

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM**

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

**PERSONNEL COMMITTEE MEETING  
Tuesday, October 1, 2019  
11:00 A.M. OR UPON ADJOURNMENT OF THE DISABILITY COMMITTEE MEETING,  
WHICHEVER IS LATER**

**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.**

**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

July 31, 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 EMPLOYEE HANDBOOK**

*Presentation by Steve Delaney, Chief Executive Officer, OCERS*

**Recommendation:** Approve, and recommend that the Board approve, the OCERS Employee Handbook with the revisions to be made as presented.

#### **A-3 2020 SALARIES AND BENEFITS BUDGET AND STAFFING PLAN RECOMMENDATIONS**

*Presentation by Steve Delaney, Chief Executive Officer Operations, and Cynthia Hockless, Director of Administrative Services, OCERS*

**Recommendation:** Approve including the following items related to the 2020 Salaries and Benefits Budget and Staffing Plan in the 2020 Proposed Budget to be presented to the full Board of Retirement at the Budget Workshop:

1. Create five career ladder positions as proposed (see org chart).
2. Change the organization structure of the Administrative Services Department by dividing the department into two separate departments: Human Resources, Operations Support Services (see organizational chart for assignment of positions reporting in each newly created department – no change to total headcount).
  - a. Add a position of Director of Operations Support Services.
  - b. Drop a position of Staff Assistant.
3. Change the titles of four positions.
4. Implement the 2020 Performance Management structure as proposed.
5. Adjust all OCERS direct employee salary ranges by 2.5% to reflect inflationary impacts to the region.
6. Add the Certified Information Systems Security Professional (CISSP), Society for Human Resource Management Certified Professional (SHRM-CP), Society for Human Resource Professional Senior Certified Professional (SHRM-SCP), and Certified Internal Auditor certifications to OCERS' certification pay program.

## **INFORMATION ITEMS**

#### **I-1 OCERS SUCCESSION PLAN**

*Presentation by Steve Delaney, Chief Executive Officer, and Dena Gunsolley, Manager of Learning and Organizational Development, OCERS*

**COMMITTEE MEMBER COMMENTS**

**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

**COUNSEL COMMENTS**

**ADJOURNMENT**

**NOTICE OF NEXT MEETINGS**

**BUDGET WORKSHOP**

**October 17, 2019  
9:00 A.M.**

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

**REGULAR BOARD MEETING**

**October 21, 2019  
9:00 A.M.**

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

**INVESTMENT COMMITTEE MEETING**

**October 31, 2019  
9:00 A.M.**

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

**PERSONNEL COMMITTEE MEETING**

**October 31, 2019  
1:00 P.M. OR UPON ADJOURNMENT OF THE INVESTMENT COMMITTEE MEETING,  
WHICHEVER IS LATER**

**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](mailto: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  
July 31, 2019  
9:00 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 9:06 a.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

June 17, 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-3 TRIENNIAL REVIEW OF THE CEO PERFORMANCE EVALUATION POLICY**

Agenda item A-3 was taken out of order.

Presentation by Cynthia Hockless, Director of Administrative Services, OCERS

After discussion by the Committee, **MOTION** by Lindholm, **seconded** by Hilton, to approve and recommend that the Board of Retirement approve revisions to the CEO Performance Evaluation Policy as presented in the committee materials.

The motion passed **unanimously**.

After discussion by the Committee, **MOTION** by Lindholm, **seconded** by Hilton, to approve the timeline for the 2019 CEO Performance Evaluation process.

The motion passed **unanimously**.

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

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

The Committee received comments from Frank Eley, Mark Adviento, Jon Gossard, and Dave Beeson.

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

The Committee recessed for a break at 11:07 a.m.

The Committee reconvened at 11:25 a.m.

**A-4 REVIEW UPCOMING TOPICS FOR PERSONNEL COMMITTEE**

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

After discussion by the Committee, no action was taken.

**COMMITTEE MEMBER/CEO/CONSULTANT/COUNSEL COMMENTS**

None

The meeting **ADJOURNED** at 11:54 a.m.

Submitted by:

Approved by:

\_\_\_\_\_  
Steve Delaney  
Secretary to the Committee

\_\_\_\_\_  
Chris Prevatt  
Chair

A-2





## Memorandum

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**DATE:** September 26, 2019  
**TO:** Members of the Personnel Committee  
**FROM:** Steve Delaney, Chief Executive Officer, Internal Operations  
**SUBJECT:** **EMPLOYEE HANDBOOK**

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### Recommendation

Approve, and recommend that the Board approve, the OCERS Employee Handbook with the revisions to be made as presented.

### Background/Discussion

The Personnel Committee has reviewed and discussed the OCERS Employee Handbook in May, June and July of this year. During those discussions, the Committee has provided direction on several changes to the original document that have been incorporated in the draft of the Employee Handbook as attached.

The Handbook is nearing completion with the exception of two primary policies that have generated much discussion and have yet to be agreeable to by the Committee: 1. At Will Policy and 2. Annual Leave Policy – specifically the accrual limitation provisions within the policy.

