' premises and whether or not the incidents occur during working hours.
- c. This policy applies to all terms, conditions and privileges of employment including, but not limited to recruitment, hiring, pay, benefits, job assignments, promotion, training, transfer, discipline, and termination.
- d. All personnel must review this policy on an annual basis and affirm ~~her or her/his or her~~ understanding of the policy and obligation to comply with it.

2. Conduct Prohibited by this Policy

- a. Conduct prohibited under this policy includes, but is not limited to:
 - i. Racial, ethnic, sexual or religious slurs, epithets, comments, stereotyping, teasing or jokes.
 - ii. Verbal abuse or derogatory or stereotypical comments based any Protected Characteristic.
 - iii. Abusive or hostile treatment or similar offensive and unwelcome conduct, based on any Protected Characteristic.

- iv. Any use or transmission of electronic communication or access or viewing of websites with ethnic or racial cartoons, jokes, or any other message that may offend, disparage, or harass an individual based on any Protected Characteristic.
- v. Sexual propositions, stating or implying that sexual favors are required as a condition of employment or continued employment, preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; repeated unwanted sexual flirtations, advances, or invitations.
- vi. Unwanted physical contact, such as touching, pinching, grabbing, kissing, patting, or brushing against another's body
- vii. Offensive leering, flirtatious eye contact, staring at parts of a person's body, sexually oriented gestures
- viii. Displays or distribution of offensive pictures or objects, drawings, cartoons, graffiti, calendars, posters, printed material, or clothing containing sexually oriented language or graphics or derogatory content based on race, ethnicity, gender, religion, disability, or any other Protected Characteristic.
- ix. Sexual Harassment at OCERS is strictly prohibited.

3. Reporting Obligations

Any executive, manager, or supervisor who witnesses or has knowledge of Discrimination or other conduct prohibited by this policy, is obligated to promptly report such behavior to an appropriate representative in Administrative Services so that it can be appropriately investigated. Failure of executive, management, or supervisory personnel to promptly report or otherwise address incidents of Discrimination, Harassment, or retaliation or conduct prohibited by this policy that are either reported to them or that they witness, may result in disciplinary action, up to and including termination of employment.

4. Complaint Procedure

- a. All OCERS employees, ~~County employees~~ and applicants for employment who are subjected to, witness, or have knowledge of any actions or conduct in violation of this policy or that could be perceived as discriminating or harassing in nature should report it promptly to an appropriate manager, supervisor, or to Administrative Services. However, an employee is not required to report it to ~~her or her~~ ~~his or her~~ supervisor or manager, particularly if the supervisor or manager is the individual who is engaging in the prohibited conduct.
- b. OCERS employees, ~~County employees~~ and applicants for employment may utilize the County of Orange's Equal Employment Opportunity (EEO) Access Office reporting procedure. Information regarding this procedure may be found at <http://ocgov.com/gov/hr/eo/complaint/form>, by calling the EEO Access Office at 714-834-5259, or by visiting the EEO Access Office at 333 W. Santa Ana Blvd. Room 200, Santa Ana, CA 92701.

5. Investigation and Remedial Action

- a. All reports of violations of this policy will be timely, fairly, and thoroughly investigated. Reasonable efforts will be made to protect the confidentiality and privacy of the parties involved.

- b. If an investigation confirms that a violation of this policy has occurred, appropriate corrective action will be taken, up to and including termination of employment or the employment contract.

6. Retaliation is Prohibited

- a. OCERS policy, as well as applicable federal and state laws, prohibits retaliation, intimidation or reprisal against applicants, employees, and independent contractors who file complaints and/or who cooperate with or participate in any procedures or investigations related to complaints of Discrimination or Harassment.
- b. Employees are encouraged to report violations of this policy without fear of reprisal or retaliation.
- c. If it is determined that an employee has committed acts of retaliation in response to the actual or perceived filing of a complaint or participation in the investigation of a complaint under this policy, that person will be subject to disciplinary action, up to and including termination of employment.

7. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the Title VII of the Civil Rights Act of 1964 (“Title VII”), the Rehabilitation Act of 1973, the Americans with Disabilities Act (“ADA”), and the Fair Employment and Housing Act (“FEHA”).
- b. An employee may file a complaint with the U.S. Equal Opportunity Commission or the California Department of Fair Employment and Housing, or may bring a private lawsuit against an employer for failure to comply with Title VII, the Rehabilitation Act, the ADA, or the FEHA.
 - i. For the federal government, personnel may contact the Equal Opportunity Commission (EEOC) at 1-800-669-4000 or www.eeoc.gov, or they may visit a local EEOC office.
 - ii. For the State of California, personnel may contact the Department of Fair Employment and Housing (DFEH) at 1-800-884-1684 or www.dfeh.ca.gov, or they may visit a local DFEH office.

For questions about the exercise of rights pursuant to Title VII, the Rehabilitation Act, the ADA, or the FEHA, contact Human Resources, the EEOC, or the DFEH.

8. Violation of Policy

Any violation of this policy may result in disciplinary action up to and including termination of employment.

Related Topics

1. County of Orange - Equal Employment Opportunity Access Office
2. Whistle Blower Policy

Confidentiality Policy

Policy Statement

OCERS expects its employees to take all reasonable steps to protect confidential and business information from unauthorized access, use or disclosure.

Purpose

The purpose of this policy is to establish confidentiality obligations for individuals with access to confidential information.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals employed by the following entities: [OCERS](#).~~

~~1. OCERS; and~~

~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Protection of Confidential Information

- a. Individuals covered by this policy are responsible for protecting the confidentiality of information obtained or accessed during the course of employment at OCERS. They must limit distribution of confidential member, personnel or financial information regarding OCERS, and its members and employees to persons who are authorized to receive the information and have a business need to know.
- b. Individuals covered by this policy must take all steps necessary to protect confidential information from accidental or unauthorized disclosure, including, but not limited to:
 - i. taking precautions to prevent unauthorized users from accessing confidential data;
 - ii. not disclosing user IDs or passwords to others or using anyone else's user ID or password; and
 - iii. promptly placing discarded material that identifies a member's social security number, address, contribution balance, pension amount, or other confidential information in the secured/locked shredding bins placed throughout OCERS' facility.
- c. Individuals covered by this policy must create communications and documents with the understanding that all such items created in the course of employment are the property of OCERS. Employees should not have any expectation of personal privacy in any messages or documents created or transmitted using OCERS systems, including email and voicemail.

2. Prohibited Conduct

- a. Individuals covered by this policy may not access, use or disclose confidential business, financial or personal ~~al~~ information without authorization or a business need to do so.

- b. Individuals covered by this policy authorized to access, use or disclose confidential information must do so in a manner that limits access, use or disclosure only as necessary to perform their assigned job duties.

3. Violation of Policy

Any violation of this policy could result in discipline up to and including termination.

Related Topics

1. OCERS Electronic Resources Policy
2. OCERS Code of Conduct Policy
3. OCERS Board Policy – Records Retention Guidelines

Electronic Resources Policy

Policy Statement

Personnel must use electronic devices provided to them by OCERS in a manner that is legal, ethical, and appropriate. OCERS' Electronic Resources are business resources and tools. OCERS gives its personnel access to Electronic Resources to assist them in the performance of their work duties. Limited personal use of OCERS' Electronic Resources is permitted, as described in this policy.

Purpose

The purpose of this policy is to set forth OCERS' expectations regarding the appropriate use of its Electronic Resources to ensure compliance with applicable laws and the policies established by OCERS.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Electronic Asset Usage

- a. Individuals must use sound judgment when using OCERS' Electronic Resources.
- b. OCERS' policies against ~~Harassment and~~ Discrimination, Harassment, retaliation or abusive conduct extend to the use of its Electronic Resources. Electronic Resources should not be used in any way that would violate those policies.

2. Prohibited Use of OCERS' Electronic Resources

- a. Individuals may not use OCERS' Electronic Resources to access any member information except as authorized in accordance with established OCERS' processes and only for business purposes.
- b. Individuals may not use OCERS' Electronic Resources in any way that may be insulting, disruptive, abusive or offensive to other persons, harmful to morale, or that may harass or disparage others.
- c. Individuals may not use OCERS' Electronic Resources to send, forward or store sexually explicit messages, cartoons, jokes, videos, or unwelcome propositions; and individuals may not access or view gambling, weapons production, pornographic or sexually-oriented websites.
- d. Individuals may not use OCERS' Electronic Resources in a manner that infringes upon the rights of other persons, entities, or organizations to proprietary, confidential or trade secret information.
- e. Individuals may not download or run audio, video, picture or other large data files that require significant computer storage space and that may impact OCERS' system operations unless such uses are business-related.

- f. Individuals may not use voicemail to make unauthorized broadcast messages or solicitations.
- g. Individuals may not download unauthorized software to any OCERS' Electronic Resource Systems.
- h. Individuals may not use Electronic Resources to advocate a partisan position or to support ~~her or her~~ his or her personal political activities or viewpoints.

3. Personal Use of OCERS' Electronic Resources

- a. Personal use of OCERS' Electronic Resources must be incidental, limited in frequency and take place outside of the employee's official duty time.
- b. Personal use of OCERS' Electronic Resources cannot interfere with productivity or job performance.
- c. Personal use of OCERS' Electronic Resources shall not involve Internet sites that would be objectively viewed as inappropriate for a business setting.
- d. Personal use of OCERS' Electronic Resources shall not involve personal business transactions except for personal banking transactions.

4. Access by OCERS

- a. While Electronic Resources are made accessible to personnel to assist them in the performance of their positions, all such Electronic Resources, whether used entirely or partially on OCERS' premises or with the aid of OCERS' equipment or resources, must remain fully accessible to OCERS and, to the maximum extent permitted by law, will remain the sole and exclusive property of OCERS.
- b. OCERS personnel and all others using OCERS' Electronic Resources should not have an expectation of privacy with respect to information transmitted over, received by, or stored in any Electronic Resources owned, leased, or operated in whole or in part by or on behalf of OCERS. OCERS retains the right to gain access to any information received by, transmitted by, or stored in any such Electronic Resources at any time, with or without an employee's or individual's knowledge or permission.
- c. OCERS personnel and all others using OCERS' Electronic Resources to access personal web-based email or social networking accounts (for example, Gmail, Twitter, Facebook), must understand that those communications are subject to review, imaging, and disclosure by OCERS.

5. Maintaining Security and Confidentiality

- a. Individuals covered by this policy using OCERS' Electronic Resources are responsible for maintaining the security of OCERS' Electronic Resources and complying with the Confidentiality Policy.
- b. Individuals covered by this policy, must limit access or distribution of confidential, private, or personnel information to persons who are authorized to access or receive the information and have a business need to know.

6. Violation of Policy

Any violation of this policy could result in discipline up to and including termination.

Related Topics

1. OCERS Discrimination and Harassment Policy
2. OCERS Social Media Policy
3. OCERS Confidentiality Policy

Social Media Policy

Policy Statement

While appropriate uses of Social Media may aid in achieving certain business objectives, all personnel at OCERS must take care to protect Confidential Information while using Social Media.

Purpose

The purpose of this policy is to provide employees with guidelines for participation in Social Media when an employee's affiliation with OCERS is known, identified, or presumed. This policy is intended to promote legal and ethical behavior while prohibiting inappropriate activities that may violate OCERS' policies or the law.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Prohibited Conduct

- a. Personnel may not disclose confidential or proprietary information of or about OCERS, including but not limited to non-public business and financial information.
- b. Personnel may not represent that they are communicating the views of OCERS, or represent themselves in a manner that might reasonably create the impression that they are communicating on behalf of or as a representative of OCERS whether retirement related or not.
- c. Personnel may not use or disclose member information of any kind on Social Media without the express written permission of the member, even if a member is not identified by name.

2. Policy Applicability

- a. This policy applies to personnel using Social Media while at work. The use of Social Media while at work shall be limited to work related assignments or during breaks and/or lunch.
- b. This policy also applies to the use of Social Media on a personal device when away from work and when an individual's OCERS affiliation is identified, known, or presumed.
- c. This policy does not apply to content that is non-retirement related or is otherwise unrelated to OCERS, except for the provisions in section 1.b stated above.
- d. Personnel must comply with all OCERS' Personnel Policies, when engaging in Social Media.

- e. Nothing in this policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment.

3. Violation of Policy

Any violation of this policy may result in discipline up to and including termination.

Related Topics

1. OCERS Discrimination and Harassment Policy
2. OCERS Electronic Resources Policy

Personnel Records Policy

Policy Statement

Personnel Records are confidential and access to them is limited.

Purpose

The purpose of this policy is to govern access to Personnel Records.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Access to Personnel Records

- a. OCERS managers and supervisors who have an OCERS business need for the information, an employee's supervisor, Administrative Services, internal or outside legal counsel, and the OCERS' Worker's Compensation administrator, will have access to Personnel Records.
- b. Orange County will have access to specific Personnel Records when necessary to effectuate the administration of benefits and payroll processing. ~~Authorized representatives of Orange County will have access to all Personnel Records for County employees who work at OCERS.~~
- c. Individuals covered by this policy will have access to their own Personnel Records.

2. Confidential Information

Personnel Records that contain certain confidential information (e.g., medical information) are kept in separate, restricted files, with regulated and limited access.

3. Disclosure of Personnel Records

- a. Except for those individuals mentioned in Section 1 above, OCERS will not release or disclose Personnel Records without the written authorization of an employee or former employee, unless OCERS is compelled to do so by one of the following:
 - i. A lawful court order, administrative summons, search warrant, or subpoena;
 - ii. A lawful orders or demands as a part of a statutorily authorized governmental investigation or audit; and
 - iii. As otherwise required by law.

4. Personnel Records Inspection

- a. An employee, former employee or authorized representative (e.g. attorney, labor representative or anyone with written authorization to access information), wishing to inspect ~~her or her~~his or her Personnel Records must submit a written request to

Administrative Services. Before making Personnel Records available to an employee, former employee or authorized representative, Administrative Services will review the contents of the files to determine which documents the employee, former employee or authorized representative, is entitled to inspect.

- i. An employee, former employee or authorized representative is entitled to inspect or receive copies of any records related to ~~her or her~~his or her work performance or to any complaints concerning the employee or former employee. These documents include:
 1. Employment Application;
 2. Performance Reviews;
 3. Attendance Records;
 4. Complaints;
 5. Records used to determine an employee's qualifications for promotion; and
 6. Any other documents required by applicable law.
 - ii. Except to the extent required by applicable law, an employee, former employee or authorized representative, is not entitled to inspect the following documents:
 1. Records relating to the investigation of conduct constituting a possible violation of the criminal laws of California or another state of the United States;
 2. Confidential reports from previous employers or letters of reference;
 3. Ratings, reports, or records that were obtained as a part of the pre-hire process; ratings, reports or records prepared by any examination committee members who were a part of the hiring process; and ratings, reports or records created in connection with a promotional evaluation;
 4. Any confidential records, such as medical records of persons other than the employee, records of other employees or third parties, or records Administrative Services reasonably believes raise issues of confidentiality;
 5. Any privileged documents, including those subject to an attorney-client privilege; and
 6. Any other documents that applicable law requires to be held confidential.
 - iii. Administrative Services will redact the names of any non-supervisory personnel and any other information Administrative Services deems confidential before providing Personnel Records to an employee, former employee or authorized representative.
- b. OCERS will make the records available no later than 30 calendar days from receipt of the written request from an employee, former employee or authorized representative , to inspect or copy ~~her or her~~his or her Personnel Records.

- c. Administrative Services will contact the employee, former employee or authorized representative, who has submitted a written request to inspect or copy the Personnel Records to schedule a time to review or copy the documents during normal business hours at OCERS.
- d. An Administrative Services representative will be present during the time the employee, former employee or authorized representative inspects the Personnel Records.
- e. An employee, former employee or authorized representative may not remove or alter any Personnel Record.
- f. Upon written request, Administrative Services will provide an employee, former employee or authorized representative, with a copy of any Personnel Records that the employee, former employee or authorized representative, is permitted to inspect. OCERS may charge the actual cost of copying the Personnel Records to the employee, former employee or authorized representative.
- g. When a former employee who was terminated due to a violation of law, or an employment-related policy involving Harassment or workplace violence, makes a request to inspect or copy ~~her or her~~his or her Personnel Records, OCERS will mail a copy of the Personnel Records to an address designated by the former employee.

Related Topics

1. OCERS Board Policy – Records Retention

Telecommuting Policy

Policy Statement

Telecommuting may be permitted when, in individual cases, it is cost effective, supports OCERS' business objectives, is acceptable to executive management and supervisors and is desirable to the employee.

Purpose

The purpose of this policy is to set forth OCERS' standards and expectations with respect to Telecommuting.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Requests to Telecommute

- a. Employees who want to Telecommute must submit a request in writing to both their supervisor and department head. For requests from Non-Exempt Employees, the supervisor/department head should consult with Administrative Services. The request must include a description of the following:
 - i. The reasons the employee needs or wants to Telecommute;
 - ii. A description of the location from which the employee wants to Telecommute;
 - iii. The manner in which the employee will be able to complete h~~is~~er or her work duties through Telecommuting;
 - iv. The manner in which the employee can Telecommute without experiencing any reduction in work quality, efficiency or productivity; and
 - v. The manner in which the employee will be able to preserve member privacy and confidentiality while Telecommuting.
- b. Requests to Telecommute may be granted or denied at OCERS' sole discretion.

2. Approval of Requests to Telecommute

- a. No employee is guaranteed the right to Telecommute.
- b. Requests to Telecommute can only be granted in writing by both the employee's supervisor and the department head.
- c. Approval to Telecommute will be granted only where OCERS determines, in its sole discretion, that the requesting employee can perform all of the duties of h~~is~~er or her position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization.

- d. Requests to Telecommute that are based on the existence of a disability or the need for a reasonable accommodation will be evaluated in compliance with OCERS' Interactive Process and Accommodations Policy and applicable law.

3. Meal and Rest Periods

- a. Non-Exempt Employees who receive approval to Telecommute must comply with all record-keeping requirements and must accurately record all working time.
- b. Non-Exempt Employees who receive approval to Telecommute must take all meal and rest periods in accordance with applicable legal requirements, ~~and~~ OCERS policy, ~~and applicable Memoranda of Understanding (MOUs).~~
- c. Non-Exempt Employees who receive approval to Telecommute may not perform any Telecommuting work (regular or occasional) that is outside of regular work hours without advance written approval from their supervisor. This includes checking email and phone messages, which is considered work time and must be documented.
- d. Non-Exempt Employees who receive approval to Telecommute are prohibited from working overtime except with the advance written approval of their supervisor.

4. Termination of Telecommuting Approval

- a. OCERS may terminate a Telecommuting arrangement at any time, with or without cause, and will provide at least two weeks' notice when practicable.
- b. An employee who Telecommutes on a regular basis may request the termination of ~~his~~ or her Telecommuting arrangement with at least two weeks' notice. The request will be granted at the department head's discretion based on factors such as the availability of workspace.

Related Topics

OCERS Interactive Process and Accommodation Policy

Chapter 3

Personal Conduct Policies

This chapter contains the following policies related to general personnel policies:

- Code of Conduct Policy
- Conflict of Interest Policy
- Outside Employment Policy (PLACEHOLDER)
- Attendance Policy
- Alcohol and Controlled Substance Policy
- Professional Business Attire Policy
- Workplace Relationships Policy
- Employment of Relatives Policy
- Disciplinary Actions and Appeal Procedure

Code of Conduct Policy

Policy Statement

OCERS desires its employees to conduct themselves in a manner that promotes professionalism, efficiency, productivity, and cooperation among its employees.

Purpose

The purpose of this policy is to provide guidelines to employees for acceptable and lawful business practices, promote professionalism, and establish standards of conduct applicable to all OCERS' employees.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals employed by the following entities:~~ OCERS.

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. General Policy

- a. Individuals covered by this policy will provide coworkers, active and retired members, Plan Sponsors, and Board Members with the highest level of customer service.
- b. Individuals covered by this policy shall conduct OCERS business in compliance with any and all applicable state, federal and local laws, statutes, regulations and Board policies.
- c. Individuals covered by this policy have the duty to deal honestly, ethically, and respectfully with each other, the Board of Retirement, Plan Sponsors, active and retired members, vendors, visitors, and members of the public.
- d. Individuals covered by this policy will act in a manner consistent with all Personnel Policies that apply to them.
- e. Individuals covered by this policy will devote their full efforts and energies while performing their duties for OCERS.

2. Non-Retaliation

OCERS strictly prohibits retaliation against any employee for reporting or inquiring in good faith about what the employee believes to be wrongful or unlawful activity, or for participating in an investigation or proceeding related to such activity.

2.3. Violation of Policy

Any violation of this policy may result in discipline up to and including termination.

Conflicts of Interest Policy

Policy Statement

Avoiding Conflicts of Interest and the appearance of Conflicts of Interest is critical to OCERS' reputation. Individuals covered by this policy must avoid Conflicts of Interest, including the appearance of Conflicts of Interest, at all times.

Purpose

The purpose of this policy is to provide direction regarding actual, potential and apparent Conflicts of Interest.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities: OCERS and third party vendors.~~

- ~~1. OCERS;~~
- ~~2. County of Orange (County employees who work at OCERS); and~~
- ~~3. Third party vendors~~

Provisions

1. General Provisions

Individuals covered by this policy are expected to comply with all applicable laws, including those regarding government contracts, Conflicts of Interest, and disclosures of interest.

2. Prohibited Conduct

- a. OCERS strictly prohibits activities or relationships that create an actual, potential, or the appearance of a Conflict of Interest. Such activities or relationships include, but are not limited to:
 - i. The use of OCERS time, facilities, or equipment for private gain or advantage, or the personal gain or advantage of another;
 - ii. The use of prestige or influence of employment at OCERS for private gain or advantage, or the personal gain or advantage of another;
 - iii. The use of confidential information acquired by virtue of employment at OCERS for personal gain or advantage, or the personal gain or advantage of another;
 - iv. The acceptance of money (including gift cards, checks, and the like) or other consideration from any person or non-employing entity for the performance of an act which would be required or expected in the regular course of one's position at OCERS; and
 - v. The solicitation of future employment with an entity engaged in business with OCERS over which the employee has some control or influence in ~~her or her/his or~~ her official capacity at OCERS.

3. Outside Business Activities and Employment

Outside business activities and employment involve job duties or other actions that would constitute a violation of federal state or local laws or regulations.

Individuals covered by this policy shall not engage in outside business activities or employment, including self-employment or related activities, whether paid or unpaid, that are inconsistent, incompatible, or in conflict with the employee's duties to OCERS; or might imply that OCERS endorses the work performed.

4. Violation of Policy

Any violation of this policy may result in discipline up to and including termination.

Related Topics

OCERS Outside Employment Policy

Outside Employment Policy

Policy Statement

California law (Government Code section 1126) prohibits OCERS employees from engaging in any outside employment, activity or enterprise for compensation that is inconsistent, incompatible, in conflict with, or inimical to ~~her or her~~his or her duties as an employee of OCERS or with the duties, functions, or responsibilities of OCERS as an organization. The ~~is~~ purpose of this policy is to establish a procedure for OCERS employees to notify OCERS of outside employment, activities and enterprises so that OCERS can determine whether the outside employment, activity or enterprise is permissible, and if so, document OCERS' approval.