The CEO is recommending the Personnel Committee approve the following revisions to the current draft of the Employee Handbook

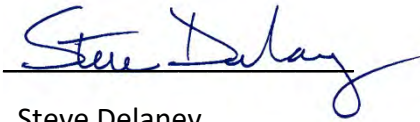
1. Eliminate the At Will Policy in its entirety (page 9 of OCERS Employee Handbook). This change would then result in all current and future employees being subject to the Disciplinary Actions and Appeals Procedure Policy. The Disciplinary Actions and Appeals Procedure Policy would be revised (page 42 of OCERS Employee Handbook) to remove Section 2 which references the At-Will policy. Section 3 would also be revised to remove the reference to only being applicable to employees hired before the effective date of the Handbook. In addition, a Probationary Period Policy would be added to the Handbook to clarify the terms of employment for new and promoted employees. If the elimination of the At Will Policy is approved, a thorough review of the Handbook will be done to eliminate any other potential references to At-Will prior to sending the Handbook onto the Board.
2. Approve the grandfathering of current OCERS direct employees for the Annual Leave accrual provision (where they have no limit on the amount of Annual Leave they can accrue). Set the accrual limit for all future OCERS team members hired after the effective date of the Handbook to be either 640 hours as recommended by OCERS Leadership or 1040 hours as previously discussed by Personnel Committee members.

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) OCERS Proposed Employee Handbook

**Submitted by:**

A handwritten signature in blue ink that reads "Steve Delaney". The signature is written in a cursive style with a long, sweeping tail on the "y".

Steve Delaney

Chief Executive Officer

OCERS

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# Employee Handbook

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**V1.0**

**October 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>



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COUNTY OF ORANGE

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COMMISSION

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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.

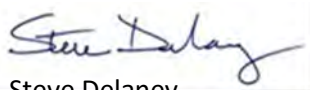
This Handbook is meant to facilitate your success. You will find it provides you with an overview of pertinent OCERS policies, your benefits and your responsibilities as an OCERS employee. Please take the time to read it thoroughly. We have found that we are more effective as a team when each and every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



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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 unless otherwise specified:

### *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.

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

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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 July 1, 2019 and OCERS.

### *Provisions*

1. Employees hired or re-hired by OCERS on or after 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 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.
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

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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, Harassment, retaliation or abusive conduct by anyone.

## *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 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 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. istic.
  - 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 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 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 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/eeo/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](http://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](http://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.

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 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.

## *Provisions*

### **1. Electronic Asset Usage**

- a. Individuals must use sound judgment when using OCERS' Electronic Resources.
- b. OCERS' policies against 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 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.

## *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.

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. .
- 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 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 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 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 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.

## *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 his 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 his 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
- 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

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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.

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.**

### **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.

## *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 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 his or her duties as an employee of OCERS or with the duties, functions, or responsibilities of OCERS as an organization. The 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 his or her duties as an employee of OCERS or with the duties, functions, or responsibilities of OCERS as an organization.

## *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 his or her employment with OCERS or as a part of his or her duties as an OCERS employee;
  - c. Involves the performance of an act in other than 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 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.

## *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 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 his or her supervisor. The employee may report the tardy to 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 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 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 his or her absence.
  - ii. An employee must provide the reason for his or her absence and the expected duration of the absence to 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 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 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 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.

## *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.

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.

OCERS.

## *Provisions*

### **1. Prohibited Workplace Relationships**

- a. 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.

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 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.

## *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 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 July 1, 2019**

- a. For employees who commenced their employment after 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 July 1, 2019**

- a. Termination for Cause Only
  - i. Employees who commenced their employment before 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, 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 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/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 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/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 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/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 his or her supervisor and interviews of the supervisor and other OCERS personnel.

## Chapter 4

# Professional Development Policies

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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.

### ***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 his or her performance, and may have such objections documented in 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.

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 position or occupation; or
- c. Prepare the employee for advancement to positions of greater responsibility at OCERS.

### **2. Eligible Employees**

All full time regular, part time, regular and probationary employees with a performance rating in 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

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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.

OCERS.

### *Provisions*

#### **1. Eligibility**

Any qualified individual with a physical disability, mental disability or medical condition that limits a major life activity, including his 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 his 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 his 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 his or her protected leave (see OCERS Family and Medical Leave Policy) and his 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 his 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 his 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.

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 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 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 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 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 his or her child, parent, spouse, or domestic partner; (2) needs Intermittent Leave for the serious health condition of the employee or his 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 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 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 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 his or her employment.
- c. If an employee has complied with his or her obligations under this policy, OCERS will reinstate the employee to 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.

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 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 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 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.

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.

### *Provisions*

#### **Eligibility**

1. The Chief Executive Officer may authorize an employee to be absent with pay from 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 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 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.

## *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 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 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 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.

## *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 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 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 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 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/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/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/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/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/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 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/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/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.

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 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 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/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.

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/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.

### ***Provisions***

An employee who wishes to take time off due to the death of an immediate family member should notify 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.

## *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 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.

## *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 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 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).

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.

## 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 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 June 30, 2019.
- b. Accrual of Annual Leave hours shall be limited for employees hired by OCERS after June 30, 2019, to a total of 640 hours (80 eight (8) hour days)
- c. 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.

#### **4. Permissible Uses of Annual Leave**

Annual Leave may be used for any reason, including:

- a. Vacation
- b. Personal business.
- c. 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 his or her illness, injury, or medical condition.
- d. For victims of domestic violence, sexual assault, or stalking.

#### **5. Procedure for Requesting Foreseeable Annual Leave**

- a. An employee requesting one or more weeks of time off should submit a request for time off to 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 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 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.

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.

### *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.

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 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.

## 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 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, 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 his or her contributions on deposit with the Retirement System. If the employee leaves 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 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 his 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 his 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 his or her job classification, and
- ii. the incapacity arose out of, and in the course of his or her employment, and such employment contributed substantially to his 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](http://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 established the Plan in order to assist career employees in maintaining health insurance coverage following their retirement from OCERS service.

## Scope/Coverage

This policy supersedes all previously promulgated policies regarding the Medical Grant Plan and applies to individuals who are employed by OCERS 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 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.

### 2. Eligibility

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



1. Have a minimum of 10 years of continuous eligible 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

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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.

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 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 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. 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 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 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 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 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.

### **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

### ***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 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.

## *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 his or her scheduled flex day off, as approved by 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 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 his or her comp time at any time by submitting an E-PAN form to Administrative Services, *and* recording the request on 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 his or her scheduled flex day off, as approved by 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.

## *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 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 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

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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.

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.

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](http://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.

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.

## *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 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 his or her option, use paid time off to supplement such pay so that the employee receives no more than 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 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 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/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/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



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## Miscellaneous Policies

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- Reimbursement Programs
- Religious Accommodation 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.

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 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.

OCERS and 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 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 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.



## 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, 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.

**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, 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 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.

**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.

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## Memorandum

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**DATE:** September 23, 2019  
**TO:** Members of the Personnel Committee  
**FROM:** Brenda Shott, Assistant CEO, Finance and Internal Operations  
**SUBJECT:** **2020 SALARIES AND BENEFITS BUDGET AND STAFFING PLAN RECOMMENDATIONS**

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### Recommendation

Approve including the following items related to the 2020 Salaries and Benefits Budget and Staffing Plan in the 2020 Proposed Budget to be presented to the full Board of Retirement at the Budget Workshop:

1. Create five career ladder positions as proposed (see org chart).
2. Change the organization structure of the Administrative Services Department by dividing the department into two separate departments: Human Resources, Operations Support Services (see organizational chart for assignment of positions reporting in each newly created department – no change to total headcount).
  - a. Add a position of Director of Operations Support Services.
  - b. Drop a position of Staff Assistant.
3. Change the titles of four positions:
  - a. Director of Administrative Services – change to Director of Human Resources
  - b. IT Manager – change to Information Security Manager
  - c. Director of Cyber Security – change to Director of Information Security
  - d. Training Manager – change to Learning and Organizational Development Manager
4. Implement the 2020 Performance Management structure to include 2.5% increase for all employees who meet expectations (or higher). In addition, award a merit adjustment (2.75%) for employees who are rated “Exceed Expectations” and award 2 merit adjustments (2.75% + 2.75% = 5.5%) for employees who are rated “Exceptional”.
5. Adjust all OCERS direct employee salary ranges by 2.5% to reflect inflationary impacts to the region.
6. Add the Certified Information Systems Security Professional (CISSP), Society for Human Resource Management Certified Professional (SHRM-CP), Society for Human Resource Professional Senior Certified Professional (SHRM-SCP), and Certified Internal Auditor certifications to OCERS’ certification pay program.

### Background/Discussion

The Personnel Committee Charter Section 2, Duties and Responsibilities includes the following items:

- d. *Review and recommend to the Board for approval salary ranges for all OCERS direct employees according to established compensation policies and procedures and with the approved Operating Budget;*



## Memorandum

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- e. *Oversee the compensation paid to all OCERS direct employees according to established compensation and benefit policies and procedures and consistent with the CEO Charter;*

The Board's Compensation Philosophy includes the following:

### *Compensation Strategy*

*Total Compensation of OCERS employees includes both cash compensation and benefits. OCERS' Board of Retirement is responsible for approving salary ranges for each authorized position. The CEO is responsible for managing salaries within the approved salary ranges. The CEO will use the following process:*

- In November of each year, or other time of year as determined by the Chief Executive Officer, each Executive, Management and/or Professional employee as of June 1 of that year shall receive a written performance evaluation and be eligible for an annual merit increase with a performance rating of meets performance standards or better.*
- Salary increases within a range shall not be automatic. The Chief of each division will provide performance feedback and salary adjustment recommendations for the CEO's consideration. The CEO will make the final determination of salary awards based on the annual performance pool and individual award limits approved by the Board of Retirement in connection with the budget.*
- Salary ranges will be reviewed annually with an intended purpose of keeping total compensation competitive. The CEO may ask the Board of Retirement to consider adjustments to the salary ranges during the annual budget approval process.*

As such, staff is recommending several items to the Personnel Committee as they relate to OCERS direct staffing plan and compensation. These items are recommended to be included in the 2020 Budget. Each item is summarized below.

### **1. Create five career ladder positions as proposed (see org chart).**

Talent Management is part of OCERS Strategic Plan with a goal to recruit, retain and inspire a high performing workforce. A strategy that was implemented several years ago was to create career ladders for staff that could be utilized as a tool for retention. A career ladder is created with the approval of additional classifications but not an increase in the approved number of positions. The career ladder is used when an employee in the base position has demonstrated consistent performance that exceeds expectations, increased job knowledge and skills and the ability to progress into the next level of job duties and responsibilities. The positions that have been identified for developing career ladders are as follows:

## Memorandum

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	Ladder Position Title (new/added classification)	Department	Position Type	Base Position (existing classification)	Ladder Position Salary Range	Net Annual Budget Impact
1.	Staff Analyst	Human Resources	OCERS Direct	Staff Specialist	\$63,211 - \$105,462	\$14,602
2.	Staff Specialist	Human Resources	County	Staff Assistant	\$52,332 - \$69,971	\$4,831
3.	Reconciliation Specialist	Member Services	County	Accounting Technician	\$45,947 - \$61,505	\$6,515
4.	IT Programming Manager	IT	OCERS Direct	Retirement Programmer Business Analyst	\$66,962- \$140,321	\$23,214
5.	IT Operations Manager	IT	OCERS Direct	IT Supervisor	\$66,962 - \$140,321	\$22,322

**2. Change the organization structure of the Administrative Services Department by dividing the department into two separate departments: Human Resources, Operations Support Services with the following position creation and deletion which results in no change to total headcount:**

**a. Add a position of Director of Operations Support Services.**

**b. Drop a position of Staff Assistant.**

Due to the growth in OCERS' workforce and other support services such as contracting and procurement, operational risk management and business continuity and disaster recovery that have been implemented or expanded over the past several years, it is recommended that we separate the current Administrative Services Department into two separate departments. Currently, the Administrative Services Department is responsible for the following duties:

- i. Employee Recruitments (including volunteer program)
- ii. Employee Retention and Performance Management
- iii. Labor Relations
- iv. Learning and Development (staff training, staff development, succession planning, onboarding, Board member training/tracking etc.)
- v. Personnel Policies and Procedures/Employee Handbook - administration/compliance (staffing structure and County MOU)

## Memorandum

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- vi. Compensation and Benefits administration (employee payroll, classification and compensation studies, pay structure maintenance, benefits coordination)
- vii. Employee Complaint Investigations and Discipline
- viii. Leaves of Absence and Workers Compensation
- ix. Cultivating OCERS Culture
- x. Contracts and Procurement
- xi. Operational Risk Management
- xii. Policy Compliance
- xiii. Business Continuity/Disaster Recovery Coordination
- xiv. Board Elections
- xv. Facilities Management
- xvi. Mailroom
- xvii. Office equipment and supplies management

OCERS' Leadership is recommending that items i –ix from the list above are assigned to the newly created Human Resources Department with the current Director of Administrative Services being assigned these duties (and the position title being changed to Director of Human Resources). The salary range for the Director of Human Resources will remain the same at \$118,065 – \$154,657.

Items x – xvii from the list above are recommended to be assigned to the newly created Operations Support Services Department with the proposed Director of Operations Support Services being assigned these duties. The proposed salary range for the Director of Operations Support Services is \$118,065 - \$154,657. The estimated additional annual cost for adding the director level position and deleting the staff level position is \$124,000

The proposed staffing for each department will be existing positions assigned as designated on the attached proposed organization chart.

### **3. Change the titles of four positions:**

- a. Director of Administrative Services - change to Director of Human Resources
- b. IT Manager - change to Information Security Manager
- c. Director of Cyber Security - change to Director of Information Security
- d. Training Manager – change to Learning and Organizational Development Manager

The change in titles above are all to more accurately reflect the existing duties and responsibilities of each position. No change in salary range is needed as a result of the change in titles. There is no cost to the change in titles

### **4. Implement the 2020 Performance Management structure to include 2.5% increase for all employees who meet expectations (or higher). In addition, award a merit adjustment (2.75%) for employees who are rated "Exceed Expectations" and award 2 merit adjustments (2.75% + 2.75% = 5.5%) for employees who are rated "Exceptional".**

## Memorandum

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The OCERS Compensation Philosophy states the following:

*The underlying philosophy governing OCERS' compensation program is designed to accomplish the following:*

- *Provide pay levels that are externally competitive among peers within our industry and with published market data for similar sized governmental organizations.*
- *Recognize and reward individual performance, initiatives, growth in job proficiency and achievement of stated goals.*
- *Provide management the flexibility to make compensation decisions within budgetary guidelines.*

*In alignment with our organization's culture, we will strive to communicate openly about the goals of the agency and the design of the compensation program. The compensation process is intended to be fair and uncomplicated so that all employees and managers understand the goals and the outcome of the process.*

OCERS' Leadership has been striving to develop a performance management structure that is in alignment with the Board's Compensation Philosophy, consistent from year to year, and fiscally responsible and sustainable. We are currently working with a consultant on a structure for the long term. However, for 2020 we recommend using the 2019 Budget and Performance Management Program again. The basic concept of the program is that all employees who are meeting expectations (or better) will receive a base increase that reflects an inflationary adjustment (typically less than actual CPI for the previous 12 month period for the Orange County area). This base amount will vary from year to year. For 2020 it is recommended that a 2.5% base increase be implemented to reflect the inflationary impact that the current 3.0% CPI for the area has had so far this year.

Then, to recognize and reward great performance, merit adjustments will also be awarded. The concept behind a merit adjustment is similar in size to steps that most governmental entities use. However, for OCERS' Leadership, merit adjustments are only given if an employee exceeds expectations, and when an employee is deemed to have had exceptional performance two merit adjustments will be awarded. A merit adjustment is 2.75% of base salary. Merit adjustments may be paid out as a base salary increase or as a lump sum. The estimated cost for the proposed performance management program is \$363,000.

### **5. Adjust all OCERS direct employee salary ranges by 2.5% to reflect inflationary impacts to the region.**

In accordance with OCERS' Compensation Philosophy, salary ranges are reviewed annually with an intended purpose of keeping total compensation competitive. The CEO may ask the Board of Retirement to consider adjustments to the salary ranges during the annual budget approval process. The Consumer Price Index for all Urban Consumers for the Los Angeles-Long Beach-Anaheim, CA area for the twelve months ended August, 2019 was 3.0%. OCERS' Leadership is recommending to adjust all existing OCERS' direct salary ranges by 2.5%. Based on the preliminary results of the Compensation Study, we believe this will still result in ranges that will still be less than the market data collected. Further adjustments to the ranges will be proposed in 2020.