Purpose

The purpose of this policy is to:

1. Communicate the process for OCERS employees to report outside employment, activities and enterprises.
2. Establish a process for OCERS to determine whether an outside employment, activity or enterprise is consistent and compatible with the employee's duties as an employee of OCERS and with the duties, functions, or responsibilities of OCERS as an organization.
3. Ensure OCERS employees do not engage in outside employment, activities or enterprises for compensation that are inconsistent, incompatible, in conflict with, or inimical to ~~her or her~~his or her duties as an employee of OCERS or with the duties, functions, or responsibilities of OCERS as an organization.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to OCERS personnel who are employed by the following entities: OCERS.~~

~~1. OCERS~~

~~2. County of Orange (County employees who work at OCERS)~~

Policy Provisions

1. OCERS employees shall not engage in activities that are inconsistent with, incompatible to or in conflict with their duties as an employee of OCERS.
2. An employee's outside employment, activity or enterprise may be prohibited if it:
 - a. Involves the use for private gain or advantage of OCERS' time, facilities, equipment, or supplies, or use of the badge, prestige or influence of the employee's employment with OCERS;
 - b. Involves receipt or acceptance by the employee of any money or other benefit from anyone other than OCERS for the performance of an act which the employee would be required or expected to render in the regular course or hours of ~~her or her~~his or her employment with OCERS or as a part of ~~her or her~~his or her duties as an OCERS employee;
 - c. Involves the performance of an act in other than ~~her or her~~his or her capacity as an OCERS employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other OCERS employee or by OCERS; or

- d. Involves the time demands as would render performance of ~~her or her~~his or her duties to OCERS less efficient.
3. Prior to engaging in any outside employment, activity or enterprise for compensation, an employee must complete the Secondary Employment Reporting Form.
4. The following sets forth the steps in the approval process:
 - a. The Secondary Employment Reporting Form will be given to the employee's supervisor for review.
 - b. The supervisor will review the Secondary Employment Reporting Form for accuracy and completeness. If any discrepancies or conflict in information are found (i.e., employee work information, employee schedule, job duties, etc.), the supervisor will notate the discrepancy and give the report back to the employee for correction and resubmission.
 - c. The supervisor will review the Secondary Employment Reporting Form and determine whether each outside employment, activity and enterprise identified by the employee is compatible and consistent with, or creates a conflict or is inimical with, the employee's job duties.
 - d. Once the supervisor's review is complete, the Secondary Employment Reporting Form and the supervisor's findings will be submitted to Administrative Services for review and filing.
 - e. Administrative Services will review the Secondary Employment Reporting Form and independently determine whether each outside employment, activity and enterprise identified by the employee is compatible and consistent with, or creates a conflict or is inimical with, the employee's job duties.
 - i. If the reported employment, activity or enterprise is determined to not be inconsistent, incompatible or in conflict with the employee's job duties, Administrative Services will approve the request and notify the employee and supervisor of the approval. A copy of the completed Secondary Employment Reporting Form will be retained by Administrative Services.
 - ii. If the reported employment, activity or enterprise is determined to be inconsistent, incompatible or pose a conflict with the employee's duties, then the Director of Administrative Services will deny the request and document the reason(s) for denial. The Secondary Employment Reporting Form will be returned to the employee for review and additional action.
 - ii. If the employee accepts the denial, the employee must not engage in the outside employment, activity or enterprise and the employee, the supervisor and Administrative Services are notified of the denial and the process is complete. A copy of the completed form is provided to Administrative Services for filing.
 - iii. If the employee does not accept the denial, the employee can petition the CEO for review. Once the CEO has reviewed the appeal, the employee, supervisor and Administrative Services are notified of the final approval/denial, and the process is complete. A copy of the completed form is provided to Administrative Services for filing.
5. Administrative Services maintains all records submitted.

6. The Secondary Employment Reporting Form does not replace the Form 700 Statement of Economic Interests.

Related Topics

Conflicts of Interest Policy

Attendance Policy

Policy Statement

Attendance and punctuality are important to the efficient operation of the business of OCERS and are essential components to successful employee performance.

Purpose

The purpose of this policy is to set forth OCERS' expectations regarding attendance and punctuality.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to all personnel who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. Orange County (County employees who work at OCERS)~~

Provisions

1. Hours of Operation

OCERS' office is open five days per week, Monday through Friday with the exception of County holidays. OCERS regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m. and Friday from 8:00 a.m. to 4:30 p.m. Individual work hours are determined by each department manager and may include hours before or after OCERS business hours and weekends and holidays.

2. Attendance

Regular and reliable attendance is expected from all employees. Employees should be at their work station and /or conducting OCERS business by the start of each workday at the time designated by their supervisor. Excessive absenteeism or tardiness will not be tolerated.

3. Punctuality

- a. Employees with regularly scheduled work hours must be prepared to commence work at the start of their work day.
- b. Notice Required for Tardiness of 15 minutes or more
 - i. An employee who is unable to report to work within 15 minutes of the commencement of ~~her or her~~his or her regularly scheduled work time, who has not previously requested the use of Annual Leave or other time off from work, must promptly report the tardiness and an expected arrival time to ~~her or her~~his or her supervisor. The employee may report the tardy to ~~her or her~~his or her supervisor by phone, voicemail message, text message, and/or email, and must do so no later than the start of OCERS' regular business hours, unless it is impracticable to do so. It is the employee's responsibility to ensure that OCERS has been notified regarding ~~her or her~~his or her late arrival.
 - ii. Supervisors should document an employee's unscheduled tardiness and the reasons provided for each late arrival.

c. Excessive Tardiness

- i. Excessive tardiness exists when an employee has had more than three unexcused and unscheduled tardies in any thirty day period.
- ii. Excessive tardiness may result in discipline up to and including termination.

4. Unscheduled Absences

a. Notice of an Unscheduled Absence

- i. An employee who is unable to report to work should contact ~~her or her~~ his or her supervisor by phone, voicemail message, text message, and/or email, no later than the start of OCERS' regular business hours, unless it is impracticable to do so. It is the employee's responsibility to ensure that OCERS has been notified regarding ~~her or her~~ his or her absence.
- ii. An employee must provide the reason for ~~her or her~~ his or her absence and the expected duration of the absence to ~~her or her~~ his or her supervisor at the commencement of an absence.
- iii. An employee's supervisor may request that the employee provide satisfactory evidence of a reported illness, injury or medical condition.

b. Excessive Absenteeism

- i. An employee's absences may be considered excessive when the number of ~~her or her~~ his or her unscheduled and unapproved absences exceed twelve days in any twelve month period and/or three days in any thirty day period prior to an employee's most recent absence.
- ii. An employee's absences may be considered excessive when ~~her or her~~ his or her unapproved absences occur with a common pattern. Examples of such patterns include, but are not limited to:
 1. Unscheduled leave on days for which annual leave was requested and denied.
 2. Unscheduled leave on the days before or after scheduled annual leave.
 3. Unscheduled leave on the days before or after OCERS-recognized holidays.
 4. Repeated use of unscheduled leave due to illness in increments of one or two days.
 5. Frequent family or personal emergencies.
- iii. OCERS reserves the right to investigate patterns of absenteeism. The determination of whether a pattern exists is within OCERS' sole discretion.
- iv. Excessive absenteeism may result in discipline up to and including termination.

5. Job Abandonment

An employee who fails to provide notice of an absence and fails to report to work for three consecutive days will be considered to have abandoned ~~her or her~~ his or her job and to have

voluntarily resigned unless a reasonable excuse is offered and accepted by the Chief Executive Officer.

Related Topics

1. OCERS Annual Leave Policy
2. OCERS Extra Help Employee Sick Leave Policy
3. OCERS Family and Medical Leave Policy
4. OCERS Pregnancy Leave Policy
5. OCERS Workers' Compensation Leave Policy
6. OCERS Discipline Policy

Alcohol and Prohibited Drugs Policy

Policy Statement

To maintain a safe and healthy workplace, OCERS prohibits the use of or being under the influence of alcohol or Prohibited Drugs by all persons on OCERS property.

Purpose

The purpose of this policy is to articulate the position of OCERS with respect to the possession, use or influence of alcohol or Prohibited Drugs while on OCERS property.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to all applicants for employment at OCERS, Contract Workers, and individuals who are employed by any of the following: OCERS and third party vendors.~~

- ~~1. OCERS;~~
- ~~2. County of Orange (County employees who work at OCERS); and~~
- ~~3. Third party vendors~~

Provisions

1. The use of Alcohol or Prohibited Drugs on OCERS property at any time is prohibited.
2. Being Under the Influence of Alcohol or a Prohibited Drug while on OCERS property is prohibited.
3. The possession of Prohibited Drugs on OCERS property is prohibited.
4. The use of Alcohol or Prohibited Drugs, on or off OCERS property, in a manner that causes reputational risk to OCERS is prohibited.
5. Consequences of Violations of this Policy
 - a. Persons violating this Policy will be subject to disciplinary action up to and including termination of employment. The services of any third party vendor who violates this policy will be terminated in accordance with the provisions of OCERS' contract with the third party vendor.
 - b. The sale or possession (e.g., on the person or in a desk or vehicle) of Prohibited Drugs may also result in criminal prosecution; any such Prohibited Drugs found by OCERS will be provided to the appropriate law enforcement agency.
6. Drug and Alcohol Testing
 - a. An employee may be required by OCERS to submit to testing procedures designed to detect the presence of Prohibited Drugs and/or Alcohol when there is a reasonable suspicion that the employee is Under the Influence of Prohibited Drugs and/or Alcohol.
 - b. A supervisor may have a "reasonable suspicion" that an employee is Under the Influence based upon observation of conduct and/or events, including without limitation:
 - i. Acting in a manner that suggests that the employee is Under the Influence of Alcohol or Prohibited Drugs (e.g., illogical or slurred speech)

- ii. Sudden unexplained changes in behavior that adversely impact work performance.
 - iii. Discovery or presence of Prohibited Drugs or any open container of Alcohol in an employee's possession or near the employee's work space.
 - iv. Odor and/or residual odor associated with Alcohol or Prohibited Drugs.
 - v. Personality changes or disorientation.
 - c. When there is a reasonable suspicion that an employee is Under the Influence of Alcohol or Prohibited Drugs, the employee, at the sole discretion of OCERS, will be asked to provide breath, blood and/or urine specimens for testing by a third party laboratory as soon as practical.
 - i. The provision of a specimen is voluntary; however, if an employee refuses to submit to required testing, the refusal will be considered a significant factor in reaching a decision regarding disciplinary action, including termination.
- 7. OCERS and the County of Orange have established a voluntary Employee Assistance Program (EAP) to assist and support employees who voluntarily seek help before becoming subject to discipline or termination under this or other OCERS policies.

Professional Business Attire Policy

Policy Statement

OCERS' professional atmosphere is maintained, in part, by the image that employees present. Employees are expected to use their best judgment in determining their professional appearance and attire.

Purpose

The purpose of this policy is to set forth OCERS' standards for professional business attire in the workplace and outside OCERS' workplace while on OCERS business.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by~~

~~the following entities:~~ OCERS.

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. All persons covered by this policy are expected to present a professional, businesslike image.
2. All persons covered by this policy should use their best judgment in determining their attire and appearance. Persons covered by this policy are expected to be well groomed and clean.
3. These guidelines apply to all staff without regard to gender, gender identity, or gender expression. Exceptions to this policy will be made to accommodate religious dress pursuant to the Religious Accommodations Policy.
4. Questions about these guidelines should be directed to Administrative Services.

Workplace Relationships Policy

Policy Statement

To avoid the appearance of favoritism, possible claims of Sexual Harassment, or the creation of an uncomfortable work environment that may arise from personal relationships of a romantic or sexual nature in the workplace, all OCERS personnel must adhere to this policy governing Workplace Relationships.

Purpose

The purpose of this policy is to provide direction regarding personal relationships within the workplace to ensure a comfortable and Harassment-free environment for all OCERS personnel.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities:~~OCERS.

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Prohibited Workplace Relationships

- a. ~~Executives, directors, managers and supervisors~~OCERS employees are strictly prohibited from engaging in Workplace Relationships with employees who report directly or indirectly to them.
- b. Individuals covered by this policy are prohibited from engaging in Workplace Relationships when, in the sole opinion of OCERS, the relationship creates a potential conflict of interest, causes disruption, creates a negative or unprofessional work environment, or presents concerns regarding supervision, safety, judgment, security, or morale.

2. Violation of Policy

Any violation of this policy may result in discipline up to and including termination.

Employment of Relatives Policy

Purpose

To provide guidelines for employment of close relatives as situations involving relatives working at OCERS may result in morale problems, inappropriate supervision, conflict of interest, or public criticism. The intent is to avoid the opportunity for an employee to use personal influence to aid or hinder another in the employment setting or situation.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities:~~[OCERS.](#)

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. General

No person may be appointed, promoted, reduced, transferred or reassigned to a position in which that person will be in the direct line of supervision of a close relative; nor shall close relatives have the same immediate supervisor. "Supervision" includes the assignment of work, evaluation of performance and setting or influencing the pay or granting of benefits to the other.

2. Disclosure

- a. All applicants for employment, promotion, reduction, transfer or reassignment to a position in an agency/department shall be required to disclose the name(s) and position title(s) of any close relative currently employed in that agency/department prior to appointment, promotion, reduction, transfer or reassignment. An employee who becomes a "close relative" by marriage subsequent to appointment shall disclose the new relationship(s) to ~~her or her~~[his or her](#) supervisor.
- b. The Director of Administrative Services shall provide appropriate forms and procedures for the disclosure process.

3. Exemptions

OCERS' CEO may grant exemptions required for the effective and efficient operation of the agency/department. OCERS' CEO shall develop appropriate procedures to ensure the objective review of requests for exemption.

Procedure for Exemption from Policy

1. The hiring supervisor shall request authority for an exemption from policy from the OCERS' CEO prior to appointing, promoting, reducing, transferring or reassigning a close relative of an employee if such action will result in a violation of policy above.
2. The written request for exemption from policy shall include:
 - a. Names of prospective employee and known close relative employee(s) and relationship(s).

- b. Titles and summary of duties, and work relationship of affected positions.
 - c. Qualifications of applicant indicating why the selected applicant is the best qualified or better qualified than other candidates.
 - d. Justification for exemption, indicating why it is necessary for the effective and efficient operation of the agency/department and including a statement of why supervisor believes problems will not result.
3. OCERS' CEO will approve or disapprove supervisor's recommendation and notify the Director of Administrative Services of specific reasons for decision. Upon request, the Director of Administrative Services will review and provide comments to OCERS' CEO. The Director of Administrative Services shall maintain a listing of exemptions granted after the effective date of this policy.

Violation of Policy

Any violation of this policy may result in discipline up to and including termination.

Disciplinary Actions and Appeals Procedure Policy

Policy Statement

Employees are required to abide by applicable federal, state, and local laws and regulations and to comply with the policies and procedures of OCERS. If an employee fails to comply with any of these, or engages in misconduct or poor performance, the employee may be subject to disciplinary action, up to and including termination.

Purpose

The purpose of this policy is to set forth the disciplinary actions available to OCERS for employee violations of the law or OCERS' policies, and for employee misconduct or poor performance. This policy also sets forth the appeal procedures available to employees who desire to contest employment actions taken by OCERS.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to all OCERS personnel who are employed by OCERS.~~

Provisions

1. Disciplinary Actions

- a. An employee who fails to comply with applicable legal/regulatory requirements or OCERS policies and procedures, engages in misconduct (including insubordination, inappropriate conduct, or disruptive behavior), and/or performs the duties of ~~her or her~~his or her position in an unsatisfactory manner may be subject to discipline up to and including termination.
- b. Disciplinary actions may include, but are not limited to:
 - i. Oral counseling and/or warning;
 - ii. Written warning;
 - iii. Final written warning; and
 - iv. Termination.
- c. The above disciplinary actions serve as general guidelines; they are not mandatory and do not have to be issued in any particular order. Disciplinary actions are not required to be progressive in nature, and will be issued at the discretion of an employee's supervisor in consultation with Administrative Services.
- d. There are instances where conduct and/or performance is of such an egregious or serious nature that immediate termination, without prior warning, may be the appropriate course of action.
- e. Factors that may be considered in determining the level of disciplinary action include, but are not limited to:
 - i. The severity of the violation;

- ii. The number of violations;
 - iii. Whether the violation was part of a pattern or practice of improper behavior;
 - iv. The individual's past history of non-compliance or discipline;
 - v. Whether the employee knew or should have known the rules, regulation or policy at issue;
 - vi. Length of employment with OCERS;
 - vii. Whether the violation was intentional or negligent;
 - viii. Whether the action was committed for personal gain.
- f. The level of disciplinary action will be determined by management in consultation with Administrative Services after review of the circumstances and a determination of which laws, policies, performance standards, and/or practices were violated.
 - g. When disciplinary action is taken, it will be documented to indicate the conduct that resulted in the discipline and what specific disciplinary action was taken.
 - h. Employees who report compliance or ethics concerns in good faith will not be subject to disciplinary action for doing so.

2. Employment Commencing After ~~January 1, 2018~~ July 1, 2019

- a. For employees who commenced their employment after ~~January 1, 2018~~ July 1, 2019, employment with OCERS will be At-Will, that is the mutual consent of OCERS and the employee. Employment may be terminated at any time, with or without cause, with or without prior warning, by OCERS or an employee.
- b. OCERS reserves the right to immediately terminate an At-Will employee, at any time, with or without cause. The use of disciplinary actions prior to termination will not alter OCERS' right to terminate At-Will employees at any time, with or without cause.

3. Employment Commencing Before ~~January 1, 2018~~ July 1, 2019

- a. Termination for Cause Only
 - i. Employees who commenced their employment before ~~January 1, 2018~~ July 1, 2019 discipline, up to and including terminated shall be for cause.
 - ii. For purposes of this policy, cause means:
 - 1. a violation of an OCERS policy or procedure, including, but not limited to, policies concerning attendance, conflicts of interests, ~~d~~Discrimination and Harassment, social media, and use of electronic resources;
 - 2. insubordination, inappropriate conduct, or disruptive behavior;
 - 3. failure to satisfactorily perform the duties of one's position;
 - 4. an act of fraud, embezzlement, theft or any other material violation of law committed in one's capacity as an OCERS employee;
 - 5. intentional or reckless disclosure of confidential information;

6. job abandonment, including an unauthorized absence from work for more than three (3) consecutive work days, or failing to return to work after the completion of an authorized absence;
7. failure to provide requested medical documentation supporting a leave of absence, or failure to return to work following an approved leave of absence.

b. Appeal Procedure

- i. An employee who wishes to contest a personnel action taken against oneself, may do so in accordance with this appeal procedure.
- ii. Specifically excluded from the scope of appeals are:
 1. Subjects involving an action by the Board of Retirement, administrative orders or policies, legislative mandates, or selection/appointment decisions and procedures which do not incorporate the provisions of these policies and regulations.
 2. matters that the employee has other means of appeal including, but not limited to, matters which may be appealed through the Workers' Compensation Appeals Board;
 3. Position classification;
- iii. The appeal procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter unless waived by mutual consent or as otherwise provided herein.

Step 1: Immediate Supervisor

An employee may submit an appeal to ~~her or her~~his or her immediate supervisor within fourteen (14) calendar days from the occurrence that gives rise to the personal action. Such submission shall be in writing and shall state the nature of the appeal and the suggested solution. Upon receipt of the written appeal, the immediate supervisor and/or such other representative(s) as may be designated by OCERS shall meet with the employee to discuss the appeal. Thereafter, the immediate supervisor and/or the OCERS designee shall inform the employee of OCERS' determination regarding the appeal.

Step 2: Senior Executive Level

If the employee is unsatisfied by the determination issued at Step 1, ~~he or she~~he/she may present the appeal to the respective Senior Executive and/or such other representative(s) as may be designated by OCERS within seven (7) calendar days after receipt of the Step 1 determination. Upon receipt of the written appeal, the respective Senior Executive and/or the OCERS designee shall meet with the employee to discuss the appeal. Thereafter, the respective Senior Executive and/or the OCERS designee shall inform the employee of ~~her or her~~his or her determination regarding the appeal.

Step 3: Chief Executive Officer

If the employee is unsatisfied by the determination issued at Step 2, ~~he or she~~he/she may present the appeal to the Chief Executive Officer within seven (7) calendar days after receipt of Step 2 determination. The Chief Executive Officer (CEO) shall meet with the employee to discuss the appeal. Thereafter, the CEO shall inform the employee of ~~her or her~~his or her determination regarding the appeal. The CEO shall have the right to uphold, modify, or reject any personnel action. The determination of the CEO shall be final, except in the cases of terminations and as specified in Step 4 below.

Step 4: The Board of Retirement

If the employee is unsatisfied by the determination issued at Step 3 concerning a termination, ~~he or she~~he/she may present the appeal to the Board of Retirement within seven (7) calendar days after receipt of Step 3 determination. OCERS will then place the employee's appeal on the Board's agenda after which the Board will have the unlimited right to uphold, modify, or reject any personnel action. The determination of the Board shall be final.

Each of the above-referenced steps may involve the review of documentation provided by the employee and ~~her or her~~his or her supervisor and interviews of the supervisor and other OCERS personnel.

Chapter 4

Professional Development Policies

This chapter contains the following policies related to general personnel policies:

- Performance Evaluation Policy
- Educational and Professional Reimbursement Policy

Performance Evaluation Policy

Policy Statement

OCERS employees will receive an annual evaluation of their job performance.

Purpose

The performance evaluation provides a means for discussing, planning and reviewing the performance of each employee, and performance goals for the future year.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

~~For County of Orange employees, OCERS will follow the performance evaluation process outlined in their applicable MOUs and PIP (Performance Incentive Program) for County of Orange Employees.~~

Provisions

OCERS shall maintain a system of employee performance ratings designed to give a fair evaluation of the quality and quantity of work performed by an employee. Such rating shall be prepared and recorded in the employee's personnel file for all regular and part-time employees at least once each year.

OCERS shall discuss with the employee the specific ratings prior to such ratings being made part of the employee's personnel file.

An employee has the right to submit written objections about ~~her or her~~his or her performance, and may have such objections documented in ~~her or her~~his or her personnel file.

When a performance evaluation is recorded in the personnel file of an employee, a copy of such evaluation, together with any related attachments shall be given to the employee.

Education and Professional Reimbursement Policy

Policy Statement

OCERS supports the continued professional development of its employees by offering the Educational and Professional Reimbursement Program.

Purpose

The Educational and Professional Reimbursement Program is designed to reimburse eligible employees for qualifying educational costs. OCERS encourages employees to continue their professional development by taking advantage of a variety of educational opportunities available to them.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. General Provisions

Educational opportunities will be eligible for reimbursement if they must have a reasonable potential for contributing to the achievement of OCERS' business objectives, and meet one or more of the following criteria:

- a. Relate to the work of the employee's position or occupation at OCERS;
- b. Prepare the employee to transition to an alternate OCERS/~~COUNTY OF ORANGE~~ position or occupation; or
- c. Prepare the employee for advancement to positions of greater responsibility at OCERS/~~COUNTY OF ORANGE~~.

2. Eligible Employees

All full time regular, part time, regular and probationary employees with a performance rating in ~~her or her~~his or her job of "meets expectations" or above are eligible for reimbursement.

3. Reimbursement Eligibility

- a. The following types of educational courses are eligible for reimbursement:
 - i. Courses related to obtaining a degree (AA, BA, BS, Masters, Ph.D);
 - ii. Accredited certificate programs;
 - iii. Vocational skills programs;
 - iv. Courses related to obtaining or maintaining a business-related certification, license, or accreditation;
 - v. Courses that prepare one to take a test to obtain business-related certifications, licenses, or accreditation;

- vi. Professional conferences, conventions, and seminars that are related to business objectives;
 - vii. Fees related to obtaining and/or renewing a license, including special driver's licenses;
 - viii. Fees related to certifications or accreditations;
 - ix. Fees related to taking professional examinations; and,
 - x. Professional association membership fees.
- b. In general, courses taken through the program must be taken on the employee's time. At the discretion of the department head, a course may be taken on OCERS' time when the course specifically meets a business need and is not available during the employee's non-work hours.

4. Reimbursement Non-Eligibility

The following types of educational courses are not eligible for reimbursement:

- a. Courses taken to bring unsatisfactory performance up to an acceptable level;
- b. Courses taken to acquire skills or knowledge which were a minimum qualification for the employees' position.
- c. Courses that duplicate courses available for in-service training; and,
- d. Courses which are duplicative of training that the employee has already taken.

5. Nature of Reimbursement

- a. An employee may be reimbursed for required fees and costs related directly to the approved educational or professional course or program. This may include, but is not limited to, registration fees, books, class materials, lab fees, testing fees, parking, processing fees, etc.
- b. Expenses for travel, meals, and lodging are not reimbursable; however, the department head may authorize payment for these items when it meets the department's business needs and is budgeted in the department's travel expense budget.
- c. For degree programs, reimbursement shall be made to the employee upon completion of the course with a minimum final grade of a "C" or its equivalent in an undergraduate course, and a "B" or its equivalent in a graduate level course.
- d. Reimbursement for non-graded courses shall be made upon completion of an approved course and proof of payment.
- e. Tuition and fees may be reimbursed up to three times for a failed test required to achieve a certification.
- f. If an employee is receiving reimbursement from another source that covers a portion of the cost, OCERS will only pay the remaining amount after other reimbursements are exhausted.
- g. The maximum reimbursement that may be received by eligible employees in one (1) fiscal year shall be \$3,000.