### **6. Add the Certified Information Systems Security Professional (CISSP), Society for Human Resource Management Certified Professional (SHRM-CP), Society for Human Resource**

## Memorandum

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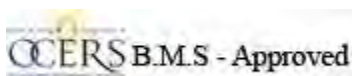
### **Professional Senior Certified Professional (SHRM-SCP), and Certified Internal Auditor certifications to OCERS' certification pay program.**

OCERS implemented a certification pay program in 2018. At the time the Board approved the program the only two certifications that were included in the program were a Certified Financial Analyst (CFA) and a Certified Public Accountant (CPA). At the time of implementation it was determined that a set of criteria would be developed to evaluate other certifications to be considered for inclusion in the program. OCERS's Leadership has developed the following questions to consider when evaluating certifications that have been proposed to be included in the program:

- a) Is the certification highly desirable and valued in the market? Do job announcements seeking applications for similar positions at other employers request this certification?
- b) What is the difficulty level of obtaining the certification? What is the pass/fail rate? The more difficult, the more likely we would want to reward individuals who have put themselves out and passed.
- c) Does the certification program require ongoing CE training? A one-time and you get it certification may be possible, but not nearly as likely as a certification that requires CE to maintain that level of proficiency.
- d) Is the certification applicable to the position we are considering applying it to? Are there various levels of certification? Does the certification value change depending on the level of responsibilities of the position currently held?

OCERS' Leadership has received one completed request for adding the CISSP certification to the program at a 5% pay rate. The materials supporting this request are attached. The other three certifications that have been proposed to be included in the program are currently in the process of completing the full documentation to support the request. OCERS' Leadership is recommending that all proposals be completed and included in the Budget Workshop for the Board's discussion. We estimate that the cost impact for adding the certifications currently identified would add \$18,000 to \$36,000, depending on the percentage of pay each certification would be assigned.

#### **Submitted by:**

OCERS B.M.S. - Approved

Brenda Shott

Assistant CEO, Finance and Internal Operations



# Personnel Committee Meeting

**2020 Proposed Budget & Staffing Changes to be presented at the Budget Workshop**



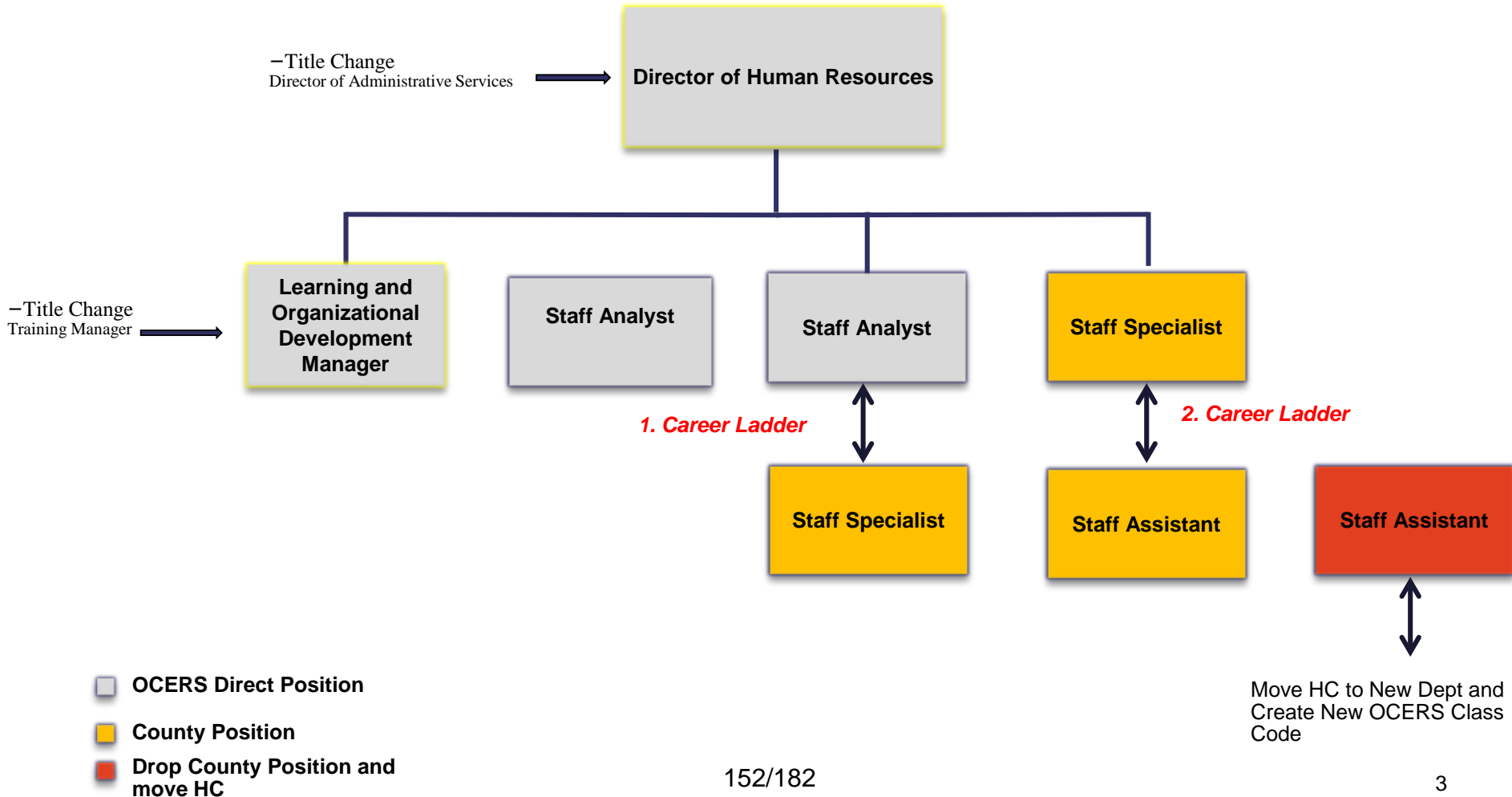


# 2020 Proposed Changes

1. Create five career ladder positions as proposed (see org chart).
2. Change the organization structure of the Administrative Services Department by dividing the department into two separate departments: Human Resources, Operations Support Services (see organizational chart for assignment of positions reporting in each newly created department – no change to total headcount).
  - a. Add a position of Director of Operations Support Services.
  - b. Drop a position of Staff Assistant.
3. Change the titles of four positions:
  - a. Director of Administrative Services - change to Director of Human Resources
  - b. IT Manager - change to Information Security Manager
  - c. Director of Cyber Security - change to Director of Information Security
  - d. Training Manager – change to Learning and Organizational Development Manager
4. Implement the 2020 Performance Management structure to include 2.5% increase for all employees who meet expectations (or higher). In addition, award a merit adjustment (2.75%) for employees who are rated “Exceed Expectations” and award 2 merit adjustments (2.75% + 2.75% = 5.5%) for employees who are rated “Exceptional”.
5. Adjust all OCERS direct employee salary ranges by 2.5% to reflect inflationary impacts to the region.
6. Add the Certified Information Systems Security Professional (CISSP), Society for Human Resource Management Certified Professional (SHRM-CP), Society for Human Resource Professional Senior Certified Professional (SHRM-SCP), and Certified Internal Auditor certifications to OCERS’ certification pay program.



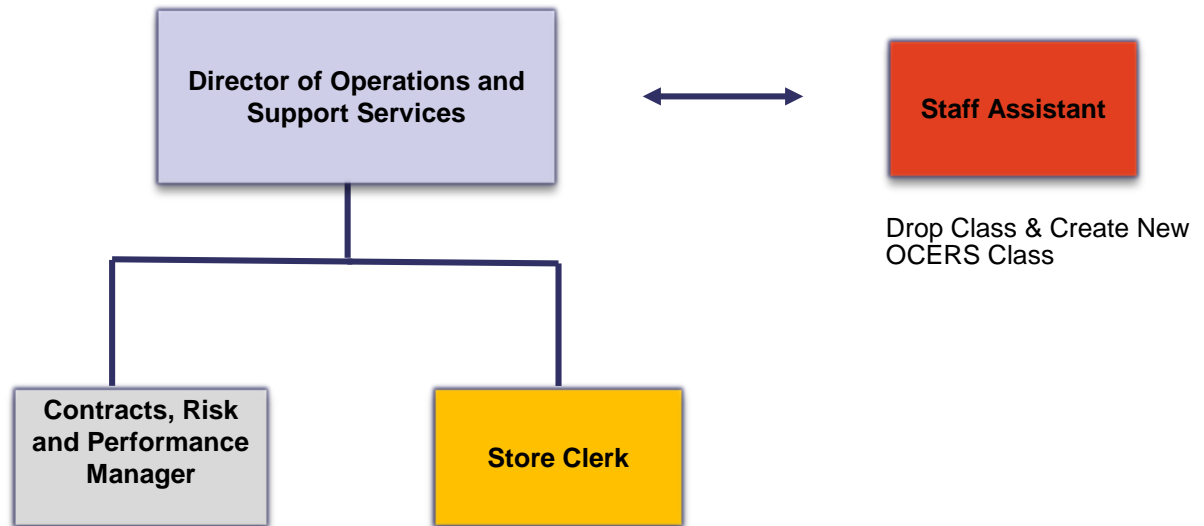
# 2020 Human Resources Department Organizational Chart Changes