6. Request Procedure

- a. The employee shall apply for approval for reimbursement through normal supervisory channels on forms provided by Administrative Services.
- b. Approval must be granted **prior** to the employee registering and paying for the course.
- c. The employee's department head shall either approve or deny the application based on the criteria set forth in this policy.
- d. Upon completion of an approved course, or payment of fees for approved memberships, licenses, certifications, or accreditations, the employee shall furnish proof of payment and proof of grade (where applicable) to the department head.
- e. Upon proof of satisfactory grade and/or payment of fees, final approval for the reimbursement will be given by the department head.

Leave and Workplace Accommodation

This chapter contains the following policies related to different types of leave situations, from annual leave to workers' compensation:

- Interactive Process and Accommodations Policy
- Family and Medical Leave of Absence Policy
- Pregnancy Disability Leave Policy
- Lactation Policy
- Leave of Absence with Pay Policy
- Authorized Unpaid Leaves of Absence Policy
- Military Related Leaves of Absence Policy
- Military Family Leave Policy
- Catastrophic Leave Donation Policy
- Bereavement Leave Policy
- Voting, Jury and Witness Duty Policy
- Extra Help Sick Leave Policy

Interactive Process and Accommodations Policy

OCERS is committed to principles of equal employment opportunity for all employees.

Purpose

The purpose of the policy is to comply with state and federal law and to enable qualified individuals with disabilities to perform the essential functions of their jobs and to enjoy equal employment opportunities.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Eligibility

Any qualified individual with a physical disability, mental disability or medical condition that limits a major life activity, including ~~hise~~ or her ability to work, is eligible for Reasonable Accommodations from OCERS to enable him or her to perform the Essential Job Functions.

2. Accommodation Request

- a. An employee may make a request for an accommodation or a family member, friend, health professional, or other representative may make a request on behalf of an employee. The request does not have to be made in writing and there are no specific words required to request an accommodation.
- b. Employees or their representatives are encouraged to make requests for Reasonable Accommodations directly to Administrative Services. Employees may also make a request for accommodations to ~~hise~~ or her supervisor who must immediately relay the request to Administrative Services.
- c. Administrative Services will consider each request for Reasonable Accommodation and determine: (1) whether the accommodation is needed, (2) if needed, whether the accommodation would be effective, and (3) if effective, whether providing the Reasonable Accommodation would impose an undue hardship to OCERS.

3. Accommodations Absent a Request

- a. When OCERS is put on notice that an employee cannot perform ~~hise~~ or her job duties due to a physical disability, mental disability, or medical condition, OCERS must engage an employee in the Interactive Process (see below), even when that employee has not made a request for an accommodation. OCERS can be put on notice that an employee may require an accommodation by a third party, by observation, or when a disabled employee has exhausted ~~her or her~~ ~~his or her~~ protected leave (see OCERS Family and Medical Leave Policy) and ~~hise~~ or her health care provider indicates the need for continued leave or other accommodations.

4. Interactive Process

- a. Upon an employee's request for an accommodation or acceptance of OCERS' offer to consider an accommodation, Administrative Services, with input from the employee's supervisor when appropriate, and County Human Resources where applicable, will initiate a dialogue with the employee to determine what accommodations are available to the employee. This dialogue may include:
 - i. A review of the employee's work limitations or restrictions that require accommodation;
 - ii. A review of the employee's Essential Job Functions;
 - iii. The identification of accommodations requested by the employee; and,
 - iv. The identification of potential accommodations available to OCERS and an assessment of the effectiveness that each would have in enabling the employee to perform the Essential Job Functions.
- b. OCERS will not ask an employee or ~~h_is_er~~ or her health care provider to reveal the diagnosis or underlying medical condition that requires an accommodation.
- c. An employee must cooperate with OCERS in the Interactive Process. Cooperation includes providing documentation regarding work restrictions or limitations, communicating with OCERS, and exchanging essential information without delay or obstruction of the process.
- d. An employee may refuse the offer of an accommodation that the employee deems unnecessary or not needed. However, the employee may not be qualified to remain in the job if he/she needs a Reasonable Accommodation to perform an essential function and refuses to accept a Reasonable Accommodation. Further, the rejection of a Reasonable Accommodation may terminate OCERS' obligation to engage further in the Interactive Process under certain circumstances.
- e. Administrative Services may require an employee to provide reasonable medical documentation of the need for accommodation. However, any genetic information is to be excluded when responding to requests for medical information, in accordance with the Genetic Information Non-Discrimination Act of 2008 (GINA).
- f. Upon identifying possible accommodations, Administrative Services may grant the employee's requested accommodation, or reject it after due consideration and initiate discussion with the employee regarding alternative accommodations.
- g. The Interactive Process will be documented.

5. Accommodation Request Grant

- a. While OCERS will consider an employee's preference for accommodation, OCERS has the right to implement an accommodation that is effective to assist the employee to perform ~~h_is_er~~ or her Essential Job Functions. OCERS has the ultimate discretion to choose between effective accommodations, and may choose the less expensive accommodation or the accommodation that is more feasible for it to provide.
- b. OCERS will not disclose to other employees that a disabled employee is receiving a Reasonable Accommodation unless a disclosure is necessary to effectuate the accommodation.

- c. For Reasonable Accommodations that extend beyond one year or beyond the date set forth in medical documentation submitted by an employee, OCERS may ask for medical documentation substantiating the need for continued accommodation on a yearly basis.
- d. If a granted accommodation is not effective, OCERS will resume the Interactive Process to attempt to identify other more effective accommodations.

6. Accommodation Request Denial

- a. The law does not require OCERS to provide any and every accommodation requested by an employee. OCERS is required to provide only those accommodations that would allow an employee to perform the Essential Job Functions of ~~his~~ or her position and/or to enjoy equal employment opportunity. Accommodations that would impose an undue hardship on OCERS' operations are not required.
- b. If OCERS denies an employee's requested accommodation, it will continue the Interactive Process to attempt to identify other possible accommodations.

7. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the Rehabilitation Act of 1973, the Americans with Disabilities Act ("ADA"), and the Fair Employment and Housing Act ("FEHA"). An employer is prohibited from discriminating or retaliating against an employee for requesting, accepting, or rejecting an accommodation.
- b. An employee may file a complaint with the U.S. Equal Opportunity Commission or the California Department of Fair Employment and Housing, or may bring a private lawsuit against an employer for failure to comply with the Rehabilitation Act, the ADA, or the FEHA.
- c. For questions about the exercise of rights pursuant to the Rehabilitation Act, the ADA, or the FEHA, contacts Administrative Services.

Related Topics

1. The Rehabilitation Act
2. The Americans with Disabilities Act
3. Fair Employment and Housing Act

Family and Medical Leave of Absence Policy

Policy Statement

OCERS provides eligible employees leave under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). OCERS intends to administer this policy in accordance with all applicable state and federal law, as amended.

Purpose

The purpose of this policy is to provide leave to employees in compliance with FMLA and CFRA, and to inform employees and managers of their responsibilities in requesting or providing such leaves.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to all personnel who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. Orange County (County employees who work at OCERS)~~

Provisions

1. Eligibility

- a. An employee is eligible for leave under the FMLA and CFRA if he/she:
 - i. Has been employed by OCERS for at least twelve months; and
 - ii. Has worked at least 1,250 hours during the 12-month period immediately preceding commencement of the leave.

2. Leave Entitlement

- a. FMLA: An employee is entitled to a leave of absence under the FMLA because of:
 - i. The employee's own serious health condition;
 - ii. The care of a child, spouse, or parent with a serious health condition;
 - iii. The birth of a child and to care for the child within the first year of birth; or
 - iv. The care of an adopted or foster child within the first year of placement with the employee.
- b. CFRA: An employee is entitled to a leave of absence under the CFRA for all of the reasons listed above for entitlement to FMLA leave. Unlike the FMLA leave, an employee is not entitled to leave due to pregnancy disability under the CFRA. (see OCERS Human Resources Policy: Pregnancy and Pregnancy Disability Leave). If an employee takes FMLA for pregnancy disability, the employee may still be eligible for an additional 12 weeks of leave under CFRA for other family and medical leave purposes. CFRA also provides an eligible employee with up to 12 weeks of leave to care for a domestic partner with a serious health condition.

3. Notice of Need for Leave

- a. Employee's Obligations: In order to obtain FMLA or CFRA leave, an employee must inform OCERS of ~~his~~ or her need for leave verbally or in writing. For all FMLA or CFRA leaves other than Military Exigency Leave (see OCERS Administrative Services Policy: Military Family Leave), an employee must give OCERS 30 calendar days' notice of ~~his~~ or her need for leave if that employee knows of the leave in advance. If an employee does not have advance notice of the need for FMLA or CFRA leave, that employee must provide OCERS with ~~her or her~~ his or her need for leave as soon as practicable. Failure to comply with this provision may result in FMLA or CFRA leave being denied or delayed. However, if the need for leave results from an emergency or is otherwise unforeseeable, the leave will not be denied simply because an employee fails to provide advance notice.
- b. OCERS Obligations: Any OCERS manager or supervisor who receives notice that an employee may need time off for a FMLA or CFRA qualifying reason must immediately notify Administrative Services. Administrative Services will provide the employee with information about ~~her or her~~ his or her rights under FMLA or CFRA and will determine whether the employee is eligible for FMLA or CFRA leave.

4. Leave Designation

- a. Upon an employee's request for FMLA or CFRA leave, Administrative Services will inform the employee within five (5) business days whether he/she is entitled to FMLA or CFRA leave. If Administrative Services determines that the employee is not eligible for FMLA or CFRA leave, the employee will be informed of the reasons for ineligibility, including any additional information required from the employee.
- b. OCERS is responsible for designating time off work, paid or unpaid, as FMLA, CFRA, both FMLA/CFRA leave. OCERS will give the employee notice of said designation. OCERS may conditionally designate time off work as FMLA, CFRA or both FMLA/CFRA leave pending receipt of appropriate medical certification and eligibility determination.
- c. If OCERS learns that an employee's absence was for a FMLA or CFRA leave-qualifying purpose after the absence has begun, OCERS may, in its discretion, retroactively designate the entire absence or some portion of the time off work as FMLA, CFRA, or both FMLA/CFRA leave, to the extent that the period qualified as FMLA, CFRA, or both FMLA/CFRA leave, and as long as a late designation did not cause an employee to take leave he/she would not have taken if he/she had known the leave would be counted against ~~her or her~~ his or her FMLA/CFRA entitlement.
- d. An eligible employee who takes a leave for a FMLA or CFRA leave-qualifying reason cannot avoid having the time counted against ~~her or her~~ his or her FMLA or CFRA entitlement by stating he/she does not want it considered as FMLA or CFRA leave.

5. Medical Certification

- a. OCERS may conditionally designate a leave for purposes of personal or family illness while notifying the employee that final FMLA/CFRA leave designation depends on the employee's timely submission of a satisfactory medical certification.
- b. An employee must obtain the treating Health Care Provider's medical certification and submit it to OCERS within 15 calendar days of OCERS's request for the medical certification, unless there are extenuating circumstances that make this impracticable despite the employee's diligent, good faith efforts or OCERS provides additional time.

Untimely submission of medical certification may result in denial of FMLA/CFRA protection for the employee's absence, making the absence subject to OCERS' Attendance Policy.

- c. An employee must provide a complete and sufficient medical certification to OCERS. If the employee does not, OCERS will provide the employee with seven (7) calendar days to cure the deficiency. If an employee fails to provide appropriate medical certification within the time limits, OCERS may deny FMLA/CFRA protection for the employee's absence and may impose penalties pursuant to the Attendance Policy or deny the employee reinstatement to work.
- d. For FMLA/CFRA, OCERS requires that the employee provide the following documentation:
 - i. Medical certification from the treating Health Care Provider that the employee (1) needs a period of leave because of a serious health condition affecting the employee or ~~her or her~~his or her child, parent, spouse, or domestic partner; (2) needs Intermittent Leave for the serious health condition of the employee or ~~hise~~r or her child, parent, spouse, or domestic partner; or (3) needs a reduced work schedule for the employee's own serious health condition.
 - ii. Recertification by the treating Health Care Provider may be required every thirty (30) calendar days in connection with an employee's absence, unless the following apply:
 - 1. If the medical certification indicates that the minimum duration of the condition is more than 30 calendar days, OCERS may request recertification when that minimum duration has occurred;
 - 2. OCERS may request recertification in less than 30 calendar days if the employee requests an extension of leave; there has been a significant change in circumstances, such as the duration or frequency of the absences or the severity of the condition; or OCERS receives information that casts doubt on the employee's stated reason for the absence.
 - iii. The employee may be required, at OCERS's expense, to obtain the opinion of a second and third Health Care Provider supporting the need for FMLA/CFRA leave due to a serious health condition affecting the employee.
- e. The Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits OCERS from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by this law (e.g., to certify the need for leave for family member's serious health condition). To comply with this GINA, OCERS asks that you and your Health Care Provider not provide any genetic information when responding to a request for medical information or a certification. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

6. Family Leave for Newborn or Newly Adopted Child

- a. FMLA/CFRA leave for the care of a newborn, or a newly placed adopted or foster child, must conclude within one year of the birth or placement. FMLA/CFRA leave for placement of an adopted or foster child may commence prior to the placement if the absence from work is required for the placement to proceed.

7. Length of Leave

- a. An employee may take up to 12 workweeks of FMLA/CFRA leave within a 12-month period. For all FMLA/CFRA leave other than military caregiver leave (See OCERS Military Family Leave Policy), OCERS calculates FMLA/CFRA leave using a 12-month rolling period which is measured backward from the date an employee uses FMLA/CFRA leave. Each time an employee takes FMLA/CFRA leave, the remaining leave entitlement is the balance of the 12 workweeks which the employee has not used during the immediately preceding 12 months.
- b. If an employee needs to extend his or her leave and her initial FMLA/CFRA leave was less than 12 weeks he/she must request an extension for FMLA/CFRA leave. The employee must notify OCERS as soon as he/she has knowledge of the need but not later than two business days before the anticipated return to work date, where the need for an extension is foreseeable. For extension of FMLA/CFRA leave relating to a serious health condition, employees must provide a Health Care Provider's recertification within 15 calendar days of OCERS' request, if practicable.
- c. If an employee has taken the entire 12 weeks FMLA/CFRA leave permitted under the law, and he/she still needs additional leave, he/she can request additional leave under the Authorized Unpaid Leaves of Absence Policy. The employee must notify OCERS as soon as he/she has knowledge of the need but not later than two business days before the anticipated return to work date, where the need for an extension is foreseeable. For extensions relating to a serious health condition, employees must provide a Health Care Provider's recertification within 15 calendar days of OCERS' request, if practicable.
- d. Upon expiration of the time needed for FMLA/CFRA leave set forth in any medical certification document and in the absence of recertification, the leave will automatically terminate and the employee will be expected to return to work, unless OCERS has approved additional non-FMLA/CFRA leave. If an employee fails to return to work within three days after the approved FMLA/CFRA leave or other approved leave expires, the employee may be subject to the penalties imposed by OCERS' Attendance Policy up to and including termination.
- e. OCERS may require an employee on leave to report periodically on the employee's status and intent to return to work.

8. Intermittent Leave or Reduced Work Schedule

- a. Intermittent Leave or a reduced work schedule may be approved with medical certification for an employee's serious health condition or for the employee to care for a child, parent, spouse, or domestic partner (under the CFRA only) with a serious health condition.
- b. For Intermittent Leave or leave on a reduced work schedule, there must be a medical need for leave and it must be that such medical need can be best met through an intermittent or reduced leave schedule. OCERS may request that the treating Health Care

Provider verify that an employee's pattern of absences is consistent with the need for the Intermittent Leave.

- c. When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken is counted toward the 12 weeks of leave to which an employee is entitled.
- d. An Exempt Employee on FMLA/CFRA leave with medical certification stating that he/she will need to work reduced hours may have ~~her or her~~ his or her salary reduced proportionately for the hours not worked. Employees may substitute accrued annual leave to avoid the loss of pay.
- e. Under CFRA, an employee who wishes to take Intermittent Leave to care for and bond with a child within one year of the birth or placement of the child must take the leave in increments of two weeks or more at a time, with the exception that leaves of less than two weeks can be taken twice during the year.

9. Compensation and Benefits Continuation during FMLA/CFRA Leave

- a. An employee is required to use ~~her or her~~ his or her accrued Annual Leave and where applicable, vacation and sick leave during FMLA/CFRA leave.
- b. OCERS will maintain health care benefits while an employee is on FMLA/CFRA leave, whether it is paid or unpaid, for a maximum of 12 workweeks in a 12-month period. Health care benefits coverage may be extended because the employee is also entitled to additional leave under the Pregnancy Disability Leave Law (See OCERS Pregnancy and Pregnancy Disability Leave Policy), or other OCERS-approved leaves.

10. Continuation of Health Coverage (COBRA)

- a. If an employee exhausts all eligibility for continuation of OCERS-paid health care benefits, the employee may extend those benefits at ~~his or~~ her own expense through COBRA.

11. Coordination with Other Leaves

- a. FMLA and CFRA leave will run concurrently with all other paid and unpaid family and medical-related leaves when determining the maximum duration of the leaves. However, CFRA leave does not run concurrently with an FMLA Pregnancy Disability Leave (See Pregnancy and Pregnancy Disability Leave Policy).
- b. CFRA leave to care for a domestic partner with a serious health condition does not count as FMLA leave.
- c. FMLA and CFRA leaves run concurrently with occupational leaves of absence when an employee has a serious health condition that meets the requirements for an Occupational Medical Leave (See Occupational Medical Leave Policy).
- d. FMLA and CFRA leave runs concurrently with Kin Care under the California Employment Sick Leave Act when it is for an FMLA and CFRA-qualifying reason.

12. Return from Leave and Reinstatement

- a. OCERS encourages employees returning from leave to provide ~~his or~~ her or her manager with at least 14 calendar days' advance notice of the date on which he/she intends to return to work. OCERS requires reasonable notice, which is typically at least two business days, if there is a change in the date on which the employee will be ready and able to return to

work. If the employee provides less than 14 calendar days' advance notice of the intended date of return to work, OCERS may delay the date on which it reinstates the employee in order to allow two additional business days in which to make arrangements, such as scheduling adjustments for the employee's return to work.

- b. When FMLA or CFRA leave is taken for an employee's own serious health condition and the leave extends for a period of 14 days or more, the employee will be required to submit medical certification from ~~his~~ or her Health Care Provider at or before the date of return to work indicating that the employee is fit to return to work either with or without work restrictions. Delay in providing a certification may result in OCERS delaying the employee's return to work until such time as the certificate is obtained. If the employee fails or refuses to provide a return to work certification, OCERS may deny reinstatement and terminate ~~her or her~~his or her employment.
- c. If an employee has complied with ~~his~~ or her obligations under this policy, OCERS will reinstate the employee to ~~her or her~~his or her former position, if the position is available. If the former position is not available, the employee will be reinstated to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position will involve the same or substantially the same duties, responsibilities, and authority, and will entail substantially the same skills and efforts. OCERS may not reinstate an employee to ~~his~~ or her former position or an equivalent position if OCERS' business conditions resulted in the elimination of the employee's former position during the leave or the employee would not otherwise have continued to be employed had he/she continued in active employment.
- d. An employee's use of FMLA/CFRA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before commencing FMLA or CFRA leave.
- e. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA/CFRA leave period.
- f. A Key Employee who takes a Family Medical Leave of Absence may be denied reinstatement if this would cause substantial and grievous economic injury to OCERS' operations.

13. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993 and applicable California leave laws. An employer is prohibited from interfering with an eligible employee's right to take either an FMLA or CFRA leave or discriminating or retaliating against an employee for taking such a leave or for involvement in any proceeding under or relating to the FMLA or CFRA.
- b. An employee may file a complaint with the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, or may bring a private lawsuit against an employer for failure to comply with the FMLA or CFRA.
- c. For questions about the exercise of FMLA or CFRA rights, contact Administrative Services.

Related Topics

1. OCERS Pregnancy and Pregnancy Disability Leave Policy
2. OCERS Attendance Policy
3. OCERS Military-Related Leaves of Absence Policy
4. OCERS Workplace Injuries and Workers' Compensation

Pregnancy Disability Leave Policy

Policy Statement

OCERS provides eligible employees pregnancy disability leave under the Family Medical Leave Act (FMLA), the Fair Employment and Housing Act (FEHA), and the California Pregnancy Disability Leave Regulations (PDL). OCERS intends to administer this policy in accordance with all applicable state and federal law.

Purpose

The purpose of this policy is to provide pregnancy disability leave to employees in compliance with the FMLA, the FEHA, the PDL, and to inform employees and managers of their responsibilities in requesting or providing such leaves.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by [OCERS](#).~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County Employees who work at OCERS)~~

Provisions

1. Eligibility

- a. FMLA: An employee is eligible for leave under the FMLA if the employee:
 - i. Has been employed by OCERS for at least twelve months; and
 - ii. Has worked at least 1250 hours during the 12-month period immediately preceding commencement of the leave
- b. PDL: An employee is eligible for pregnancy disability leave upon the commencement of employment.

2. Leave Entitlement

- a. FMLA: An employee who is Disabled by Pregnancy, childbirth or related medical condition may take up to 12 workweeks of leave during a 12-month period.
- b. PDL:
 - i. An employee who is Disabled by Pregnancy, childbirth or related medical condition is entitled to up to four months (17-1/3 weeks) of leave under PDL. Up to twelve (12) workweeks of this time is concurrently counted as leave under FMLA but is not counted as leave under California Family Rights Act (CFRA) (See OCERS Family and Medical Leave Policy). An employee who has taken PDL is entitled to an additional twelve (12) workweeks under CFRA for other family and medical leave purposes such as taking care of the newborn child within the first year of birth.
 - ii. An employee affected by pregnancy or a related medical condition is eligible to transfer to a less strenuous position (if one is available) or to be given a

reasonable accommodation, if such a transfer or accommodation is based on the advice of the Health Care Provider.

3. Notice of Need for Leave

- a. Employee's Obligations:
 - i. An employee must provide OCERS with at least 30 calendar days' advance notice of the date on which a PDL leave, transfer, or reasonable accommodation will begin. If an employee does not have advance notice, that employee must notify OCERS of the need for leave as soon as practicable. Failure to comply with this provision may result in the delay of a leave, an accommodation, or a transfer but under no circumstances shall it result in the delay of such a request if doing so would endanger an employee's health or pregnancy. In addition, if the need for leave, transfer or an accommodation results from an emergency or is otherwise unforeseeable, the leave, transfer or accommodation will not be denied simply because an employee failed to provide advance notice.
- b. OCERS Obligations: Any OCERS manager or supervisor who receives notice that an employee may need time off for a PDL qualifying reason must immediately notify Administrative Services. Administrative Services will provide to the employee information regarding rights under PDL and will determine whether the employee is eligible for leave.

4. Leave Designation

- a. Upon an employee's request for PDL leave, transfer, or reasonable accommodation, the Director of Administrative Services will inform the employee within five (5) business days whether the employee is entitled to the leave, transfer or accommodation. If the Director of Administrative Services determines that the employee is not eligible, the employee will be informed of the reasons for ineligibility, including any additional information required from the employee. The employee may appeal the decision to the Director of Administrative Services within 15 days of notice of the denial. Upon receipt of an appeal, the Director of Administrative Services shall provide the appeal to the Chief Executive Officer or to the Chief Executive Officer's designee for final determination.
- b. OCERS is responsible for designating time off work, paid or unpaid, as FMLA/PDL leave, and for giving the employee notice of whether the time off has been designated as FMLA/PDL leave or not. OCERS may conditionally designate time off work as FMLA/PDL leave pending receipt of appropriate medical certification and eligibility determination.
- c. If OCERS learns that an employee's absence was for a FMLA/PDL leave-qualifying purpose after the absence has begun, OCERS may, in its discretion, retroactively designate the entire absence or some portion of the time off work as FMLA/PDL leave, to the extent that the period qualified as FMLA/PDL leave, and as long as a late designation did not cause an employee to take leave the employee would not have taken if she had known the leave would be counted against the employee's FMLA/PDL entitlement.
- d. An eligible employee who takes a leave for an FMLA/PDL leave-qualifying reason cannot avoid having the time counted against the employee's FMLA/PDL entitlement by stating he/she does not want it considered as FMLA/PDL leave.

5. Medical Certification

- a. An employee requesting PDL leave, a transfer, or a reasonable accommodation must provide OCERS with a written medical certification from the employee's Health Care Provider.
- b. The medical certification from the treating Health Care Provider must state that the employee needs a period of leave, a transfer, a reasonable accommodation, Intermittent Leave, or a reduced work schedule due to a pregnancy disability, childbirth or a related medical condition. The medical certification should also set forth the duration of said leave, transfer or reasonable accommodation.
- c. An employee must obtain the treating Health Care Provider's medical certification and submit it to OCERS within 15 calendar days of OCERS's request for the medical certification, unless there are extenuating circumstances that make this impracticable despite the employee's diligent, good faith efforts or if OCERS provides additional time. Untimely submission of a medical certification may result in denial of FMLA/PDL protection for the employee's absence, making the absence subject to OCERS' Attendance Policy.
- d. An employee must provide a complete and sufficient medical certification to OCERS. If complete and sufficient medical certification is not provided, OCERS will grant the employee seven (7) calendar days to cure the deficiency. If an employee fails to provide appropriate medical certification within the time limits, OCERS may deny FMLA/PDL protection for the employee's absence and may impose penalties pursuant to the Attendance Policy or deny the employee reinstatement to work.
- e. Recertification by the treating Health Care Provider may be required every thirty (30) calendar days in connection with an employee's leave, transfer or reasonable accommodation, unless the following applies:
 - i. If the medical certification indicates that the minimum duration of the condition is more than 30 calendar days, OCERS may request recertification when that minimum duration expires;
 - ii. OCERS may request recertification in less than 30 calendar days if the employee requests an extension of leave; there has been a significant change in circumstances, such as the duration or frequency of the absences or the severity of the condition; or OCERS receives information that casts doubt on the employee's stated reason for the absence.
- f. The employee may be required, at OCERS' expense, to obtain the opinion of a second and third Health Care Provider supporting the need for PDL leave due to a pregnancy disability, childbirth or a related medical condition affecting the employee.
- g. The Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits OCERS from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by GINA (e.g., to certify the need for leave for family member's serious health condition). To comply with this law, OCERS requests that you and your Health Care Provider omit any genetic information when responding to a request for medical information or a certification. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an

individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

6. Extending Leave

- a. If an employee's initial request for PDL leave was less than the four months (17-1/3 weeks) permitted under the law, and it becomes necessary to extend the leave, the employee can request an extension of the PDL leave. OCERS must be notified as soon as the employee has knowledge of the need, but not later than two (2) business days before the anticipated return to work date, where the need for an extension is foreseeable. The employee must provide a Health Care Provider's recertification within 15 calendar days of OCERS' request, if practicable.
- b. If an employee has taken the entire four months (17-1/3 weeks) PDL leave permitted under the law and still needs additional leave, the employee can request additional leave under the Authorized Unpaid Leaves of Absence Policy. The employee must notify OCERS as soon as the need is identified, but not later than two (2) business days before the anticipated return to work date, where the need for an extension is foreseeable. The employee must provide a Health Care Provider's recertification within 15 calendar days of OCERS' request, if practicable.
- c. Upon expiration of the time needed for PDL leave as set forth in any medical certification or a recertification, the leave will automatically terminate and the employee will be expected to return to work, unless OCERS has approved additional non-PDL leave. If an employee fails to return to work within three (3) days after the approved PDL leave or other approved leave expires, the employee may be subject to the penalties imposed by OCERS Attendance Policy up to and including termination.
- d. OCERS may require an employee on leave to report periodically on the employee's status and intent to return to work.

7. Intermittent Leave or Reduced Work Schedule

- a. Intermittent Leave or a reduced work schedule may be approved with medical certification for an employee's condition related to pregnancy disability, childbirth, or a related medical condition.
- b. For Intermittent Leave or leave on a reduced work schedule, there must be a medical need for leave and it must be that such medical need can be best met through an intermittent or reduced leave schedule. OCERS may request that the treating Health Care Provider verify that an employee's pattern of absences is consistent with the need for the Intermittent Leave.
- c. When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken is counted toward the four months (17-1/3 weeks) of leave to which an employee is entitled.
- d. An exempt employee on PDL leave with medical certification stating the need to work reduced hours may have ~~her or her~~ his or her salary reduced proportionately for the hours not worked. Employees may substitute accrued annual leave benefits to avoid the loss of pay.

8. Compensation and Benefits Continuation during PDL Leave

- a. An employee may elect, at ~~her or her~~his or her option, to use accrued annual leave during PDL leave.
- b. OCERS will maintain health care benefits while an employee is on PDL leave, whether it is paid or unpaid for a maximum of four months (17-1/3 weeks). Benefits coverage may be extended because the employee is also entitled to additional leave under other OCERS-approved leaves.
- c. If an employee exhausts all eligibility for continuation of OCERS-paid health care benefits, the employee may extend those benefits at the employee's own expense through COBRA.

9. Coordination with Other Leaves

- a. FMLA and CFRA leave will run concurrent with all other paid and unpaid family and medical-related leaves when determining the maximum duration of the leaves. However, CFRA leave does not run concurrently with PDL.

10. Return from Leave and Reinstatement

- a. OCERS encourages employees returning from leave to provide ~~her or her~~his or her manager with at least fourteen (14) calendar days advance notice of the date on which he/she intends to return to work. OCERS requires reasonable notice, which is typically two (2) business days, if there is a change in the date on which the employee will be ready and able to return to work. If the employee provides less notice of the intended return to work, OCERS may delay the date on which it reinstates the employee in order to allow two (2) business days in which to make arrangements, such as scheduling adjustments, for the employee's return to work.
- b. If an employee's PDL leave exceeded 14 days, the employee will be required to submit a medical certification from the employee's Health Care Provider at or before the date of return to work, indicating that the employee is fit to return to work either with or without work restrictions. Delay in providing a certification may result in OCERS delaying the employee's return to work until such time as the certificate is obtained; if the employee fails or refuses to provide a return to work certification, OCERS may deny reinstatement and terminate employment.
- c. Upon return from PDL leave, an employee will be reinstated to the same position held prior to commencing leave or to a comparable position. If, however, employment in that position would have ceased even if PDL had not been taken (e.g., limited term positions), the employee will not be returned to the same position following PDL. An employee returning from PDL whose employment would have ceased even if PDL had not been taken may be placed in a comparable position with equivalent benefits, pay and other terms and conditions of employment, depending upon the reason why employment would not have continued had the employee remained in active employment. Such placement in a comparable position should occur on the agreed upon date the employee was to return from PDL. If no return date had been agreed to, it should occur within two (2) business days of the notice of return. If not possible within two (2) business days, then the employee should be returned to a comparable position as soon as possible. If a comparable position for the returning employee is available within 60 calendar days following the scheduled return date, then reinstatement to the comparable position must occur. During this 60-day period, the employee will be notified of all comparable positions that are available; however, the employee must be qualified to perform the job duties of

the comparable position. Employees whose leave extended beyond PDL under other available leaves, such as CFRA, may be returned to a comparable position in accordance with policies applicable to such other available leaves.

- d. An employee's use of PDL leave will not result in the loss of any employment benefit that the employee earned or was entitled to before commencing PDL leave.
- e. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the PDL leave period.

11. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993 and applicable California leave laws. An employer is prohibited from interfering with an eligible employee's right to take an FMLA, CFRA, or PDL leave or discriminating or retaliating against an employee for taking such a leave or for involvement in any proceeding under or relating to the FMLA, CFRA, or PDL.
- b. An employee may file a complaint with the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, or may bring a private lawsuit against an employer for failure to comply with the FMLA, CFRA, or PDL.

Related Topics

- 1. OCERS Family and Medical Leave Policy
- 2. OCERS Attendance Policy
- 3. OCERS Authorized Unpaid Leaves of Absence

Lactation Policy

Policy Statement

OCERS wishes to provide employees who desire to express breast milk while at work with a private and comfortable space to do so.

Purpose

The purpose of this policy is to comply with state and federal law regarding lactation and lactation accommodations in the workplace.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS).~~

Provisions

1. Lactation Accommodation

- a. Employees who wish to express breast milk while at work will be given the opportunity to do so. All such requests should be made to Administrative Services.
- b. A private area that is shielded from view and intrusion from co-workers and the public will be provided to an employee who wishes to express breast milk. When an employee has a private office, it may be used for this purpose.
- c. California and Federal laws provide employees the right to break time to express breast milk. In accordance with this law, OCERS will provide reasonable break time for an employee to express breast milk. The break time is available each time the employee has a need to express breast milk.
- d. Exempt Employees may express milk during work time each time the employee has a need to do so.
- e. Non-Exempt Employees may express breast milk during work time each time the employee has a need to do so. When a Non-Exempt employee uses her normal rest period to express breast milk, the time will be paid. If a Non-Exempt employee uses time in addition to her normal rest period to express breast milk, that additional time may be unpaid.

2. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act ("FEHA"). An employer is prohibited from discriminating or retaliating against an employee for exercising their rights under these acts.
- b. An employee may file a complaint with the U.S. Equal Opportunity Commission or the California Department of Fair Employment and Housing.

Related Topics

OCERS Family and Medical Leave Policy

Leave of Absence with Pay Policy

Policy Statement

OCERS provides eligible employees a leave of absence with pay.

Purpose

The purpose of this policy is to specify the circumstances under which an employee may be granted a leave of absence with pay.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

Provisions

Eligibility

1. The Chief Executive Officer may authorize an employee to be absent with pay from ~~her or her~~his or her regular work area for reasons other than physical or mental illness for a period of time not to exceed six (6) months if the Chief Executive Officer finds that such absence:
 - a. Contributes to the employee's effectiveness in ~~her or her~~his or her assigned duties and responsibilities; or
 - b. Contributes to the functions and goals of OCERS; or
 - c. Is necessary for other reasons.
2. An employee may not be absent with pay from ~~her or her~~his or her regular work area in excess of (a) 120 regular scheduled working days or (b) six (6) months without the approval of the Board of Retirement.

Authorized Unpaid Leaves of Absence Policy

Policy Statement

OCERS provides eligible employees leaves of absence without pay under limited circumstances in addition to Family, Medical, and Pregnancy leave.

Purpose

The purpose of this policy is to describe the process for an employee to request a leave of absence without pay.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

Provisions

1. Departmental leave

- a. Employees may request a departmental leave for a period of time not to exceed 15 calendar days. Departmental leaves shall be without pay.
- b. The grant of a departmental leave shall be at the sole discretion of OCERS; and department head.
- c. An employee who is granted departmental leave is required to use all of ~~her or her~~his or her Annual Leave hours and unused compensatory time prior to commencing a departmental leave.
- d. An employee who leaves OCERS employment and is re-employed by OCERS within 15 calendar days shall be deemed to have been on departmental leave for such period of time.

2. Official leave

- a. An employee may request an official leave of absence for a period of time not to exceed one (1) year. Such a leave may be authorized only after an employee's completion of departmental leave and after all unused compensatory time and Annual Leave balances have been exhausted. Official leaves shall be without pay.
- b. An official leave may be extended for up to an additional year.
- c. The grant or extension of an official leave shall be at the sole discretion of OCERS and OCERS' CEO.
- d. An employee on official leave shall provide OCERS with at least two (2) weeks' notice of ~~her or her~~his or her intended return to work date. OCERS shall not be required to return an employee to work absent such notice, but OCERS may waive or reduce the notice period at its sole discretion.

3. Non-Occupational Disability Leave

- a. An employee may request a non-occupational disability leave of absence for a period of time not to exceed six (6) months for a non-occupational disability.
- b. To be eligible for a non-occupational disability leave, an employee must:
 - i. Provide OCERS with a medical statement certifying that the employee is disabled and unable to return to work, and specifying an expected return to work date;
 - ii. Use all accrued annual leave and compensatory time prior to beginning the Leave and,
 - iii. Have been paid by OCERS for at least 6,240 regularly scheduled hours prior to the beginning of the leave unless otherwise required by law.
- c. An employee who desires additional leave after exhaustion of the non-occupational disability leave, may request an official leave of absence.
- d. Unless otherwise required by law, an employee shall not be entitled to more than one (1) non-occupational disability Leave in a 12 month period.

4. Procedure for Requesting a Leave Without Pay

- a. An employee must submit a request for a leave without pay or an extension of an existing leave in writing to his Director of Administrative Services and to his/ her supervisor. The request must state the general reason for the leave request or for an extension of an existing leave (e.g., medical, family, educational pursuits, etc).
- b. Upon receipt and review of the request, the Director of Administrative Services will inform the employee in writing whether the leave request is granted, modified, or denied.
- c. If a request for leave is modified or denied, the employee may appeal the decision to the CEO (or the CEO designee) within 15 days of notice of the denial or modification.
- d. An employee who fails to return to work for three (3) consecutive days after the expiration or extension of authorized leave, will be considered to have abandoned ~~her or~~ her/his or her job and to have voluntarily resigned, unless a reasonable excuse is offered and accepted by the Chief Executive Officer.

Related Topics

- 1. OCERS Family and Medical Leave Policy
- 2. OCERS Pregnancy Leave Policy
- 3. OCERS Annual Leave Policy
- 4. OCERS Compensatory Time Policy

Military Related Leaves of Absences Policy

Policy Statement

Military Leaves of absence are granted to eligible employees who are absent from employment in order to perform duty on either a voluntary or involuntary basis in the United States Uniformed Services, the California National Guard, or the reserves. OCERS intends to administer this policy in accordance with all applicable state and federal laws as amended.

Purpose

The purpose of this policy is to set forth the rights and responsibilities of military service members for military leave. Exceptions to this policy will occur whenever necessary to comply with applicable laws.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County Employees who work at OCERS)~~

Provisions

1. Military Leave

- a. Eligibility: Federal and state mandated-military leaves of absence are granted to members of the United States Uniformed Services, the California National Guard, or the reserves. To be eligible, you must submit written verification from the appropriate military authority. Such leaves will be granted in accordance with state and federal law.
- b. Pay: An employee who has been employed with OCERS for a year prior to the commencement of a military leave is entitled to receive their regular pay for 30 days following the commencement of a military leave.
- c. Benefits: When an employee goes on Military Leave for more than 30 days, any applicable group insurance (existing provisions will apply) continues for 90 days following the commencement of unpaid Military Leave. Beyond the 90 days, the employee may elect to continue the same group health care coverage, including dependent coverage, if applicable, for up to 24 months at ~~her or her~~ his or her own expense.
- d. Use of Annual Leave: An employee may elect to use earned Annual Leave at the beginning of unpaid military service or may retain earned and accrued Annual Leave for use upon return from the leave. The employee must provide this request/election in writing to ~~her or her~~ his or her supervisor prior to the start of the military leave.
- e. Reinstatement: At the conclusion of military service, an employee will be reinstated upon giving notice of ~~her or her~~ his or her intent to return to work by either (1) reporting to work or 2) submitting a timely oral or written request to OCERS for reinstatement within ninety (90) days after ~~her or her~~ his or her release from active duty or any extended period required by law. The Military Leave will expire upon the employee's failure to request reinstatement or return to work in a timely manner after conclusion of service.

i. Reinstatement Procedure

1. An employee must give advance verbal or written notice of military service in order to be eligible for reemployment rights and benefits upon completion of military service, unless giving notice is precluded by military necessity or circumstances that make it impossible or unreasonable to give such notice. The advance notice should be given as soon as the employee knows of the military service dates and the employee should submit to the supervisor a copy of the military orders, if available, regarding the dates and duration of the leave.
2. An employee returning from military service of less than 31 days' duration must report to work not later than the beginning of the second full regularly scheduled work period on the first calendar day following completion of service unless doing so is impractical.
3. An employee returning from military service of more than 30 days' duration must submit a request for reemployment:
 - a. No later than 14 days after the completion of service of less than 181 days.
 - b. No later than 90 days after completion of service of more than 180 days.
4. An employee who requests reemployment must provide, at OCERS' request, information to confirm the timeliness of the request, the length of military service, and that discharge from the service was not disqualifying.

ii. Position upon Reemployment

1. If the military service was less than 91 days, the individual will be promptly reemployed in the following order of priority:
 - a. In the position ~~he or she~~he/she would have attained with reasonable certainty if continuously employed without the interruption of military service.
 - b. However, if the individual is not qualified to perform the duties of such position after reasonable training efforts by the Employer, reinstatement will be to the same position the person held on the date of commencement of military service.
 - c. If an individual returning from military service is not qualified to perform any of the positions described above, the individual will be reinstated to any other position that is the nearest approximation to one of those positions which the person is qualified to perform.
2. If the military service was more than 90 days, the individual will be promptly reemployed in the following order of priority:
 - a. In the position ~~he or she~~he/she would have attained with reasonable certainty if continuously employed without the

interruption of military service or a position of like Seniority, status, and pay;

- b. However, if the individual is not qualified to perform the duties of either such position after reasonable training efforts by the Employer, reinstatement will be to the same position the person held on the date of commencement of military service, or a position of like Seniority, status and pay.

- i. Determinations of status are based on applicable collective bargaining agreements, employer policy, or employer practices and could include opportunities for advancement, general working conditions, job location, shift assignment, rank, responsibility and geographical location.

- ii. If an individual returning from military service is not qualified to perform any of the positions described above, the individual will be reinstated to any other position that is the nearest approximation to one of those positions which the person is qualified to perform.

3. If, due to a military related disability or aggravation of a disability, an individual is unable to perform the job ~~he or she~~he/she would have attained if continuously employed, and if reasonable efforts to accommodate the disability fail, the individual will be reinstated to any other position which ~~he or she~~he/she is qualified or could reasonably be qualified to perform that is equivalent in Seniority, status, and pay. If there is no such position, the individual will be reemployed in a position which is the nearest approximation in terms of Seniority, status, and pay.

- iii. Rights and Benefits upon Reemployment

1. Upon reemployment after returning from military service, the individual is entitled to the Seniority, status and rate of pay, and any other rights and benefits determined by Seniority, that he/she would have attained with reasonable certainty had the individual remained continuously employed. The rate of pay must be determined by taking into account any pay increases, differentials, step increases, merit increases, or periodic increases that would have been attained with reasonable certainty had the employee remained continuously employed.

2. Employees serving in the military are treated as if they are on a leave of absence and are entitled to the same rights and benefits not based on Seniority as are provided to employees on non-Military Leaves of absence.

3. Employees are entitled to be reinstated in the Employer's health plan upon reemployment even if they did not elect to continue coverage during the leave of absence. Generally, reinstatement will be without any waiting periods or preexisting condition limitations, except for service-related illnesses or injuries.

4. During any portion of Military Leave that is unpaid for more than (30) days, the employee ceases to earn or accrue Annual Leave. Earnings or accrual resumes on the employee's date of return from Military Leave. The accrual rate upon return is the rate that would have been attained if the employee had remained continuously employed.
5. An employee returning from a period of military service of 31 to one hundred eighty (180) days may not be discharged without cause for a period of six (6) months after reemployment. An employee returning from a period of service which exceeds 180 days may not be discharged without cause for a period of 12 months after reemployment.
6. Military service will not be considered a break in employment service for purposes of applicable pension plans, and military service will be considered service with the Employer for vesting and pension benefit accrual purposes.

2. California Civil Air Patrol Leave (AB 485)

- a. Eligibility: An employee with at least ninety 90 days of employment and who is a volunteer member of the California Wing of the Civil Air Patrol ("CAP"), a civilian auxiliary of the U.S. Air Force, is eligible for Civil Air Patrol Leave.
- b. Leave Entitlement: An eligible employee is provided up to 10 days per calendar year, with a three (3)-day limit per emergency.
- c. Qualifying Reasons: The employee is covered only when ~~he or she~~he/she is called to respond to "an emergency operational mission." This likely includes search and rescue missions and disaster relief efforts, but not non-emergency duties.
- d. Notice: The law requires the employee to provide as much notice as possible of the intended dates upon which the leave would begin and end.
- e. Certification: To be eligible for the leave, the employee must provide documentation of the need for the leave.
- f. Paid or Unpaid Time Off: An employee may elect, but is not required to use earned annual leave while on CAP Leave. If the employee wishes to use paid time off, the employee may be required to provide a written request to ~~her or her~~his or her manager at the time the leave is requested.
- g. Return from Leave and Reinstatement: An employee who takes CAP Leave will be restored to the position ~~he or she~~he/she held when the leave began.

3. Compliance with the Law

The provisions stated in this policy are subject to such other terms and conditions as are provided in the Military and Veterans Code, the Uniformed Services Employment and Reemployment Rights Act (USERRA) and California law (e.g., the California Military and Veterans Code).

- a. Exceptions to this policy will occur whenever necessary to comply with applicable laws.
- b. State and federal law prohibit employers from discharging or otherwise discriminating against an employee because ~~he or she~~he/she is a member of the state or U.S. military or is ordered to duty or training.

Related Topics

1. OCERS Family and Medical Leave of Absence Policy
2. OCERS Attendance Policy
3. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
4. Veteran Benefits Improvement Act of 2004
5. California Civil Air Patrol Leave
6. Military and Veterans Code, Sections 395 et seq.

Military Family Leave Policy

Policy Statement

OCERS grants eligible employees leave to care for a covered service member with a serious injury or illness and/or military exigency leave to tend to issues that arise due to a covered military member's active status. OCERS intends to administer this policy in accordance with all applicable state and federal laws, as amended.

Purpose

The purpose of this policy is to set forth the rights and responsibilities of employees seeking military caregiver leave or military exigency leave. Exceptions to this policy will occur whenever necessary to comply with applicable laws.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to all personnel who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. Orange County (County employees who work at OCERS)~~

Provisions

1. Military Caregiver Leave

- a. Employees eligible for leave under the Family and Medical Leave Act ("FMLA" – see OCERS Family and Medical Leave Policy) may take up to 26 workweeks of FMLA leave during a "single 12-month period" to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the employee takes military caregiver leave and ends 12 months after that date.
- b. In order to be eligible for military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of a covered service member.
 - i. A son or daughter means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
 - ii. A parent means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This definition does not include parents "in law."
 - iii. The next of kin of a covered service member is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter.
- c. A covered service member includes:
 - i. A current member of the Regular Armed Forces, National Guard or Reserves who is undergoing medical treatment, recuperation, therapy, is in outpatient status or on the temporary disability retired list, for a serious injury or illness incurred in the line of active duty; and

- ii. A veteran who has left military service (regular Armed Services, National Guard or Reserves) at any time during the five-year period prior to the first date the employee takes FMLA leave to care for the veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that the veteran incurred in the line of active duty, and that manifested itself before or after the service member became a veteran.
- d. A serious injury or illness is one that is incurred in the line of duty while on active duty, or that existed before the service member's active duty, but which was aggravated by service in the line of duty while on active duty, and that:
 - i. May render the service member medically unfit to perform the duties of ~~her or~~ her/his or her office, grade, rank or rating; or
 - ii. Is a physical or mental condition for which the veteran received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50% or higher; or
 - iii. A physical or mental condition that substantially impairs the veteran's ability to secure or follow gainful employment; or
 - iv. An injury, including a psychological injury, for which the veteran has been enrolled in the VA's program of Comprehensive Assistance for Family Caregivers.
- e. Military caregiver leave applies on a per-covered service member, per-injury basis such that an eligible employee may be entitled to take more than one period of twenty-six (26) workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.
- f. Entitlement to military caregiver leave is in addition to FMLA leave for other covered reasons. However, if an employee requires time off during a single 12-month period for leave as a caregiver for an injured service member and also for a different qualifying reason (for example, birth/adoption of a child, or the employee's own serious health condition), the maximum amount of time off for all types of FMLA leave during that 12-month period is 26 weeks. In no event may an employee take more than twenty-six (26) weeks of FMLA leave in a single twelve 12-month period, regardless of the reason(s) for the leave.
- g. If a husband and wife are both employed by OCERS and take military caregiver leave, they are limited to a maximum combined total of 26 weeks for all types of FMLA leave.

2. Military Exigency Leave

- a. FMLA-eligible employees may take up to 12 workweeks of FMLA leave while the employee's spouse, son, daughter or parent (the "covered military member") is on active duty or call to active duty status. Military exigency leave does not extend to family members of service members called to active duty by a State.
- b. "Covered military members" are 1) members of the Reserves and/or National Guard who are called to active duty in connection with a national emergency, or a military action, operation, or hostilities outside the U.S., and 2) members of the regular Armed Forces who are deployed to an assignment outside the U.S.