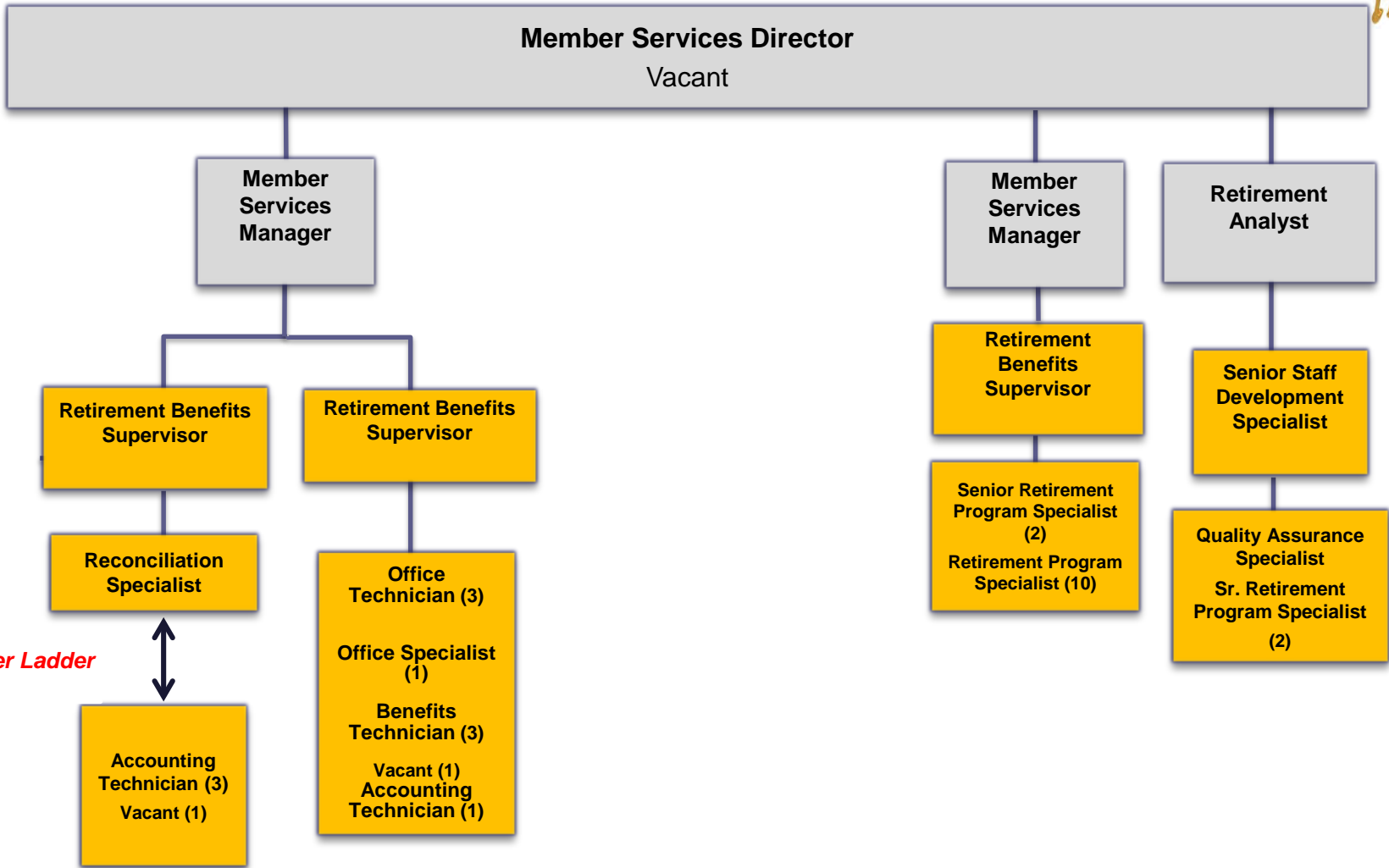


# 2020 Operations and Support Services Department Organizational Chart Changes



-  NEW OCERS Direct Classification
-  Existing OCERS Direct Classification
-  County Position
-  Drop County Position From Admin/HR Dept & Add OCERS New Class