- c. Military exigency leave may be taken for one or more of the following qualifying exigencies:
 - i. To address any issues that arise when there is short-notice of seven (7) calendar days or less prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered military member is notified of an impending call or order to active duty.
 - ii. To attend to childcare and school activities pertaining to the covered military member's child.
 - iii. To attend to financial and legal arrangements for the covered military member.
 - iv. To attend counseling that is needed due to the covered military member's active duty or call to active duty.
 - v. To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 days of leave for each instance of rest and recuperation.
 - vi. To attend post-deployment activities during the period of 90 days following the termination of the covered military member's active duty status or to address issues that arise from the death of a covered military member while on active duty status.
 - vii. To provide care for the covered military member's parent who is incapable of self-care by arranging alternative care when a change in the existing care arrangement is needed; caring for the parent on an urgent, immediate need basis; admitting or transferring the parent to a care facility; and attending meetings with staff at a care facility.
 - viii. To address other events that arise out of the covered military member's active duty or call to active duty status provided that OCERS and the employee agree that such leave qualifies as an exigency, and agree to both the timing and duration of such leave.
- d. Military exigency leave is an additional qualifying reason for FMLA leave and may be taken along with other qualifying reasons for FMLA (e.g. birth/adoption of a child, care for a covered family member with a serious health condition, the employee's own serious health condition). However, the maximum time off during any 12-month period for FMLA leave for any reason or combination of reasons (except military caregiver leave) is 12 weeks.

3. Extending Leave

- a. If an employee's initial request for Military Caregiver leave or Military Exigency leave is less than the 26 weeks or 12 weeks, respectively, permitted under the law, and the employee needs to extend ~~her or her/his or her~~ leave, he/she can request an extension of the Military Caregiver leave or Military Exigency leave. The employee must notify OCERS as soon as he/she has knowledge of the need, but not later than two business days before the anticipated return to work date, where the need for an extension is foreseeable.
- b. If an employee has taken the entire 26 weeks or 12 weeks of the Military Caregiver leave or Military exigency leave, respectively, permitted under the law and still needs additional

leave, he/she can request additional leave under the Authorized Unpaid Leaves of Absence Policy. The employee must notify OCERS as soon as he/she has knowledge of the need, but not later than two (2) business days before the anticipated return to work date, where the need for an extension is foreseeable.

- c. Upon expiration of the time approved for Military Caregiver leave, Military Exigency or any other authorized unpaid leave, the leave will automatically terminate and the employee will be expected to return to work. If an employee fails to return to work within three (3) days after the approved Military Caregiver leave, Military Exigency leave, or any other approved leave expires, the employee may be subject to the penalties imposed by OCERS Attendance Policy up to and including termination.

4. Compliance with the Law

- a. The provisions stated in this policy are subject to such other terms and conditions as are provided in the Uniformed Services Employment and Reemployment Rights Act (USERRA) and California law (e.g., the California Military and Veterans Code).
 - i. Exceptions to this policy will occur whenever necessary to comply with applicable laws.
 - ii. State and federal law prohibit employers from discharging or otherwise discriminating against an employee because ~~he or she~~[he/she](#) is a member of the state or U.S. military or is ordered to duty or training.

Related Topics

1. OCERS Family and Medical Leave of Absence Policy
2. OCERS Attendance Policy
3. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
4. Veteran Benefits Improvement Act of 2004
5. California Civil Air Patrol Leave
6. CA AB 2500 (2010), Business and Professions Code §§ 114, 114.5

Catastrophic Leave Donation Policy

Policy Statement

OCERS participates in a catastrophic leave program that provides a means for leave balance replacement for eligible employees after 14 day unpaid leave of absence. This program permits limited individual donations of vacation, annual leave, PIP and/or compensatory time to an employee who is required to be on an extended unpaid leave due to a catastrophic medical condition or other serious circumstances.

Purpose

The purpose of this policy is to provide employees with an opportunity to donate vacation, annual leave, PIP and/or compensatory time hours to a co-worker under certain circumstances.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Eligibility

An employee is eligible for catastrophic leave donations when:

- a. An illness or injury is serious and incapacitates the employee or a family member.
- b. The employee has exhausted all leave accruals; and
- c. The employee is or will be absent from work for at least 14 days on an unpaid leave of absence

2. Donated Hours

Employees may donate vacation, annual leave, PIP or Compensatory time to the eligible employee. Donations must be a minimum of two (2) hours, but cannot exceed 24 hours per donating employee. Donations must be made in whole hour increments.

3. Official Leave of Absence

An employee on a leave without pay at the time ~~he or she~~he/she receives a Catastrophic Leave donation will be treated as if the employee is on an Official Leave of Absence for purposes of probation and merit increase eligibility.

4. OCERS will administer this policy in accordance with the County of Orange Catastrophic Leave Procedures.

Bereavement Leave Policy

Policy Statement

OCERS provides bereavement leave to eligible employees who request it.

Purpose

The bereavement leave policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members.

Scope/Coverage

~~This policy supersedes previously promulgated policies on this topic and applies to employees employed by OCERS. This policy does not apply to Extra Help Employees.~~

Provisions

An employee who wishes to take time off due to the death of an immediate family member should notify ~~her or her~~his or her manager.

Upon request, regular full-time employees may request up to five (5) days of time off with pay to grieve the death of an immediate family member. Part-time employees may request up to 20 hours of time off. For the purpose of this policy, an immediate family member includes father, mother, child, brother, sister, husband, wife, father-in-law, mother-in-law, stepparent, stepchild, stepbrother, stepsister, grandparent, grandchild, Registered Domestic Partner, legal guardian or another family member who lives in the house of the employee.

OCERS Management reserves the right to request proof of death of the immediate family member.

Related Topics

OCERS' Authorized Unpaid Leaves of Absence Policy

Voting, Jury, and Witness Duty Policy

Policy Statement

OCERS permits employees to take time off for voting, jury duty, and witness duty.

Purpose

The purpose of this policy is to afford employees time off to vote, and to perform jury duty or serve as a witness.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County Employees who work at OCERS)~~

Provisions

1. Time Off for Voting

- a. Employees who are unable to vote during non-work hours may arrange to take up to two (2) hours off from work to vote in a public election.
- b. Employees must obtain advance approval from their supervisor for time off to vote.

2. Jury Duty

- a. All employees may attend jury duty in accordance with their legal obligations.
- b. Employees should notify their supervisor promptly upon receipt of a summons for jury service. Employees should provide proof of jury service to Administrative Services should service be required.
- c. An employee who is called for jury duty or for examination for jury duty shall be compensated at the employee's regular rate of pay for those hours of absence due to the jury duty which occur during the employee's regularly scheduled working hours, provided the employee does not accept the jury fees for such hours of jury duty, exclusive of mileage.
- d. Fees for jury duty performed during hours other than an employee's regularly scheduled working hours may be retained by the employee.
- e. It is the responsibility of each employee to report to work the next business day following the completion of jury service. Failure to do so can result in discipline up to and including termination.

3. Witness Duty

- a. Employees who are required by law to appear in court or at another legal proceeding will be provided time off for that purpose.
- b. Employees should notify their supervisor immediately upon receipt of notice to appear in a legal proceeding.

- c. An employee who is called to answer a subpoena as a witness in a legal proceeding, during the employee's work hours, except where the employee is a litigant as a result of the employee's own misconduct or connivance, shall be compensated at ~~her or her~~his or her regular rate of pay for all hours of absence from work due to answering the subpoena provided the employee shows proof of such subpoena and does not accept the witness fees for such hours, exclusive of mileage.
- d. Fees for answering a subpoena as a witness during hours other than regularly scheduled working hours may be retained by the employee.

4. No Retaliation

No employee shall be retaliated against for taking time off from work for any purpose identified in this policy.

Related Topics

OCERS Authorized Unpaid Leaves of Absence Policy

Extra Help Sick Leave Policy

Policy Statement

Extra Help Employees will be provided with paid time off from work to attend to their own health or the health of their family members.

Purpose

The purpose of this policy is to afford Extra Help Employees with sick leave benefits in accordance with the California Healthy Workplace Healthy Family Act of 2014, or as amended.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on sick leave for Extra Help Employees and applies to all Extra Help Employees of OCERS.~~

Provisions

1. Sick Leave Accrual

- a. Extra Help Employees begin to accrue sick leave upon the first day of employment.
- b. Extra Help Employees will accrue one hour of sick leave for every 30 hours worked.
- c. Extra Help Employees shall accrue a maximum of six (6) days (48 hours) of sick leave.
- d. When an Extra Help Employee's use of sick leave hours reduces the total accrued Sick leave hours below the maximum allowed, the employee will resume accruing sick leave hours again.

2. Sick Leave Availability

Extra Help Employees may begin to use accrued sick leave during the pay period after which the Sick Leave hours were accrued.

3. Sick Leave Usage

- a. Sick leave may be taken in 15 minute increments.
- b. Extra Help Employees may use up to three (3) days or 24 hours of sick leave, whichever is greater, within each calendar year.

4. Permissible Uses of Sick Leave

- a. Sick Leave may be used for the following reasons:
 - i. Diagnosis, care, or treatment, including preventive care, of an existing health condition of an employee; or
 - ii. Diagnosis, care, or treatment, including preventive care, of an existing health condition of an employee's family member.

"Family member" is defined as an employee's spouse/partner, child, parent, parent-in-law, grandparent, grandchild, or sibling.
 - iii. Sick leave may also be used by a victim of domestic violence, sexual assault, or stalking.

5. Procedure for Requesting Foreseeable Sick Leave

An employee is required to submit a sick leave request to ~~her or her~~his or her supervisor for approval at least 30 days in advance of the sick day(s). In situations where 30 days' advance notice is not practical, notification must be made by the employee promptly by phone, voicemail, message, and/or email. It is the employee's responsibility to ensure that OCERS has been notified regarding their absence.

6. Procedure for Requesting Unforeseeable Sick Leave

When a sick leave day is unforeseeable (e.g., illness), employees must report their absence to their supervisor promptly by phone, voicemail message, and/or email. It is the employee's responsibility to ensure that OCERS has been notified regarding their absence.

7. Sick Leave Upon Reinstatement with OCERS

Extra Help Employees who leave OCERS' employ for any reason and are re-hired as an Extra Help Employee within one (1) year of separation from OCERS will be credited with any unused sick leave hours that employee had accrued as of the date of ~~her or her~~his or her departure. The unused sick leave hours will be available for use beginning the second pay period after which the employee was re-hired.

8. Compliance with Applicable Law

This policy and all of its provisions are subject to such other terms and conditions as are provided under California law.

This chapter contains the following policies related to personnel benefits:

- Introduction to Benefits
- Employee Health Benefits
- Annual Leave (Paid Time Off)
- Holidays
- Additional Employee Benefits
- Defined Contribution Program
- Retirement Benefits
- Retiree Medical Benefit

Introduction to Benefits

This section of the Employee Handbook is designed to acquaint employees with some of the significant features of the benefits offered by OCERS. However, more detailed information is set forth in the official plan documents and insurance policies that govern the plans. Accordingly, if there is any actual apparent conflict between the summaries or descriptions contained in OCERS' policies and the terms, conditions, limitations, or exclusions of the official plan documents, the provisions of the official plan documents will control. Employees who wish to inspect those documents may contact Administrative Services for that purpose.

In addition, while it is OCERS' present intention to continue these benefits, OCERS reserves the right, to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice. Finally, neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. Unless otherwise noted in these policies, employment relationships are for an indefinite term and are terminable at will, whether at the option of the employee or the employer.

Employee Health Benefits

Statement

OCERS provides eligible employees and their eligible dependents the opportunity to enroll in health benefit plans administered by the County of Orange Benefits Department.

Please note that the information in this section is subject to change. If you have any questions you should consult with an Employee Benefits Representative on the Benefits Resource Line at 1-800-858--7266 or go to the Benefits Center Site at <https://countyoforange.ielect.com>

Purpose

OCERS offers health plans to all regular and probationary employees and their eligible dependents in compliance with the Patient Protection and Affordable Care Act (PPACA), commonly called the Affordable Care Act (ACA).

Scope/Coverage

~~These benefits supersede all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: [OCERS](#).~~

- ~~1. [OCERS](#)~~
- ~~2. [County of Orange \(County employees who work at OCERS\)](#)~~

Provisions

1. Health insurance is available to OCERS' employees, with eligible dependent coverage. OCERS pays a portion of an employee's health insurance premium and dependent coverage premiums. OCERS will continue to share the cost of such health insurance premiums as provided in the Health Plan Rate Schedule adopted by, and as modified by, the County of Orange, Board of Supervisors.
2. OCERS will pay the full cost of employee and dependent coverage for two full-time OCERS or County employees that are married to each other and enrolled in the same County health plan. Two married full-time employees enrolled in the same health plan must be enrolled as employee married to employee and may work for any agency or department that share the same Orange County Benefit plan number.
3. OCERS shall continue to pay health insurance premiums for an employee who is on an approved Family Leave and Medical Leaves of Absence and Pregnancy Disability Leave as required by applicable law.
4. New eligible employees will be enrolled in the health plan of their selection effective the first day of the month following the first 30 days of employment. Eligible full-time employees failing to elect a plan will be enrolled in the Wellwise Health Plan, employee only coverage. Eligible part-time employees failing to elect a plan will be enrolled in the Sharewell Health Plan, employee only coverage.
5. Terminated employees and their eligible dependents will continue to be eligible for health plan benefits they are enrolled in until the last day of the calendar month in which they terminate employment.

6. The County of Orange Benefits Department will provide for an open enrollment period once each fiscal year for employees and employees' dependents to change their enrollment in a County offered health plan.
7. Employee paid health insurance premiums are paid on a pre-tax basis.

Annual Leave (Paid Time Off)

Statement

Annual Leave is a paid time-off benefits program. Hours accrued can be used for any reason, including vacation, illness, doctor's appointments or personal business. Employees are encouraged to take full advantage of available Annual Leave hours on an annual basis.

Scope/Coverage

~~These Annual Leave provisions apply to individuals who are employed by OCERS. Executive Employees refer to Terms and Conditions of Employment for Executives Policy.~~

Provisions

1. General Provisions

- a. Employees begin to accrue Annual Leave upon the first day of employment and are credited at the end of each pay period.
- b. Annual Leave may be taken in one (1) hour increments.
- c. Annual Leave hours continue to accrue while an employee is on approved paid leave of absence.

2. Accrual Rates

- a. Annual Leave for full-time employees accrues in each pay period. Employees accrue Annual Leave hours based on their years of full-time, continuous service with OCERS. All such employees will accrue Annual Leave in accordance with the following schedule:

YEARS OF SERVICE	APPROXIMATE ACCRUAL RATE PER PAY PERIOD	YEARLY ANNUAL LEAVE ACCRUAL
Less than 3 years	7 hours and 25 minutes	24.5 days
3 years to less than 10 Years	9 hours and 52 minutes	32 days
10 Years +	11 hours and 24 minutes	37 days

- b. For employees beginning their third (3rd) or tenth (10th) years of service, the applicable rate of accrual will become effective commencing with the pay period following that in which an employee completes ~~her or her~~his or her third (3rd) or tenth (10th) year of service.
- c. Annual Leave accruals for part-time employees will be prorated based on an employee's part-time status (e.g., half time, 75% time).

3. Maximum Annual Leave Balance

- a. Accrual of Annual Leave hours shall be unlimited for an employee hired by OCERS on or before ~~December 31, 2018~~June 30, 2019.

- b. Accrual of Annual Leave hours shall be limited for employees hired by OCERS after ~~December 31, 2018~~ June 30, 2019, as follows: ~~to a total of 640 592 hours (80 74 eight (8) hour days)~~ SB1

YEARS OF SERVICE	MAXIMUM ACCRUAL
Less than 3 years	392 hours (49 eight (8) hour days)
3 years to less than 10 Years	512 hours (64 eight (8) hour days)
10 Years +	592 640 hours (80 74 eight (8) hour days)

- c. ~~When an employee accrues the maximum number of hours, Annual Leave accrual will cease. Any hours that would have otherwise accrued will be paid to the employee as compensation that is not eligible to be included in the employee's retirement benefit calculation. All Annual Leave hours earned in excess of the maximum allowable Annual Leave limit shall be paid in the pay period earned. This will not affect the maximum amount of Annual Leave included in Final Average Salary for pension benefit calculations. Accrual of Annual Leave will commence again when the Annual Leave balance falls below the maximum number of hours permitted to be accrued.~~
- d. ~~Employees are encouraged to work with their supervisor to plan their use of Annual Leave so that accrual of hours can continue without interruption.~~
- e. ~~Cessation of Annual Leave accrual could impact retirement benefits; i.e. hours accrued and cashable are used to calculate the final average salary.~~ SB2

4. Permissible Uses of Annual Leave

Annual Leave may be used for any reason, including:

- Vacation
- Personal business.
- Diagnosis, care, or treatment, including preventive care, of an existing health condition of an employee or an employee's family member (e.g., spouse/partner, child, parent, parents-in-law, grandparents, grandchildren, and siblings). An employee's supervisor may request that the employee provide satisfactory evidence of ~~her or her~~ his or her illness, injury, or medical condition.
- For victims of domestic violence, sexual assault, or stalking.

5. Procedure for Requesting Foreseeable Annual Leave

- An employee requesting one or more weeks of time off should submit a request for time off to ~~her or her~~ his or her supervisor for approval at least two weeks in advance of the desired time-off. Exceptions to this requirement may be granted when doing so would not disrupt OCERS' business, when the time-off is due to illness or injury to the employee or family member, or for emergency personal situations.

- b. An employee requesting less than one week of time off should submit a request for time off to ~~her or her~~his or her supervisor for approval as early as possible prior to the desired time-off.
- c. No scheduled leave shall be cancelled by OCERS except in cases of emergencies.

6. Procedure for Requesting Unforeseeable Annual Leave

When an absence is unforeseeable (e.g., illness), employees must report their absences to their supervisor as soon as possible by phone, voicemail message, text message, and/or email, but no later than the start of OCERS' regular business hours, unless it is impracticable to do so. It is the employee's responsibility to ensure that OCERS has been notified regarding ~~her or her~~his or her absence.

7. Accrual Payout During Employment

During each fiscal year an employee may request to be paid for accrued Annual Leave in either two (2) separate increments of up to 45 hours each or one (1) increment of up to 90 hours. Executive Employees refer to Terms and Conditions of Employment for Executives Policy.

8. Annual Leave Payout Upon Involuntary or Voluntary Termination of Employment

Upon termination of employment (i.e., for any reason other than retirement), employees will be paid for their accrued and unused Annual Leave through the date of termination. Annual Leave cannot be utilized to extend the date of termination, except by approval of the CEO. Annual Leave payments are computed on the basis of the salary rate in effect at the time of termination.

9. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided under California law.
- b. For questions about Annual Leave, contact Administrative Services.

Related Topics

- 1. OCERS Attendance Policy
- 2. OCERS Pregnancy and Pregnancy Disability Leave Policy
- 3. OCERS Occupational Leave Policy
- 4. OCERS Sick Leave Policy for Extra-Help Employees

Holidays

Policy Statement

OCERS observes legal holidays.

Purpose

The purpose of this policy is to educate the employees regarding the legal holidays observed by OCERS and eligibility for holiday pay.

Scope/Coverage

~~These holiday provisions apply to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Holidays Observed

OCERS observes the following holidays on dates specified by the County of Orange:

- New Year's Day
- Martin Luther King Junior's Birthday
- Lincoln's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving
- Friday after Thanksgiving
- Christmas

2. Holidays that fall on Sunday or Saturday

When holidays listed in Section 1 above fall on a Saturday or Sunday, OCERS will observe the holiday on the date specified by the County of Orange.

3. Eligibility for Holiday Pay

- a. To receive holiday pay, an employee must be paid for all or a portion of both the regularly scheduled working assignments that immediately precede and follow the observed holiday.

- b. A new employee whose first working day is the day after a holiday shall not be paid for that holiday.
- c. An employee who elects paid retirement on a holiday shall be paid for the holiday.
- d. An employee who separates from employment for reasons other than paid retirement and whose last day as a paid employee is the day before a holiday shall not be paid for that holiday.
- e. Extra Help and Temporary employees shall not be eligible for holiday pay.

4. Holiday Pay

- a. Compensation for holidays falling on scheduled days off
 - i. When a holiday falls on a full-time employee's regularly scheduled day off, the employee shall receive eight (8) hours compensatory time.
 - ii. A part-time employee shall receive compensatory time at the rate of one (1) hour for each five (5) hours of regularly scheduled work in the workweek to a maximum of eight (8) hours of compensatory time.
- b. Holidays which fall during an employee's annual leave period shall not be charged against the employee's annual leave balance.
- c. With OCERS approval, compensatory time earned for working on a holiday or for a holiday falling on a regularly scheduled day off may be taken on the first scheduled working day after the holiday.

Additional Employee Benefits

OCERS provides eligible employees and their eligible dependents the opportunity to enroll in benefit plans administered by the County of Orange Benefits Department.

Significant features of the benefit plans OCERS offers to its employees and their dependents, in addition to the Employee Health Benefits, Employee Assistance Program, Retiree Medical Benefit, Retirement Benefits, and Reimbursement Programs are summarized below. Detailed information is set forth in the official plan documents and insurance policies that govern the plans. The provisions of the official plan documents and/or insurance policies will control over any potential conflict raised by the information stated below. Employees that desire to inspect the official plan documents or insurance policies can contact the Administrative Services Department or the County of Orange Benefits Center.

Scope/Coverage

~~These benefits apply to individuals who are employed by OCERS.~~

Provisions

Additional benefit plans offered to OCERS' employees through the County of Orange Benefits Department include short and long term disability insurance, life insurance, accidental death and dismemberment insurance, and an option for a voluntary annual physical examination.

1. Short-term disability insurance coverage is provided at no cost to the employee to provide sixty (60) percent of salary for up to one (1) year for certified non occupational injury or illness. An employee must exhaust all sick leave or 192 hours of annual leave before the insurance begins. The plan will also provide for continuation of OCERS' share of premiums for health, dental, and life insurance benefits while the employee is on Official Leave for non-occupational disability for up to one (1) year from the effective date of disability.
2. Long-term disability insurance coverage at no cost to the employee to provide up to 60 percent of salary. Enrollment is automatic with the proper documentation if you are receiving short term disability. Once on long-term disability the employee becomes responsible for 100% of the employee and employer portion of health insurance premium(s).
3. Basic Life insurance in the amount of \$100,000 for individuals employed by OCERS will be provided to all full time employees at no cost to the employee regardless of age and without proof of insurability.
4. Accidental Death and Dismemberment insurance in the amount of \$100,000 for individuals employed by OCERS will be provided to all full time employees at no cost to the employee regardless of age and without proof of insurability.
5. Employees will be able to purchase additional life insurance coverage without proof of insurability within 30 days of eligibility. Some levels of additional life insurance coverage, or any additional life insurance coverage purchased after 30 days of eligibility, require proof of insurability. Employees will have the option to purchase additional supplemental life and accidental death and dismemberment coverage including dependent coverage. Such insurance will be subject to the limitations of liability contained in those insurance policies.
6. Voluntary annual physical examinations by a County-designated physician are available at no cost to the employee.

7. OCERS will provide dental insurance to all full time OCERS direct employees and their eligible dependents at no cost to the employee.
8. Optional Benefit Plan
 - a. Eligibility – a regular or probationary employee is eligible to receive the optional benefit provided he/she is continuously employed in a regular full-time capacity in a class designated as Executive, Management and/or Professional. Employees hired or promoted after the commencement of a plan will be eligible for the optional benefit on a pro rata basis the first day of the month following the twenty-eighth day in any of the classifications listed above. Employees in eligible classifications who work part-time will be eligible to receive the optional benefit consistent with County Orange policy for part-time employees.
 - b. Each eligible employee shall be entitled to select benefits from those listed below at a cost to OCERS, not to exceed \$3,500 dollars, or \$4,500 dollars for Executives, effective the beginning of each Calendar Year.
 - c. The purpose of the plan is to provide options to individual employees to best meet the needs of themselves and their dependents while: (1) enhancing the employee’s expertise and skills on the job, and/or (2) relieving the employee of external influences which might impair his or her performance.
 - i. The options available may include, Cash (taxable); Professional memberships, licenses and certificates which are job related, professional journals and periodicals which are job related;
 - ii. Health/accident;
 1. Health programs (employee and/or dependents) such as physical, mental and/or emotional health related counseling for individual and/or family not covered or partially covered through existing plans;
 2. Employee’s share of health insurance premiums (employee and/or dependents). Also includes payment of Accidental Death and Dismemberment coverage for employee and dependents available through the County;
 3. Health care and/or dental (employee and/or dependents) excluded or partially excluded under the County’s insurance plans. Examples of items covered under this provision include deductibles, eye care, lenses and frames.
 - iii. The Defined Contribution Plan: a pre-tax contribution to the OCERS Section 457(b) Defined Contribution Plan.
 - d. The County Human Resources Director shall administer the plan in accordance with the stated purpose. Each employee must follow the enrollment instructions prepared by the County Human Resources department. Annual employee designations are irrevocable unless they have a change in family status. For expenses to be eligible, they must be incurred during the plan year.
9. Claims for reimbursement from OCERS shall be made from forms provided by OCERS and submitted to the finance department.

Defined Contribution Program

Statement

The County of Orange Benefits Department (“Benefits Department”) offers and administers a defined contribution program through Empower Retirement (Formerly known as Great-West).

The significant features of this plan are summarized below.

~~Scope/Coverage~~

~~This program is available to individuals who are employed by the following entities: [OCERS](#).~~

- ~~1. [OCERS](#)~~
- ~~2. [County of Orange \(County employees who work at OCERS\)](#)~~

Executive Employees refer to Terms and Conditions of Employment for Executives Policy.

457 Defined Contribution

The 457 Defined Contribution Program (“The Program”) is a voluntary retirement savings program that allows an employee to contribute a portion of ~~her or her~~[his or her](#) bi-weekly salary into a 457 account. Contributions to the Program are deducted from the employee’s paycheck on a pre-tax basis. This reduces taxable income which lowers your current tax liability. Plus, all of your savings grow tax-free until you remove money from your account. You can remove your money from the 457 account either at retirement or separation of employment. The Program offers a wide variety of professionally managed investment options ranging from conservative to aggressive in risk/return potential. Employees manage their account by choosing to invest their account balance among the investment options at their own risk.

For additional information go to the County of Orange Defined Contribution website.

~~1.62 Defined Contribution Plan~~

~~Employees of the County of Orange who are enrolled in the "1.62 @ 65" retirement benefit formula are eligible to enroll in the 1.62 Defined Contribution Plan. If you are eligible to participate in this program, employees are directed to the County of Orange 1.62 Defined Contribution web site for additional information about the plan.~~

Retirement Benefits

OCERS provides retirement benefits to its eligible employees, including service retirement, deferred retirement, disability retirement and survivor benefits.

An overview of the retirement benefits that may be available to employees upon retirement or disability and an overview of potential survivor benefits upon an eligible employee's death are set forth below. For a complete overview of all OCERS' benefits, employees are encouraged to review the Summary Plan Descriptions posted on OCERS' website.

Scope/Coverage

These benefits apply to individuals employed by OCERS ~~or the County of Orange~~ as a full-time employee or part-time employees scheduled to work 20 hours per week or more. Part-time employees scheduled to work less than 20 hours per week, extra-help, or independent contractors (or personnel of independent contractors) are not entitled to these benefits. More detailed information is set forth in the official plan documents. In the case of an actual or apparent conflict between the summaries or descriptions contained in any OCERS' policy, terms, conditions, limitations, or exclusions of the official plan documents, the provisions of the official plan documents will govern.

Provisions

1. Retirement System, Membership

- a. An employee automatically becomes a member of the OCERS' pension plan on the date he/she commences employment with the County of Orange in an eligible position.
- b. While a member of the pension plan ~~or the County of Orange~~, the employee and OCERS make mandatory contributions to the pension plan. Employees' contributions are made on a pre-tax basis.
- c. Contributions paid to the OCERS' Pension Plan by an employee cannot be withdrawn or borrowed against while the employee continues to be employed.

2. Service Retirement

An active member of the OCERS' pension plan is eligible for a retirement allowance when he/she meets the minimum age and years of service requirements as set forth in the plan documents. An employee's retirement allowance is based on years of service accrued by plan formula, final average salary, and age at retirement.

3. Deferred Retirement

If an employee separates employment with OCERS the employee may still be eligible for a retirement allowance from OCERS. The employee may leave ~~her or her~~ his or her contributions on deposit with the Retirement System. If the employee leaves ~~her or her~~ his or her money on deposit the account will continue to earn interest. The employee may then become eligible to elect a retirement benefit from OCERS at a later date. This is called a "Deferred Retirement" allowance.

An employee who separates from employment may receive a Deferred Retirement allowance upon meeting certain eligibility criteria. If an employee has earned five (5) or more years of service credit at the time of ~~her or her~~ his or her separation from employment, he/she is eligible to a Deferred Retirement allowance based on the requirement of their plan formula. Plan J (i.e.

2.7 @55) members are eligible to retire when they would have accrued 10 years of service had they remained working and are at least age 50. Plan U members (i.e. 2.5 @67) are eligible to retire at age 52. If an employee has earned less than five (5) years of service credit at the time of ~~her or~~ ~~herhis or her~~ separation, the employee can a Deferred Retirement allowance at age 70. An employee may also elect to receive a lump sum payment consisting of the accumulated employee contributions and interest in lieu of a monthly retirement allowance.

4. Disability Retirement Benefits

If an employee becomes permanently incapacitated while employed by OCERS, he/she may be eligible for a Disability Retirement allowance.

a. Nonservice-Connected Disability Retirement:

Eligibility for a Nonservice-Connected Disability Retirement allowance requires the following:

- i. the employee must have five (5) or more years of service credit,
- ii. the Board of Retirement must determine that the employee is permanently incapacitated, either physically or mentally, from performing the usual duties of any permanent assignment in ~~her or~~ ~~herhis or her~~ job classification, and
- iii. the incapacity is not due to a job related illness or injury.

b. Service –Connected Disability Retirement:

Eligibility for a Service-Connected Disability Retirement allowance requires the following:

- i. the Board of Retirement must determine that the employee is permanently incapacitated, either physically or mentally, from performing the usual duties of any permanent assignment in ~~her or~~ ~~herhis or her~~ job classification, and
- ii. the incapacity arose out of, and in the course of ~~her or~~ ~~herhis or her~~ employment, and such employment contributed substantially to ~~her or~~ ~~herhis or her~~ permanent incapacity.

5. Survivor’s Benefit

Upon the employee’s death, beneficiaries may be entitled to benefits. Employees of OCERS are asked to designate a beneficiary who will be entitled to receive certain benefits that may be payable upon the employee’s death. The employee may designate anyone he/she chooses as a beneficiary, and may change the beneficiary at any time prior to retirement. To designate or change a beneficiary, employee needs to complete and submit the “Beneficiary Change Form.” This form can be obtained from Member Services, through OCERS member portal, or downloaded from www.ocers.org. It is the employee’s responsibility to notify Member Services of a life event change, such as a marriage, domestic partnership registration, or death including the death of a designated beneficiary.

It is important to note that spouses, ex-spouses, Registered Domestic Partners, ex-Registered Domestic Partners and/or children may have legal rights that supersede the rights of any other beneficiaries designated by an employee.

Related Topics

1. Summary Plan Description, Plans I & J (2.7 @ 55)
2. Summary Plan Description, Plan U (2.5% @ 67)

Retiree Medical Grant

Statement

OCERS provides to eligible employees a retiree medical grant to use towards healthcare insurance premiums after retirement.

Purpose

The purpose of this policy is to provide OCERS' employees with an overview of the Medical Retiree Grant Plan (Plan) that may be available to eligible employees upon their retirement. The County of Orange ~~(County)~~ established the Plan in order to assist career employees in maintaining health insurance coverage following their retirement from OCERS/~~County~~ service.

Scope/Coverage

This policy supersedes all previously promulgated policies regarding the Medical Grant Plan and applies to individuals who are employed by OCERS ~~and the County~~ as a full-time employee or part-time employee scheduled to work 20 hours per week or more. This policy does not apply to part-time employees scheduled to work less than 20 hours per week, extra-help or independent contractors (or personnel of independent contractors) who are not members of the Retirement System. Please also note that more detailed information is set forth in the official plan documents. Accordingly, if there is any real or apparent conflict between the summaries or descriptions contained in OCERS' policy and the terms, conditions, limitations, or exclusions of the official plan documents, the provisions of the official plan documents will control.

Policy provisions

1. Retiree Medical Grant

- a. When an employee retires, he/she may be eligible to receive a Retiree Medical Grant (Grant) provided by the County to use toward the cost of the County Health Plan and/or Medicare Part B premiums (if applicable). The Grant is neither a vested nor a guaranteed benefit. Changes to the Retiree Medical Grant Plan are made by the County.
- b. The amount of the Grant is based upon age at separation and years of eligible ~~OCERS' or County~~ service hours, up to a maximum of 25 years of service multiplied by a base dollar amount. The base dollar amount is adjusted up or down annually up to a maximum of three (3) percent.
- c. Reductions schedule:
 - i. Retiring retire before age 60, there will be a 7.5% reduction to the Grant for each year before 60 years of age;
 - ii. Retiring after age 60 there will be a 7.5% increase to the Grant for each year worked after age 60, up to age 70.
 - iii. Retiring at age 60 there will be no age adjustment. Safety retirees will not be subject to the 7.5% reduction or increase. Service and non-service connected disability Retirees do not receive the 7.5% age adjustment.

~~* The effective date may vary depending on your bargaining unit or employer (County, Special District, or Court).~~

2. Eligibility

To be eligible for the Grant, an employee is required to:

1. Have a minimum of 10 years of continuous eligible ~~OCERS/County~~ service, if the employee has a normal retirement. However, if an employee has been granted a non-service connected disability retirement, he/she is required to have a minimum of five (5) years of continuous service. If an employee has been granted a service connected disability retirement, there is no minimum service requirement;
2. Be at least 50 years of age on the date of separation of service;
3. Receive a monthly retirement allowance from OCERS; and
4. Be enrolled in a County health plan when the employee separates.

Modification

The County, by establishing and maintaining the Plan, does not give any employee, retiree or any other person any legal right against OCERS or the County, nor does it give any employee the right to be retained in the OCERS'/County's service. The Plan does not create any vested right to the benefits provided on the part of any employee, retiree or any other person. The Plan may be amended or terminated at any time, in full or in part, by the County in its sole discretion.

For complete details about the plan, please visit: [www.//ocgov.com/gov/hr/eb/prh](http://ocgov.com/gov/hr/eb/prh)

Chapter 7

Compensation – Policies

This chapter contains the following policies related to personnel compensation, salary basis and ranges, and payroll:

- Payroll Practice Policy
- Salary Basis
- Compensatory Time Off
- Executive Management and Professional Salary Ranges
- Terms and Conditions of Employment for Executives

Payroll Practice Policy

Policy Statement

OCERS follows a structured, documented payroll process.

Purpose

The purpose of this policy is to establish uniform standards that should be applied by all OCERS departments for paying its employees.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Method of Compensation for Employees

- a. OCERS office is open to the public Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to 4:30 p.m. OCERS' employees ~~and the County of Orange's employees who work at~~ OCERS generally work between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. Occasionally employees may be required to work on weekends or holidays. An employee's work schedule will be determined by ~~her or her~~ his or her supervisor with the approval of the head of the Department.
- b. Employees shall receive compensation at the biweekly or hourly rate within the range or at the flat rate assigned to the class in which they are employed.
- c. The pay rates for each OCERS Direct Employee are set forth in a table of class titles, pay rates and salary ranges as adopted by the Board of Retirement ("Board").
- ~~d. The pay rate for each County of Orange Employee is set forth in a table of class titles, pay rates and salary schedules as adopted by the Board of Supervisors.~~
- ~~e.d.~~ Notwithstanding any provision of these policies to the contrary, OCERS may direct that any employee be compensated at any step of the salary range set forth in the class titles, pay rates and salary schedules as adopted by the Board, either at the time of or at any time subsequent to the date of ~~her or her~~ his or her employment by OCERS.

2. Salary Payment Procedure

- a. A pay period shall cover 14 calendar days, shall start on a Friday and end with the second Thursday thereafter, and shall consist of 80 hour work period. Employees shall be paid approximately eight (8) days after the end of a pay period, usually on a Friday. Employees hired after June 29, 2001, are required to authorize automatic deposit of ~~her or her~~ his or her paycheck to a financial institution of the employee's choice.
- b. Compensation for each employee for whom compensation is established, shall be paid out of OCERS budget as may be provided by law upon certification by the Chief Executive

Officer to the Auditor-Controller that such employee has performed the services set forth in said certificate.

~~i. When a County Employee separates from OCERS' service and use of the regularly scheduled certification would create an inequitable delay, the Chief Executive Officer may immediately file a special payroll certification of such separation with the Auditor-Controller. The Auditor-Controller may issue payment for the period of time and/or pay due to said employee up to the time of separation.~~

~~ii.i.~~ When an OCERS Direct Employee separates from OCERS service, he/she shall receive all amounts due at the time of separation. In the event an OCERS Direct Employee provides less than 72 hours' notice of separation, then all amounts due will be paid within 72 hours of separation.

c. The hours worked by an employee must be approved by ~~her or her~~ her his or her supervisor prior to being submitted to OCERS' Administrative Services. The supervisor approving said employee's hours must have knowledge that the hours reported by the employee are accurate.

d. Time and attendance are reported based upon the Fair Labor Standards Act (FLSA) classification of the employee.

i. Non-Exempt Employees (overtime eligible): Non-Exempt employees do not meet the exemption standards of the FLSA. Non-Exempt employees will report all hours worked for each day worked using the appropriate payroll codes as outlined in the payroll system when completing their electronic time cards.

ii. Exempt Employees (not eligible for overtime): Exempt Employees meet the exemption standards of the FLSA. Exempt Employees report their exception time, not hours worked, when completing their electronic time cards. Exceptions may include, but are not limited to, Annual Leave, comp time, holiday or any leaves of absence. In instances where an absence occurs that is two (2) hours or less, an exception does not need to be reported.

3. Time Keeping

a. Electronic time cards are used as a means of accurately recording hours worked and calculating pay. Electronic time cards must be consistent with approved Personnel Action Notices (PAN) forms when applicable. All employees must submit a time cards every two (2) weeks according to the annual payroll schedule. All employees are required to report absences from work such as annual leave time, holidays, or any other leaves of absence. Time cards must be received in a timely fashion.

b. Time cards shall be prepared by the employee electronically and signed by both the employee and the supervisor.

c. Accuracy when preparing time cards is critical. Employees are responsible for ensuring the accuracy of their own time cards. Altering, falsifying, or tampering with a time cards may result in disciplinary action, up to and including immediate termination.

d. OCERS Management reserves the right to verify all employees are in compliance with this policy. ~~When applicable, any MOU will supersede this policy.~~

4. Cash Out of Paid Time Off

In accordance with policies to cash out paid time off, such requests should be recorded on the time card in the pay period during which the employee would like the cash out to occur.

Salary Basis Policy

Policy Statement

Orange County Employees Retirement System (OCERS) is committed to complying with the salary basis requirements of the Fair Labor Standards Act.

Purpose

The purpose of this policy is to comply with the Fair Labor Standards Act

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

Provisions

1. It is OCERS' policy to comply with the salary basis requirements of the Fair Labor Standards Act. Therefore, OCERS prohibits any improper deductions from the salaries of Exempt Employees.
2. Employees who believe that an improper deduction has been made to ~~her or he~~his or her salary should immediately report this information to Administrative Services. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, affected employees will be promptly reimbursed for any such improper deduction.

Compensatory Time Off Policy

Policy Statement

OCERS permits its Exempt Employees to earn compensatory time off under certain limited circumstances.

Purpose

While there is no legal obligation to grant compensatory time off to Exempt Employees or to pay Exempt Employees for hours worked in excess of their work period, the purpose of this policy is to compensate OCERS' Exempt Employees who are required to work on their regularly scheduled flex day off, or on recognized holidays due to extraordinary circumstances.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

Provisions

1. Eligibility for Compensatory Time (Comp Time)

- a. Consistent with the County of Orange, OCERS will provide full-time Exempt Employees with two (2) hours of compensatory time on the pay status of March 1st of each fiscal year.
- b. Part-time Exempt Employees on a pay status during the pay period that includes March 1 of each fiscal year will be credited with one (1) hour of comp time at the end of the pay period that encompasses March 1.
- c. An Exempt Employee may earn up to eight (8) hours of comp time when a holiday falls on the employee's regular-scheduled day off.
- d. Notwithstanding the foregoing, if any OCERS' Exempt Employee is required to work an unusually large number of hours as a result of natural disasters and/or officially declared emergencies such as floods, fires, storm conditions, high tides, etc., or due to extraordinary circumstances, the Chief Executive Officer may authorize additional compensation, which may be in the form of comp time, for such employee or group of employees.
- e. An employee working an approved flex schedule may earn up to eight (8) hours of comp time when required to work on ~~her or her~~his or her scheduled flex day off, as approved by ~~her or her~~his or her supervisor.

2. Procedures

- a. Comp time earned may be used as compensatory time off or paid to an employee at the discretion of OCERS.
- b. An employee may not maintain a comp time balance of more than 80 hours. All comp time earned in excess of 80 hours will be automatically paid to the employee.

- c. An employee who wishes to use earned comp time must submit an E-PAN form request to ~~her or her~~his or her supervisor setting forth the date(s) on which the comp time will be used.
- d. An employee will be permitted to use comp time on the date requested unless doing so would unduly disrupt OCERS' operation.

3. Payment of Comp Time

- a. An employee may obtain a payoff of all or a portion of ~~her or her~~his or her comp time at any time by submitting an E-PAN form to Administrative Services, *and* recording the request on ~~her or her~~his or her timesheet.
- b. An employee will be paid for all earned but unused comp time hours at the time of separation from employment at the employee's rate of pay at the time of separation.
- c. An employee working an approved flex schedule may earn up to eight (8) hours of comp time when required to work on ~~her or her~~his or her scheduled flex day off, as approved by ~~her or her~~his or her supervisor.

Exempt Employee Salary Range Policy

Policy Statement

OCERS is committed to providing fair and equitable salary adjustments of its Exempt Employees.

Purpose

The purpose of this policy is to provide information to the Exempt Employees of OCERS of the potential salary adjustments available to them.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by OCERS.~~

Provisions

1. Merit Increases

- a. In November of each year, or other time of year as determined by the CEO, each Executive, Management and/or Professional employee as of June 1 of that year shall receive a written performance evaluation.
- b. The Executives will provide feedback on their department's employees' performance and recommendations for the CEO's consideration. The CEO will make the final determination of merit increases based on the Board approved merit and salary adjustments included in the annual budget. Merit increases may be either a lump sum or added to base salary.
- c. At the discretion of the CEO, when an employee is unable to participate in the annual merit review process, an employee's performance and salary may be reviewed upon ~~her~~ or her/his or her anniversary date.

2. Range Constraints

- a. No employee's salary shall exceed the maximum of the salary range, except when and employee is designated in the Y-Rate. The CEO has the right to limit the time a Y-rated employee can remain at higher salary range.
- b. No employee's salary shall be less than the minimum rate in the salary's range assigned to the class in which he/she is employed.

3. Equity Adjustments and Incentive Pay

- a. The Chief Executive Officer (CEO) may approve additional individual salary increases
 - i. based on such factors as external market data, internal salary relationships, position responsibilities, individual performance, budgetary considerations and sound management principles,
- b. The CEO may authorize additional one time annual non-base building incentive pay rewards not to exceed \$2,500 per employee per year.

Related Topics

1. Y- Rate

2. OCERS direct employee salary ranges can be found on OCERS Intranet: [OCERS Direct Employee Salary Ranges](#)

Terms and Conditions of Employment for Executives

Policy Statement

OCERS Senior Executive Employees are subject to the terms, conditions and benefits of their employment as set forth herein.

Purpose

The purpose of this policy is to acquaint Executive Employees with some of the significant features of the terms, conditions and benefits of their employment with OCERS. More detailed information about the benefit programs offered by OCERS is set forth in the official plan documents and/or insurance policies that govern the plans. The provisions of the official plan documents and/or insurance policies will control over any potential conflict raised by the information stated below. Executive Employees who desire to inspect the official plan documents or the insurance policies can make an appointment with Administrative Services.

Scope/Coverage

This policy supersedes all previously promulgated policies on this topic and applies to OCERS Senior Executive Employees, including the Chief Executive Officer, the Chief Investment Officer, the Assistant Chief Executive Officer of Finance and Internal Operations, Assistant Chief Executive of External Operations, and the General Counsel.

Provisions

1. Chief Executive Officer

- a. In accordance with current statutes, the Chief Executive Officer (“CEO”) shall be appointed by and serve at the pleasure of a majority of the Board of Retirement (Board).
- b. The Board shall set the pay and benefits for the CEO.

2. Executive Employees

- a. Executive Employees shall serve at the pleasure of the CEO, (i.e., At Will).
- b. Executive Employees may be released from service by the CEO at any time, without notice, cause or rights of appeal.
- c. Executive Employees shall be required to sign At-Will agreements as a condition of appointment.

3. Insurance

- a. Health insurance is available to OCERS’ Executive Employees, with eligible dependent coverage. OCERS pays 95 percent of an employee’s health insurance premium and, if dependent coverage is selected, OCERS will pay approximately 75 percent of the total health coverage premiums for both the employee and dependents. OCERS will continue to share the cost of such health insurance premiums as provided in the Health Plan Rate Schedule adopted by, and as modified by, the County of Orange, Board of Supervisors.
- b. Basic Life insurance in the amount of one hundred and twenty-five thousand (\$125,000) dollars will be provided at no cost to Executive Employees regardless of age and without

proof of insurability. Executive Employees also have an option to purchase additional coverage, including dependent coverage.

- c. Accidental Death and Dismemberment insurance in the amount of one hundred and twenty-five thousand (\$125,000) dollars will be provided at no cost to the Executive regardless of age and without proof of insurability. Executive employees have an option to purchase additional coverage, including dependent coverage.
- d. OCERS will provide dental insurance to all Executive Employees and their eligible dependents at no cost to them.
- e. OCERS will make available to its Executive Employees a Premium Only Plan that will allow an employee to pay for health insurance premiums as permitted in the Internal Revenue Code. Under the plan, an employee's gross taxable salary will be reduced by the amount of ~~her or her~~his or her share of the premium costs of health insurance coverage.
- f. Executive Employees are provided short-term disability insurance coverage at no cost to the employee to provide 60 percent of salary for up to one (1) year for certified non occupational injury or illness. An employee must exhaust up to 192 hours of annual leave before the insurance begins. The plan will also provide for continuation of OCERS' share of premiums for health, dental, and life insurance benefits while the employee is on Official Leave for non-occupational disability for up to one (1) year from the effective date of disability.
- g. Executive Employees are also provided long-term disability insurance coverage at no cost to the employee to provide up to 60 percent of salary continuation while the employee is on Official Leave for a non-occupational disability.
- h. Voluntary annual physical examinations are available by a County designated physician at no cost to the Executive Employee.

4. Optional Benefit Plan

Executives have available to them the Optional Benefit Plan. The terms of the Optional Benefit Plan for the Executive Employees are the same as the terms for the Management and Professional employees, except the Executive Employees are provided four thousand five hundred (\$4,500), or such amount as is provided to executive management employees of the County of Orange, per plan year. For further details of the terms of the Optional Benefit Plan, see Human Resources Policy, Optional Benefit Plan.

5. Accrual Payout During Employment

During each calendar year an Executive Employee may request to be paid for accrued Annual Leave of up to 170 hours. Executive Employees can make up to two (2) separate requests per calendar year.

Workplace Health and Safety

This chapter contains the following policies related to workplace Health and Safety:

- Workplace Safety and Violence Prevention
- Employee Assistance Program
- Tobacco and Smoke Free Workplace Policy
- Workplace Injuries and Workers' Compensation

Workplace Safety and Violence Prevention Policy

Policy Statement

OCERS is committed to complying with applicable laws related to health and safety and to providing a healthy and safe workplace for all employees, visitors, and guests. To do this, OCERS must be aware of conditions in all work areas that can produce injuries. Cooperation from all personnel in detecting, reporting, and controlling safety issues in the workplace is expected and required.

Purpose

The purpose of this policy is to comply with state and federal laws regarding health and safety in the workplace and to maintain a safe and healthy work environment at OCERS.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. OCERS' Obligations

- a. To ensure a safe and healthy workplace, OCERS will:
 - i. Work to integrate workplace health and safety into all aspects of the workplace;
 - ii. Promote communication about workplace health and safety;
 - iii. Monitor working conditions to find, eliminate or control safety and health hazards as well as unsafe working conditions and practices; and
 - iv. Take effective action to provide a safe and healthy workplace.

2. Employee Obligations

- a. Each employee is responsible for ensuring their own personal health and safety, and that of their guests while on OCERS' premises both during working hours and after hours.
- b. Behavior by employees or their guests that places the safety and wellbeing of OCERS personnel, members, and visitors at risk of harm will not be tolerated and may result in discipline, up to and including, termination.
- c. All personnel are encouraged to report to Administrative Services all conduct and conditions that may create an unsafe environment at OCERS.

3. Procedures

- a. OCERS does not tolerate violence in the workplace.
- b. Actual or threatened violence by or against employees, members, visitors, or any other persons who are on OCERS' premises or have contact with OCERS' personnel is strictly prohibited.

- c. Employees who engage in threatening or violent behavior may be subject to disciplinary action, up to and including, termination.
- d. Employees must report any and all verbal or physical threats of violence to Administrative Services.
- e. If any personnel become aware of any actual violence, imminent violence, or threat of imminent violence, he/she should immediately contact local law enforcement and subsequently inform Administrative Services.

Employee Assistance Program Policy

Policy Statement

OCERS offers its employees an Employee Assistance Program to assist employees and their family in resolving physical, mental, emotional, and personal problems.

Purpose

The purpose of this policy is to provide information about the Employee Assistance Program and to encourage OCERS' employees to take advantage of the services offered by the program.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. The Employee Assistance Program ("EAP") is available to employees and their family 24-hours/7-days per week for emergency telephone counseling. EAP provides private, confidential assessments and referral counseling; including assistance with alcoholism, drug addiction, and emotional or personal problems. Employees who desire assistance can contact the EAP by going to www.mylifevalues.com
 - Login:
 - Orange County CA
 - Password:
 - eap
2. An employee may request an Unpaid Leave of Absence to enroll in a voluntary drug or alcohol rehabilitation program.
3. It is the responsibility of each employee to seek necessary assistance before alcohol, drug, or other problems adversely affect the employee's performance and/or conduct in the workplace. If an employee's violation of OCERS policy warrants discipline, any subsequent attempts to seek help through EAP will not shield an employee from the imposition of discipline.
4. An employee's decision to seek assistance from EAP will not be used as a basis for disciplinary action and will not be used against the employee in any disciplinary matters.

Related Topics

1. EAP Brochure
2. OCERS Unpaid Leave of Absence Policy
3. OCERS Disciplinary Action and Appeals Procedure
4. OCERS Alcohol and Controlled Substance Policy

Tobacco and Smoke-Free Workplace Policy

Policy Statement

OCERS maintains a tobacco and smoke-free workplace environment. A tobacco and smoke-free environment helps foster a safe and healthy workplace. Tobacco use, smoking and secondhand smoke are known causes of serious lung diseases, heart disease and cancer. OCERS recognizes the hazards caused by tobacco use and exposure to second hand smoke. OCERS' policy is to provide a tobacco and smoke-free environment for all employees and visitors. This policy covers the smoking of any tobacco based products including "e" and/or "vapor" based cigarettes, and the use of oral tobacco including chewing tobacco.

Purpose

The purpose of this policy is to maintain a safe and healthy workplace environment.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers, visitors and individuals who are employed by the following entities: [OCERS](#).~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

Smoking and the use of tobacco is strictly prohibited within all company work areas and public spaces including conference rooms, private offices, reception areas, restrooms, stairwells, hallways, and work stations, as well as all other enclosed areas. Employees may smoke outside during breaks in the labeled designated smoking area or 100 feet from any building entrance or exit. No additional breaks beyond those allowed under the Meal and Breaks Policy may be taken for the purpose of using tobacco products.

Complaint Procedure

Persons observing a violation of this policy should bring it to the attention of their supervisor. All complaints received will be investigated as confidentially as possible. All personnel are expected to cooperate fully with any such investigation. Any violations of this policy will be handled through the Disciplinary Actions and Appeals Procedure Policy.

Related Topics

OCERS Meal and Rest Period Policy

Workplace Injuries and Workers' Compensation Policy

Policy Statement

OCERS is committed to providing a safe and healthy workplace. In the event of a work-related injury or illness, OCERS will comply with the provisions of the State Workers' Compensation laws.

Purpose

The purpose of this policy is to comply with the California Workers' Compensation laws and to acquaint OCERS' employees with the procedures for reporting work-related injuries and illnesses, obtaining medical care, integrating disability benefits, and maintaining effective communication between OCERS and the injured or ill employee.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to all personnel who are employed by OCERS.~~

Provisions

1. General Provisions

- a. Whenever an employee sustains an injury or disability arising out of and in the course of OCERS' employment which required medical care, the employee shall obtain treatment medically necessary as recommend by a medical doctor and according to the provisions of the California Labor Code Section 4600 et. seq.
- b. OCERS carries Workers' Compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Compensation payments begin from the first day of an employee's hospitalization or after the third day following the injury if the employee is not hospitalized. The cost of coverage is paid completely by OCERS.
- c. When an injury is determined to be job-related, an employee shall be placed on Workers' Compensation Leave. If such a determination cannot readily be made, and all Annual Leave and Compensatory Time (paid time off) has been applied to the absence, the employee shall be placed on an approved leave until a final determination is made.
- d. Prior to qualifying for workers' compensation temporary disability benefits, an injured employee may, at ~~her or her~~his or her option, use any accrued paid time off.
- e. When an injury is determined to be job-related by OCERS or by the Workers' Compensation Appeals Board, paid time off expended since the fourth day of disability shall be restored to the employee's account(s), except that if the injury required the employee's hospitalization or caused disability of more than 14 days, all paid time off extended since the first day of disability shall be restored to the employee's account(s).
- f. The probation period of any employee who receives workers' compensation benefits shall be extended by the length of time the employee receives such benefits, except that the first 15 consecutive calendar days from the date of the injury shall be considered OCERS service for merit increase eligibility and completion of the probation period.

- g. While an employee is receiving temporary disability payments, the employee may, at ~~her~~ or her/his or her option, use paid time off to supplement such pay so that the employee receives no more than ~~her or her/his or her~~ regular salary during the employee's industrial injury leave.
- h. Time during which an employee receives workers' compensation, temporary disability benefits shall be counted toward the computation of OCERS Seniority and determination of annual leave earning rates.
- i. Whenever an employee is compelled by direction of an OCERS-designated physician to be absent from duty due to an on-the-job exposure to a contagious disease, the employee shall receive full compensation for a period not to exceed 80 working hours for a full-time employee or 14 calendar days for a part-time employee. If the absence extends beyond the applicable period, paid time off may be used, at the employee's option.

2. Duration of Workers' Compensation Leave

Workers' Compensation Leave shall continue until the employee:

- a. Is determined to be physically able to return to work and such medical determination, if disputed, is confirmed by the Workers' Compensation Appeals Board; or
- b. Is determined to be physically able to return to work with medical restrictions which OCERS can accept, and such determination, if disputed, is confirmed by the Workers' Compensation Appeals Board; or
- c. Accepts employment outside of OCERS; or
- d. Accepts employment in another OCERS position; or
- e. Has been found to have reached medical maximum improvement and is not physically able to return to work; or
- f. Retires

3. Injury Reporting

- a. If you are injured while working, please report it immediately to your supervisor, regardless of how minor the injury may be. Supervisors must immediately report any such injuries to Administrative Services. For critical injuries or illness, immediately call paramedics by dialing 911.
- b. Failure to immediately report any injury may result in a delay in Workers' Compensation benefits.

4. Treatment Referrals

- a. Upon receipt of a report of a workplace injury, Administrative Services will provide an injured employee the following documents:
 - i. Medical Services Authorization is used by the injured workers' supervisor or manager to authorize one time treatment, the day of injury only. Subsequent treatment must be approved by the claims administrator.
 - ii. Workers' Compensation Treatment Facility List - The employer has medical control from the moment the injury occurs and should make the selection on treatment location

- iii. Mitchell Script Advisor Card for required prescriptions.
- iv. Guide to Your Workers' Compensation Medical Care provides information the State requires injured workers to be given regarding legislative changes to medical treatment in work comp.
- v. WellComp Medical Provider Network brochure provides information the State requires injured workers to be given regarding the Medical Provider Network.

5. Documentation Required from Injured Employees

- a. Administrative Services will provide the following forms to an injured employee either in person, if the employee is still on the job or by mail to the employee's home address if he/she is unable to work. An injured employee must complete and timely return both forms to Administrative Services.
 - i. Employee's Report of Occupational Injury or Illness
 - ii. Workers' Compensation Claim Form & Notice of Potential Eligibility
- b. An injured employee must provide Administrative Services notice of all restrictions placed on the employee's ability to work. If an employee has an active Workers' Compensation claim that results in a leave of absence, OCERS' Workers' Compensation claims manager will provide OCERS with relevant documentation that pertains to the management of the employee's Workers' Compensation status and returning an employee to work.

6. Return to Work After a Workplace Injury

- a. An employee is required to return to work when released by the treating physician. An employee on leave due to a workplace injury should provide as much advance notice of the treating physician's release or return-to-work order as reasonably possible. If an employee fails to return to work or notify the supervisor within three (3) workdays following the notice release, or return-to-work date, the employee may be terminated.
- b. If an employee is released to return to work without restrictions, OCERS will return the employee to ~~her or her~~his or her former position, as soon as reasonable. If the former position has been filled, or other operational changes make it unreasonable to return the employee to ~~her or her~~his or her former position, OCERS will make a good faith effort to place the employee in a vacant position that is as comparable to the former position as is reasonable under the circumstances. The employee must cooperate and respond timely throughout the interactive process, including the job search process, and if the employee rejects an offer of a comparable position, ~~he or she~~he/she may be terminated.
- c. If the employee is released to return to work with restrictions, OCERS will place the employee in the former job (if it is available), provided the employee can perform all the essential functions of the job with or without reasonable accommodation. OCERS will engage the employee in the interactive process to determine reasonable accommodation, which may include the job search process if reassignment to a vacant position is legally required. The employee must cooperate and respond timely throughout the interactive process, including the job search process. If the employee rejects an offer of a vacant position that would reasonably accommodate the employee's limitations, ~~he or she~~he/she may be terminated. The foregoing actions may occur at the same time that

OCERS' Workers' Compensation claims manager is meeting its obligations under Workers' Compensation Laws.

- d. An employee is not allowed to return to work unless released by a physician.

7. Compliance with Applicable Law

- a. This policy and all of its provisions are subject to such other terms and conditions as are provided in the California Workers' Compensation Law. An employer is prohibited from discriminating or retaliating against an employee for filing a report of injury or illness or for taking a leave due to a work-related injury or for involvement in any proceeding under or relating to a claim of work-related injury.
- b. For questions about the exercise of your Workers' Compensation rights, contact Administrative Services.

Related Topics

- 1. OCERS Family and Medical Leave Policy
- 2. OCERS Attendance Policy
- 3. OCERS Authorized Unpaid Leaves of Absence

Chapter 9

County Employees

This chapter contains the following policies:

- Meal and Rest Period Policy
- Overtime Policy
- Make-Up time Policy

Meal and Rest Period Policy

Policy Statement

~~OCERS is committed to providing meal and rest periods in accordance with federal and state wage laws for individuals employed by the County of Orange who work at OCERS in accordance with federal and state wage and hour laws.~~

Purpose

~~This policy is intended to ensure compliance with the Fair Labor Standards Act, the California Labor Code and the Industrial Welfare Commission Wage Orders.~~

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the County of Orange who work at OCERS.~~

Provisions

~~1. Meal Period Requirements~~

- ~~a. Employees who work more than five (5) hours in a workday are entitled to take an uninterrupted Meal Period of not less than 30 minutes. The first Meal Period must start before the completion of the fifth hour of work. A second Meal Period of not less than 30 minutes must be provided for an employee who works more than 10 hours in a workday. The second Meal Period must start before the completion of the tenth hour of work. Time off for the first Meal Period is considered non-work time and therefore is not included to determine if an employee has worked more than 10 hours.~~
- ~~b. Managers must relieve an employee of all work duties within the timeframe described above.~~
- ~~c. Managers are responsible for ensuring that employees are provided all required Meal Periods. Supervisors may not coerce, pressure, or encourage employees to skip Meal Periods. Supervisors are also responsible for ensuring employees receive Meal Period Pay when applicable. A supervisor who fails to provide required Meal Periods or pay Meal Period Pay as required by this policy may be subject to disciplinary action up to and including termination.~~
- ~~d. Employees relieved of all duties for their Meal Period are expected to take the full Meal Period. However, any employee who works through a Meal Period for any reason must ensure he/she is reporting that as time worked on ~~her or her~~his or her timecard.~~
- ~~e. Failure to take Meal Periods as required by this policy may subject an employee to disciplinary action.~~
- ~~f. Meal Periods cannot be combined with Rest Periods. Similarly, Meal Periods cannot be skipped to allow employees to leave before their scheduled departure times.~~

~~2. Rest Periods~~

- a. ~~Employees who work more than three and one half (3.5) hours of total daily work time are authorized and permitted to take uninterrupted Rest Periods of 15 minutes for each four (4) hours worked, or major fraction thereof.~~
 - b. ~~As long as the opportunity to take a Rest Period is authorized and permitted, an employee may voluntarily waive a Rest Period.~~
 - c. ~~If practicable, each Rest Period should be taken in the middle of each work period insofar as practicable.~~
 - d. ~~Rest Periods cannot be combined with Meal Periods. Similarly, Rest Periods cannot be skipped to allow employees to leave before their scheduled departure times.~~
-

Overtime Policy

Policy Statement

OCERS is committed to complying with federal and state wage and hour laws with respect to overtime.

Purpose

This policy is intended to ensure compliance with the Fair Labor Standards Act, the California Labor Code and the Industrial Welfare Commission Wage Orders.

Scope/Coverage

This policy supersedes all previously promulgated policies on this topic and applies to individuals employed by the County of Orange who work at OCERS.

Provisions

1. Notice and Prior Authorization

- a. From time to time, it may be necessary for a Non-Exempt Employee to work beyond ~~her or her~~**his or her** regularly scheduled workday. OCERS will attempt to provide reasonable advance notice, but that may not always be possible. When it is necessary to work overtime, the employee is expected to cooperate as a condition of employment.
- b. An employee's immediate supervisor must authorize all overtime prior to its occurrence. All overtime must be clearly noted on an employee's timesheet.

2. Compensation

- a. Compensation for all overtime worked will be paid in accordance with applicable federal and state law. In calculating eligibility for overtime compensation, only hours actually worked will be included.
- b. Employees who are not subject to Flex Schedule Agreements will be paid a premium for overtime hours as follows, subject to change as mandated by law:
 - i. One and one-half times their regular rate of pay for all hours worked in excess of eight (8) hours per workday, up to 12 hours;
 - ii. One and one-half times their regular rate of pay for the first eight (8) hours on the seventh consecutive day of work in a workweek; and
 - iii. Double the regular rate of pay for all hours worked in excess of 12 hours in a workday and after eight (8) hours on the seventh consecutive day of work in a workweek.
- c. Employees with Flex Schedule Agreements that establish a 9/80 flex schedule (i.e., four (4) nine (9) hour work days each week with an additional eight (8) hour work day on alternate weeks) will be paid a premium for overtime hours as follows, subject to change as mandated by law:
 - i. One and one-half times their regular rate of pay for all hours worked beyond the established schedule, up to 12 hours a day.

- ii. ~~One and one half times their regular rate of pay for any work performed (up to eight hours) on any day not included in the schedule established by the agreement.~~
- iii. ~~Double the regular rate of pay for all hours worked in excess of 12 hours in a day on a regularly scheduled workday and for work in excess of eight hours on days that are not regularly scheduled workdays.~~

~~3. Record Keeping~~

~~Employees are required to keep an accurate daily record of their attendance and hours worked using their timesheets. Failure to do so may result in discipline, up to and including termination.~~

Related Topics

~~OCERS Payroll Practice Policy~~

~~Make-Up Time Policy~~

Policy Statement

~~OCERS permits County employees to “make-up” work time missed due to personal obligations in compliance with federal and state overtime laws.~~

Purpose

~~This policy is intended to ensure compliance with the Fair Labor Standards Act, the California Labor Code and the Industrial Welfare Commission Wage Orders.~~

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals employed by the County of Orange who work at OCERS.~~

Provisions

~~Employees may request approval to miss scheduled work due to personal obligation and make up the time missed. Where approval is granted and permitted by law, the make-up time will be paid at the straight-time rate and must be worked in the same pay period, up to four (4) hours per day. Employees may not make up time missed if it would result in overtime work, i.e., the make-up time must not cause the employee to exceed 11 hours in any workday or 40 hours in the workweek. The department head or executive over the division has authority/discretion to grant the time off and to allow time missed to be made up.~~

Chapter 10

Miscellaneous Policies

- Reimbursement Programs
- Religious Accommodation Policy
- ~~Contract Workers Policy~~

Reimbursement Programs Policy

Policy Statement

OCERS recognizes that under certain circumstances, employees should be reimbursed for costs incurred during the course of their employment.

Purpose

The purpose of this policy is to set forth reimbursement programs and the procedures to follow when seeking reimbursement.

~~Scope/Coverage~~

~~This policy supersedes all previously promulgated policies on this topic and applies to individuals who are employed by the following entities: OCERS.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS)~~

Provisions

1. Mileage Reimbursement

- a. Subject to the current Vehicle Rules and Regulations established by the Board of Supervisors, an employee who is authorized to use a private automobile in the performance of duties shall be paid the Internal Revenue Service Standard Mileage Rate for the Business use of a car for each mile driven during each monthly period.
- b. An employee who is required by OCERS to furnish a privately owned vehicle for the performance of ~~her or her~~his or her duties shall receive a minimum of \$10 dollars in any month in which the actual mileage reimbursement would otherwise be less than \$10 dollars. The minimum shall not apply in any month:
 - i. In which the employee has not actually worked eighty (80) hours;
 - ii. Unless the employee claims the ten 10 dollar minimum and OCERS certifies that the employee was required to use a privately owned vehicle on OCERS business.

2. Personal Property Reimbursement

OCERS will consider request for personal property reimbursement on a case-by-case basis.

3. Membership Fees

Upon request, OCERS shall reimburse employees holding professional designations or certificates. Examples include State and County Bar fees, CFA, CPA, etc.

Religious Accommodation Policy

Policy Statement

OCERS respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the conduct of OCERS' business.

Purpose

The purpose of this policy is to ensure that OCERS is respectful of the religious beliefs and practices of all employees in compliance with state and federal laws relating to religious accommodations in the workplace.

Scope/Coverage

~~This policy supersedes all previously promulgated policies on this topic and applies to Contract Workers and individuals who are employed by the following entities: OCERS and third party vendors.~~

- ~~1. OCERS; and~~
- ~~2. County of Orange (County employees who work at OCERS); and~~
- ~~3. Third party vendors~~

Provisions

1. OCERS will reasonably accommodate employees so that they may follow their religious beliefs, observances and practices unless doing so results in undue hardship to OCERS. In determining whether a requested accommodation would impose an undue hardship, OCERS will consider such factors as business necessity, financial cost or expense, operational considerations, safety issues, legal requirements (including collective bargaining agreements), and whether it infringes on the rights of other employees or requires other employees to bear more than their fair share of potentially hazardous or burdensome work.
2. An employee whose religious beliefs or practices conflict with ~~her or her~~ his or her job, work schedule, or with OCERS' policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation should submit a written request for the accommodation to ~~her or her~~ his or her immediate supervisor. The written request should include the type of religious conflict that exists and the employee's requested accommodation. An accommodation may include using paid leave or leave without pay, allowing an exception to the dress and appearance code that does not affect safety or other requirements, or other conditions of employment.
3. Supervisors should seek guidance from Human Resources before responding to a request for religious accommodation.
4. It is not possible to anticipate every request for religious accommodation that OCERS might receive. All requests will be examined on a case by case basis.

Contract Workers Policy

Policy Statement

All Contract Workers who perform service for the OCERS are required to comply with all personal conduct and performance policies and standards contained in the OCERS Personnel Policies and Regulations.

Purpose

The purpose of this policy is to establish the personal conduct and performance standards for all Contract Workers.

Scope/Coverage

This policy applies to all Contract Workers at OCERS.

Provisions

~~1. Applicability of Personal Conduct Policies~~

- ~~a. All Contract Workers must adhere to the following personal conduct policies:
 - ~~i. Code of Conduct Policy~~
 - ~~ii. Discrimination & Harassment Policy~~
 - ~~iii. Sex Harassment~~
 - ~~iv. Workplace Relationships Policy~~
 - ~~v. Work Place Safety & Violence Prevention Policy~~~~

~~Failure to adhere to any of the above-referenced policies may result in the termination of a Contract Worker's contract, subject to the terms of those contracts, with or without warning.~~

~~2. Applicability of Performance Related Policies~~

- ~~a. All Contract Workers must adhere to the following performance-related policies:
 - ~~b. Confidentiality of Records~~
 - ~~c. Conflict of Interest~~
 - ~~d. Drug and Alcohol~~
 - ~~e. Electronic Resources~~
 - ~~f. Professional Business Attire~~
 - ~~g. Social Media~~~~

~~Failure to adhere to any of the above-referenced policies may result in the termination of a Contract Worker's contract, subject to the terms of those contracts, with or without warning.~~

Glossary

Active Duty: Duty under a call or order to active duty under Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress.

Administrative Services: Manages, plans, directs, and coordinates supportive services of OCERS such as, facilities maintenance and contracts, human resources, mail distribution, and office upkeep.

Director of Administrative Services: The person delegated the authority and responsibility by the Chief Executive Officer to make decisions concerning Administrative Services matters on behalf of OCERS.

Affected by Pregnancy: When because of pregnancy, childbirth, or a related medical condition, it is medically advisable for an employee to transfer or otherwise to be reasonably accommodated by her employer.

Alcohol: Ethanol alcohol in any consumable form (e.g., beer, wine, liquor).

At-Will: Employment that has no specified term and may be terminated at any time at the will of either the employee or OCERS

Annual Leave: Annual Leave is a paid time-off benefits program. Hours accrued can be used for any reason, including vacation, illness, doctor's appointments or personal business.

Being Under the Influence: When an individual is impaired by alcohol or a drug, or the combination of alcohol or drugs, regardless of the level detected.

Board: The Board of Retirement of the Orange County Employees Retirement System

Child: A biological, adopted or foster child, stepchild, a legal ward of the employee or a child of an employee standing in loco parentis (i.e., having day-to-day responsibilities to care for and financially support a child; a biological or legal relationship is not necessary). A child is either under 18 years of age or incapable of self-care because of a mental or physical disability.

Close Relative: An individual related by blood, adoption or marriage, e.g., spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, mother/father in-law, son/daughter in-law, sister/brother in-law, stepparent, stepchild, stepbrother/sister or half brother/sister.

Condition related to pregnancy, childbirth, or a related medical condition: A physical or mental condition intrinsic to pregnancy or childbirth that includes, but is not limited to, lactation. Generally, lactation without medical complications is not a disabling "related medical condition" requiring pregnancy disability leave, although it may require transfer to a less strenuous or hazardous position or other reasonable accommodation.

Conflict of Interest: A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity at OCERS. A conflict of interest may occur any time one's personal interests or personal relationships might impair, or might reasonably appear to impair, one's ability to make an objective and fair decision based solely on what is best for OCERS and its members

Continuous Service: Employment in a regular position with OCERS ~~and or with the County of Orange~~, which has not been interrupted by resignation, discharge, or retirement. Official Leaves of Absence shall not be credited toward Continuous Service.

Contract Worker: Independent contractors; workers who are employed by, or have an independent contractor arrangement with, third-party vendors, staffing agencies, or independent contractors; and

non-executive staff whose employment relationships with OCERS are subject to a contract for employment.

~~**County of Orange Employee:** A person employed by the County and covered by terms of the Memorandum of Understanding, except where the natural construction of the Memorandum of Understanding indicates otherwise.~~

Disabled by Pregnancy: An employee is disabled by pregnancy when, in the opinion of her health care provider, she is unable, because of pregnancy, to perform any one or more of the essential functions of her job or to perform any of these functions without undue risk to herself, to her pregnancy's successful completion, or to other persons. An employee also may be considered to be "disabled by pregnancy" if, in the opinion of her health care provider, she is suffering from severe "morning sickness" or needs to take time off for: prenatal or postnatal care; bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; post-partum depression; childbirth; loss or end of pregnancy; or, recovery from childbirth.

Discrimination: Unlawful differential treatment of an individual based on a protected characteristic.

Donee: A current employee for whom the employing agency has approved an application to receive leave from the eligible leave accounts of one or more leave donors.

Donor: An employee whose voluntary written request for transfer of eligible leave to the leave account of a leave recipient is approved by the requesting agency

Electronic Resources: All OCERS electronic media and computing systems or devices, including desk top computers, laptops and other portable devices, voice mail, email, printers, copiers, scanners, fax machines, cell phones, and internet access.

Emergency Military Duty: A call to active military duty by federal or state governmental order for purposes of war, national emergency, domestic emergency or military operations.

Essential Job Functions: The fundamental job duties of the employment position the employee with a disability holds or desires. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

- a. The reason the position exists is to perform that function.
- b. The limited number of employees available among whom the performance of that job function can be distributed.
- c. The function may be highly specialized

Executive Employee: A person employed in the positions of the following: Chief Executive Officer, the Chief Investment Officer, the Assistant Chief Executive Officer, Finance and Internal Operations, Assistant Chief Executive Officer, External Operations and the General Counsel.

Exempt Employees: A person employed directly by OCERS.

Extra Help Employee: A person employed in an extra help position. An extra help employee serves at the pleasure of OCERS in an extra help position may be removed from an extra help position at any time with or without notice or cause and without a hearing.

Extra Help Position: A position which is intended to be occupied on less than year-round basis including, but not limited to the following: to cover seasonal peak workloads of limited duration; necessary vacation relief, paid Sick Leave and other situations involving a fluctuation staff.

Family Member: The following are considered members of the employee's family:

- a. Spouse and parents thereof;
- b. Children, including adopted children;
- c. Parents, including step-parents;
- d. Brothers and sisters; and,
- e. Grandparents or legal guardian.

[Final Average Salary: A measure of a member's level of earnings based on average salary for a specified period of time \(i.e. 36 months for all Tier II members\). It includes base salary and may also include other pay items as permitted under the Board's Compensation Earnable Policy \(Legacy members\) or Pensionable Compensation Policy \(PEPRA members\). This is one of the factors used in calculating monthly retirement allowance.](#)

Full-Time Employee: An employee employed in one (1) or more regular or limited-term positions whose normally assigned work hours equal those of a full workweek or work period as described hereinafter.

The Genetic Information Nondiscrimination Act of 2008 (GINA): Prohibits OCERS from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by this law (e.g., to certify the need for leave for family member's serious health condition).

Harassment: A form of discrimination that involves unwelcomed conduct based on an individual's protected characteristic.

Healthcare Provider: A medical doctor, osteopath, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, clinical social worker, midwife, Christian Science practitioner, and any other person determined by the Secretary of Labor to be capable of providing health care services.

Interactive Process: A timely good faith communication between OCERS and an employee or, when necessary because of the disability or other circumstances, ~~her or her~~ his or her representative, to explore whether the employee needs reasonable accommodation for the employee's disability to perform the essential functions of her/her job, and if so, how the employee can be reasonably accommodated.

Intermittent leave: Leave from work granted under the Family and Medical Leave act (FMLA) that is staggered instead of continuous but is permissible, e.g. the recurrence of a dangerous condition.

Key Employee: A salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by OCERS.

Limited-Term Employee: An employee employed in a limited-term position except where a regular position is converted to a limited-term position, the incumbent shall retain ~~her or her~~ his or her former status. As an exception to this definition, a limited-term employee may also be used to fill a regular position when the incumbent employee is on Official Leave of Absence.

Meal Period: An uninterrupted period of time of at least 30 minutes in which an employee is relieved of all work duties. This period is unpaid time.

[Memorandum of Understanding \(MOU\): Sets forth the terms of agreement reached between the County of Orange and an exclusively recognized employee organization.](#)

Military Duty: Includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and any period of absence for the purpose of an examination to determine the fitness of the employee to perform any such duty.

Military Training Duty: Annual active duty training for military reserves.

Non-Exempt Employees: Non-exempt employees do not meet the exemption standards of the FLSA. Non-exempt employees will report all hours worked for each day worked using the appropriate payroll codes as outlined in the payroll system when completing their electronic time sheets.

OCERS: Abbreviation for Orange County Employees Retirement System.

OCERS Direct Employee: A person employed by OCERS who is in an Executive, Management or Professional job classification.

Other Serious Circumstance: A serious circumstance other than medical that will be disclosed to other employees.

Parent: A biological, adoptive, step or foster parent, a legal guardian, or any other individual who stood in loco parentis (i.e., having day-to-day responsibilities to care for and financially support a child; a biological or legal relationship is not necessary) to the employee when the employee was a child.

Period of Incapacity: Any period of time in which an employee is unable to work, attend school or perform other regular daily activities due to the employee's serious health condition, treatment, or recovery from a serious health condition.

Personnel Records: Documents maintained to record necessary information regarding an employee's employment standing and position with OCERS, such as employment application and/or resume, offer letter, payroll authorization forms, records reflecting a job transfer or promotion or other change in job title and/or payroll rate, name change or corrections to date of birth, annual performance evaluations, notices of commendation or discipline, and leave request forms.

Prohibited Drug: Any drug which is not legally obtainable: any "illicit" drug or "controlled substance" the possession or use of which could result in arrest or other legal sanction according to state or federal statute;

- a. Any drug which is legally obtainable but has not been legally obtained;
- b. Prescribed drugs not being used for prescribed purposes or at prescribed dosages; and/or
- c. Any non-prescription substances that are used contrary to manufacturer's recommendations.

Protected Characteristics: Race, color, religion, sex (including pregnancy, breastfeeding and medical conditions related to breast feeding), gender identify, gender expression, national origin, age, physical or mental disability, veteran status, sexual orientation, genetic information, ancestry, marital status, medical condition, or religious creed.

Qualified Individual: An employee who has the requisite skill, experience, education, and other job related requirements of the employment position such individual hold or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reduction: Movement of a regular or probationary employee from one (1) class to another class where the maximum step of the new salary range is at least one (1) full step or 2.75 percent (for ML & PL range classes) lower than the minimum step of the old salary range.

Reasonable Accommodation: Modifications or adjustments to an employee's position that are effective in enabling an employee to perform the essential functions of the job the employee holds or desires, or effective in enabling an employee with a disability to enjoy equivalent benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities. The elimination of an Essential Job Function or the creation of a new position is not a reasonable accommodation and is not required by law.

Registered Domestic Partner: A person that is registered as a domestic partner with the Secretary of State of California or is registered as a domestic partner in any other state in which domestic partnerships or civil unions are recognized.

Rest Period: An uninterrupted 15-minute period of time in which an employee is relieved of all work duties. This period is paid time.

Seniority: Total continuous full-time equivalent service as a regular employee with OCERS and/or the County of Orange

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care in a hospital, hospice, or residential medical care facility or overnight stay in a hospital, hospice or residential medical care facility. This includes inpatient care for any period of incapacity or treatment in connection with such incapacity.
- b. Continuing treatment by a health care provider, including (1) a period of incapacity of more than three consecutive calendar days; (2) a period of incapacity that involves at least two treatments by a health care provider within 30 days after the first day of incapacity (unless extenuating circumstances prevent the second treatment); or (3) at least one treatment by a health care provider within 7 days after the first day of incapacity that results in a regimen of continuing treatment under that provider's care.

Sexual Harassment: The making of unwanted and offensive sexual advances or of sexually offensive remarks or acts, especially by one in a superior or supervisory position or when acquiescence to such behavior is a condition of continued employment, promotion, or satisfactory evaluation. Examples of sexual harassment include, but are not limited to: (a) unwelcome requests for sexual favors; (b) lewd or derogatory comments or jokes; (c) comments regarding sexual behavior or the body of another employee; (d) sexual innuendo and other vocal activity such as catcalls or whistles; (e) obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature; (f) repeated requests for dates after being informed that interest is unwelcome; (g) retaliating against an employee for refusing a sexual advance or reporting an incident of possible sexual harassment to OCERS or any government agency; (h) offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; (i) any unwanted physical touching or assaults, or blocking or impeding movements; and (j) retaliation for having reported sexual harassment.

Social Media: Forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Social media includes but are not limited to blogs, podcasts, discussion forums, on-line collaborative information and publishing (i.e., Wikis), RSS feeds, video sharing, and social networks like LinkedIn, Twitter and Facebook.

Spouse: A husband or wife as defined or recognized under the laws of the State of California for purposes of marriage, or the laws of the state in which the spouse received a marriage license, including same-sex marriage.

Telecommuting: The practice of working at a location outside of OCERS, typically one's home. Telecommuting can be done on a regular basis (e.g., once per week), or an occasional basis.

Unapproved Absences: Absences that have not been approved by OCERS in advance and are not covered under OCERS' Family and Medical Leave, Pregnancy Leave, or Workers' Compensation Leave policies.

Under the Influence: The state of being intoxicated or impaired by alcohol or a drug, or the combination of alcohol and drugs.

Undue Hardship: An action requiring significant difficulty or expense incurred by OCERS.

United States Uniformed Services: The Armed Forces (Army, Navy, Marine Corps, Air Force or Coast Guard), the Army National Guard and Air National Guard, the Commissioned Corps of the Public Health Service, and any other category of persons designated by the President in a time of war or national emergency (e.g., Disaster Medical Assistance Team).

Workplace Relationship: As used in this policy, “workplace relationship” refers to personal relationships of a romantic or sexual nature.

Y-RATE: A pay rate outside of the assigned salary range of a class.

Annual Leave Accrual Summary

Agency	Annual Accrual Hours per Years of Service	Max Annual Accrual	Annual Sick Leave Accrual	Max Sick Accrual	Does not Participate in Sick Leave
OCERS (Annual Leave)	296 @ 10	N/A	N/A	N/A	X
CALPERS					
<i>Prof/Admin/Fin and Attorney</i> Vacation/Sick Leave Option	168 @ 20	640	96	Unlimited	N/A
Annual Leave Option	216 @ 20	640	N/A	N/A	N/A
<i>Excluded Supervisory and Management</i> Vacation/Sick Leave Option	192 @25	640	96	Unlimited	N/A
Annual Leave Option	240 @ 25	640	N/A	N/A	N/A
CALSTRS					
<i>Prof/Admin/Fin and Attorney</i> Vacation/Sick Leave Option	168 @ 20	640	96	Unlimited	N/A
Annual Leave Option	216 @ 20	640	N/A	N/A	N/A
<i>Supervisory and Management</i> Vacation/Sick Leave Option	192 @25	640	96	Unlimited	N/A
Annual Leave Option	240 @ 25	640	N/A	N/A	N/A
LACERS	184 @ 20	368	96 @ full comp, 40 @ 75% comp	800 full pay accrual 75% pay to 800 hours	N/A
<i>Administrative, Supervisory, and Exec./Sr.</i> <i>Management</i>	200 @ 25	400	96	800	N/A
<i>Management</i>	200 @ 20	400	96	800	N/A
LACERA (Annual Leave)	84 @ 20 100 @ 24	480 480	N/A	N/A	X
LAFPP	184 @ 20	368			
<i>Administrative, Supervisory, and Exec./Sr.</i> <i>Management</i>	200 @ 25	400	96	800	N/A
<i>Management</i>	200 @ 20	400			
Orange County	200 @ 10	580			
<i>Executive (Vacation)</i>					
<i>Supervisory- Management (Annual</i> <i>Leave)</i>	256 @ 10	Unlimited	Annual Leave	N/A	N/A
<i>General Unit (Annual Leave)</i>	256 @ 10	Unlimited			
<i>Attorney (Vacation Leave)</i>	200 @ 10	480	0-3 YOS: 80 hours >4 YOS: 96 hours	1,500	
<i>Administrative Management (Annual</i> <i>Leave)</i>	200 @ 10	480	0-3 YOS: 72 >4 YOS: 96 hours	1,500	
<i>Executive II</i>					

Annual Leave Accrual Summary

Agency	Annual Accrual Hours per Years of Service	Max Annual Accrual	Annual Sick Leave Accrual	Max Sick Accrual	Does not Participate in Sick Leave
SBCERA	160 @ 20	480	96	Unlimited	N/A
SDCERS	216 @ 16	350	N/A	N/A	X
<i>Managerial and Executive (Annual Leave)</i>					
<i>Professional Legal</i>	216 @ 16	350			
SDCERA	176 @ 15	440	104	Unlimited	N/A
<i>Management Executive, Unclassified</i>					
	200 @15	500			
SFERS	160 @15+	400	104	1040	N/A

A-3

Memorandum

DATE: July 22, 2019
TO: Members of the Personnel Committee
FROM: Cynthia Hockless, Director of Administrative Services
SUBJECT: TRIENNIAL REVIEW OF THE CEO PERFORMANCE EVALUATION POLICY

Recommendation

1. Approve and recommend that the Board of Retirement approve revisions to the CEO Performance Evaluation Policy.
2. Approve and discuss the timeline for the 2019 CEO Performance Evaluation process

Background/Discussion

The Board of Retirement has formally adopted over 40 charters and policies and has established a review schedule that requires review of every charter and policy every three years. The Board approved a streamlined procedure to more efficiently manage the scheduled review of the charters and policies. Pursuant to this process, certain policies are to first be reviewed by the Governance Committee before presentation to the Board for approval.

In 2019, the Board approved a Personnel Committee that will ***“Recommend new and review existing Board policies relating to OCERS personnel matters including without limitation the CEO Performance Evaluation Policy and the Succession Policy.”*** Therefore, the review of the CEO Performance Evaluation policy will be heard by the Personnel Committee and will then go to the Board for approval.

The **CEO Performance Evaluation Policy** was adopted by the Board on February 19, 2002 and was last reviewed and revised on November 14, 2016. It is scheduled for review and approval by the Board, after review by the Personnel Committee.

CEO Performance Evaluation Policy

Staff has reviewed the CEO Performance Evaluation Policy and recommends the following edits:

1. Add to item #6 under Process and Timelines:
In addition, the CEO’s performance for the prior twelve months may be based on the six categories below:

The revisions are set forth in red strikethrough text in the attached copy of the policy.

Attachments

1. Clean version of CEO Performance Evaluation Policy
2. Red-lined version of CEO Performance Evaluation Policy
3. Proposed timeline for 2019 CEO Performance Evaluation Process

Submitted by:



Cynthia Hockless
Director of Administrative Services



OCERS Board Policy Chief Executive Officer Performance Evaluation Policy

Background and Objectives

1. The Board of Retirement supervises the Chief Executive Officer. Formal evaluation procedures and practices are required. This process shall be performed on an annual basis.
2. The objectives of this policy are to:
 - a. Assist the Board in arriving at and communicating clear and meaningful goals and performance targets for the Chief Executive Officer;
 - b. Ensure that the Chief Executive Officer receives meaningful, objective, and timely feedback that will allow the Chief Executive Officer to perform, over time, at the highest levels possible; and
 - c. Enable the Board to hold the Chief Executive Officer accountable for performance.

Roles

3. The Board will be responsible for evaluating the performance of the Chief Executive Officer.
4. The Chair and Vice Chair will be responsible for coordinating the evaluation process. The Board may use a third party to facilitate the process.

Policy Guidelines

Process and Timelines

5. The Chief Executive Officer will discuss the following items with the Chair during November each year:
 - a. Proposed CEO evaluation criteria for the coming calendar year;
 - b. Proposed weights for each of the above criteria; and
 - c. Proposed CEO Evaluation Form for the coming calendar year.
6. In addition, the CEO's performance for the prior twelve months may be based on the six categories below:
 - a. Achievement of performance targets established for the System as a whole;
 - b. Implementation of the annual Business Plan;
 - c. Implementation of Board policies and associated reporting to the Board;
 - d. Leadership and related qualities;
 - e. Ability to address special developments or situations that may arise; and
 - f. Other criteria that the Board may determine to be appropriate.



OCERS Board Policy Chief Executive Officer Performance Evaluation Policy

7. The Board will attempt to ensure that the criteria:
 - a. Are objective and measurable; and
 - b. Pertain only to outcomes over which the Chief Executive Officer has a reasonable degree of control.
8. The Chair shall distribute the CEO Evaluation Package to each member of the Board in October of each year. The Evaluation Package will include copies of the Evaluation Form to be completed by each Board member, Business Plan, and the CEO's self-evaluation. The Chief Executive Officer's self-evaluation report is designed to assist the Board in the evaluation process. It should describe the extent to which the CEO believes the evaluation criteria were met over the past year, as well as all relevant supporting data. Supporting data may be confirmed by internal audit material where appropriate. The report may also describe any additional accomplishments during the year.
9. The Board shall treat this material as confidential. Completed individual Evaluation Forms will be returned to the Chair or the designated third party with a copy to the Vice Chair within the time frame specified. The Chair will ensure that all data is tabulated and summarized in a Master CEO Evaluation Form and treated as confidential until released to the Board.
10. Evaluation of the Chief Executive Officer will be completed by November each year. The evaluation process itself will be conducted in executive session. The Chair will distribute a copy of the Master CEO Evaluation Form and invite discussion by the Board. At the conclusion of discussion, the Chief Executive Officer will join the Board for review and discussion of his/her performance along with any suggestions for improvement. The Board may have preliminary discussions in October, but will complete the process by November.
11. Upon completion of the Master CEO Evaluation Form, the Chair and the Chief Executive Officer will sign the Master CEO Evaluation Form and cause it to be placed in the Chief Executive Officer's personnel file.

Documentation

12. The Individual and Master CEO Evaluation Form(s) may take any format the Board deems appropriate, but must allow Board members an opportunity to provide general comments.

Compensation

13. The Board of Retirement will consider the Chief Executive Officer's compensation at the time the performance evaluation is conducted.

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OCERS Board Policy Chief Executive Officer Performance Evaluation Policy

Policy Review

14. The Board will review this policy at least every three years to ensure that it remains relevant and appropriate.

Policy History

15. This policy will be implemented in February 19, 2002. This policy was revised May 16, 2005, May 19, 2008, March 22, 2010, January 21, 2014, ~~and~~ November 14, 2016 ~~and July 31, 2019.~~

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

11/14/16

Steve Delaney
Secretary of the Board

Date

OCERS Board Policy
Chief Executive Officer
Performance Evaluation Policy

Background and Objectives

1. The Board of Retirement supervises the Chief Executive Officer. Formal evaluation procedures and practices are required. This process shall be performed on an annual basis.
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 - c. Proposed CEO Evaluation Form for the coming calendar year.
6. In addition, the CEO's performance for the prior twelve months based on six categories:
 - a. Achievement of performance targets established for the System as a whole;
 - b. Implementation of the annual Business Plan;
 - c. Implementation of Board policies and associated reporting to the Board;
 - d. Leadership and related qualities;
 - e. Ability to address special developments or situations that may arise; and
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OCERS Board Policy

Chief Executive Officer Performance Evaluation Policy

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OCERS Board Policy
Chief Executive Officer
Performance Evaluation Policy

Policy Review

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Policy History

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Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.



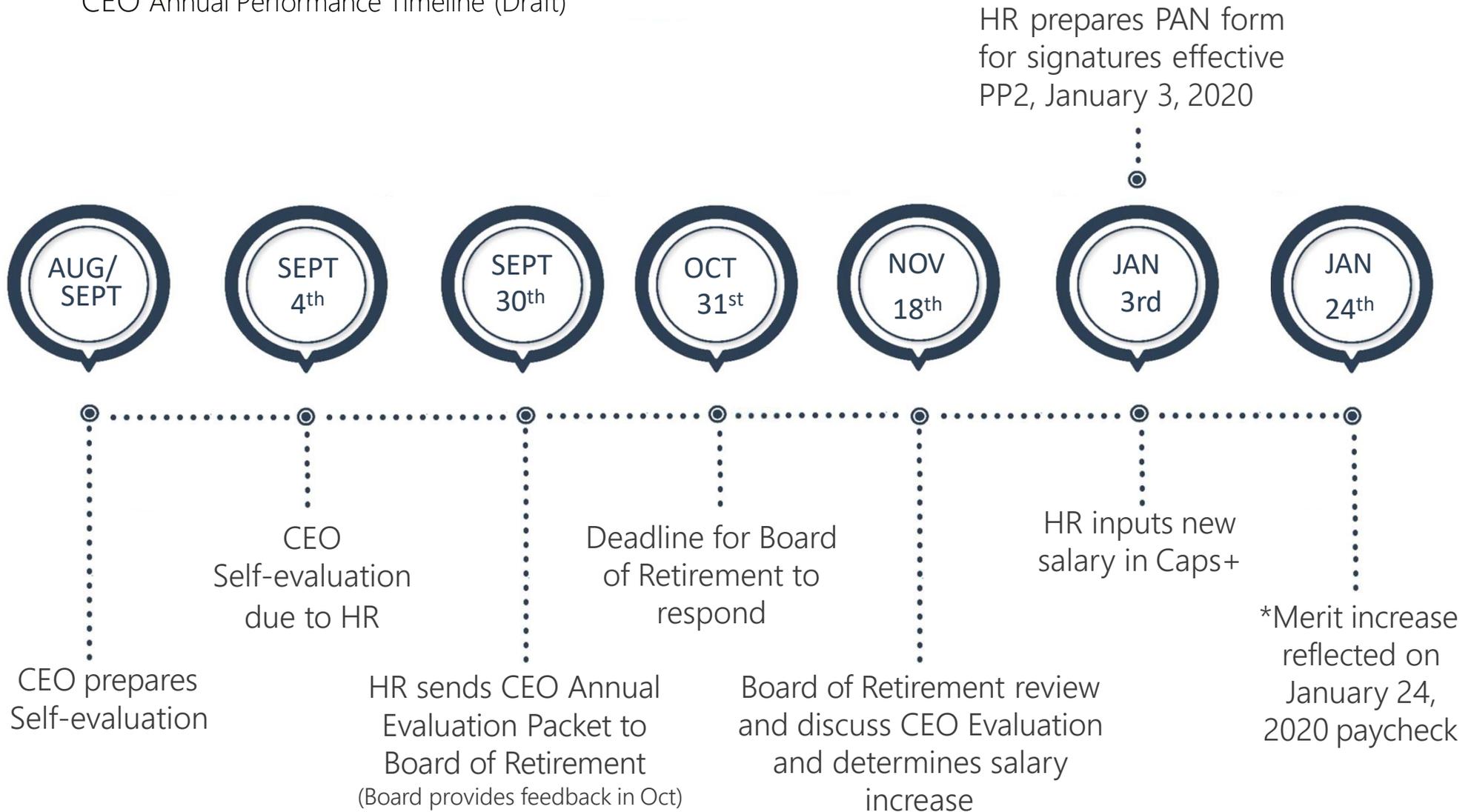
11/14/16

Steve Delaney
Secretary of the Board

Date

2019

CEO Annual Performance Timeline (Draft)



*All Merit increases are per the Board of Retirement's approval

A-4

Memorandum

DATE: July 22, 2019
TO: Members of the Personnel Committee
FROM: Brenda Shott, Assistant CEO of Internal Operations
SUBJECT: REVIEW UPCOMING TOPICS FOR PERSONNEL COMMITTEE

Recommendation

Discuss and review topics to be heard at future Personnel Committee meetings

Background/Discussion

The Board of Retirement established the Personnel Committee to assist the Board by reviewing, amending, and recommending personnel policies and procedures affecting OCERS direct employees. The Personnel Committee is an advisory committee comprised of three Board members that are scheduled to meet once a month.

Staff has identified four topics that the Personnel Committee will review in the upcoming months. Below is a list of the topics that will come forth for direction and discussion from the Personnel Committee:

1. Draft a Memorandum of Understanding (MOU) to the County of Orange regarding the working relationship OCERS Management has with County Employees working at the OCERS headquarters.
2. Total Compensation Study – OCERS Direct. Create updated salary ranges and salary schedules.
3. Draft OCERS specific classifications for County employees located at OCERS with the partnership and approval of the County of Orange and Orange County Employees Association (OCEA).
4. Convert County Employees to OCERS Direct. Discuss the steps necessary and gain support to start the process to transition all employees under OCERS employment.

Staff will provide a brief overview of the aforementioned topics at the July 31, 2019, Personnel Committee meeting. Detailed information will be provided as the topics are placed on the agenda at future Personnel Committee meetings.

Submitted by:



Brenda Shott
Assistant CEO of Internal Operations