# 2020 Member Services Department Organizational Chart Changes

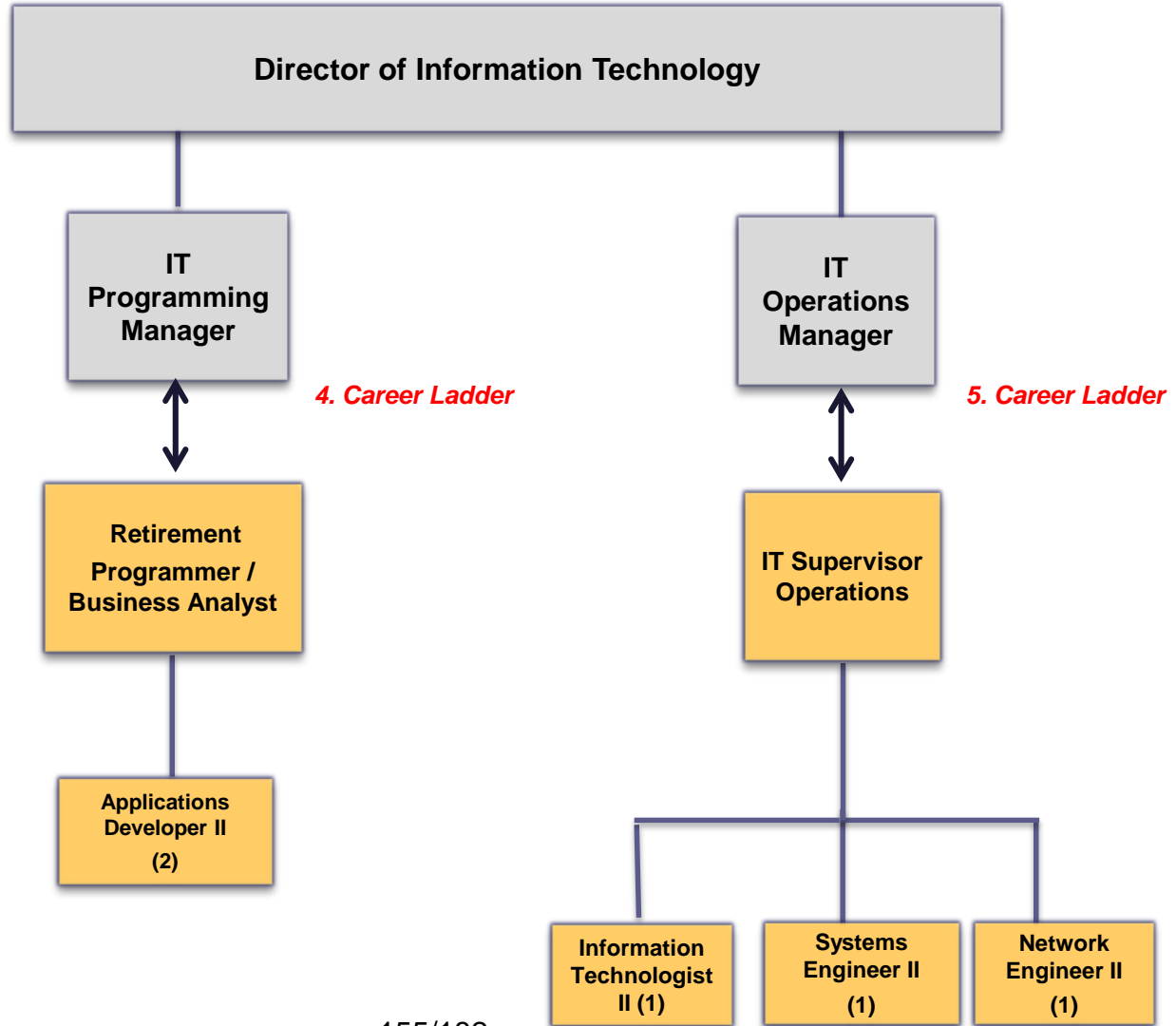


*3. Career Ladder*



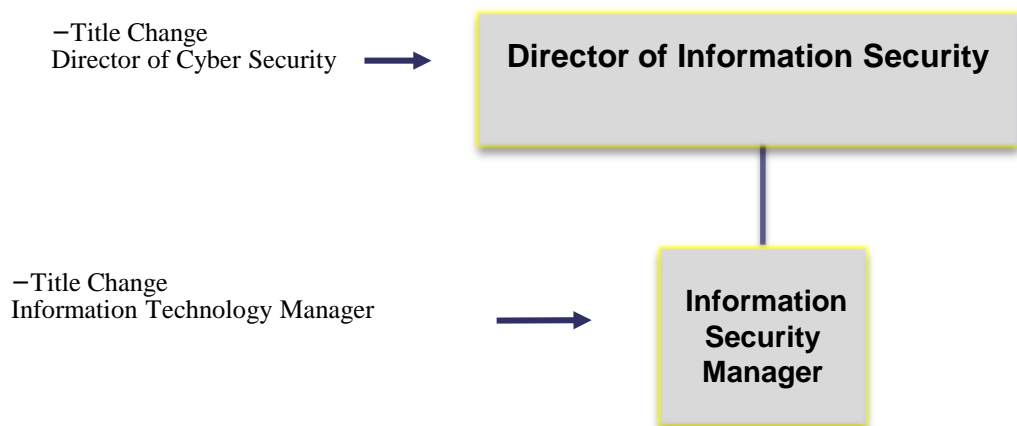
- OCERS Direct Position
- County Position

# 2020 Information Technology Department Organizational Chart Changes



OCERS Direct Position  
 County Position

# 2020 Information Security Department Organizational Chart Changes



OCERS Direct Position

# Salary Adjustments

## ➤ Performance Adjustments

- Increases for OCERS' direct staff are based on performance evaluations
  - Base = 2.5% (base increases salary ranges)
  - 1 Merit Adjustment = 2.75%
  - Meets - Base
  - Exceeds - 1 Merit + base
  - Exceptional - 2 Merits + base
  - FY20 direct staff budget for merit-based steps = \$363K
- County employee salary adjustments are dictated by County MOU
  - Granting of County employee increases is outside OCERS' Board Authority
  - MOU currently in negotiations; FY20 County staff budget does not currently include unknown MOU increases
  - Steps = \$73K



# Proposed Salary Ranges



## OCERS Direct Employees

### 2.5% Salary Range Increase (Effective date January 1, 2020)

OCERS Employee Position	Current Annual Minimum	Revised Annual Minimum	Current Annual Midpoint	Revised Annual Midpoint	Current Annual Maximum	Revised Annual Maximum
Chief Investment Officer	\$215,250	\$220,631	\$269,063	\$275,789	\$322,875	\$330,947
General Counsel	\$136,576	\$139,991	\$203,035	\$208,110	\$269,493	\$276,230
Assistant Chief Executive Officer	\$136,576	\$139,991	\$187,214	\$191,894	\$237,851	\$243,798
Managing Director of Investment Operations	\$136,576	\$139,991	\$187,214	\$191,894	\$237,851	\$243,798
Director of Investment Operations	\$136,576	\$139,991	\$168,487	\$172,699	\$200,398	\$205,408
Deputy Legal Counsel	\$136,576	\$139,991	\$168,487	\$172,699	\$200,398	\$205,408
Director of Member Services	\$121,832	\$124,877	\$142,711	\$146,279	\$163,590	\$167,680
Director of Human Resources	\$118,065	\$121,016	\$136,361	\$139,770	\$154,657	\$158,524
Director of Finance	\$115,482	\$118,369	\$138,675	\$142,142	\$161,868	\$165,915
Staff Attorney	\$115,159	\$118,038	\$143,357	\$146,940	\$171,554	\$175,843
Director of Operational Support Officer - New		\$121,016		\$139,770		\$158,524
Senior Investment Officer	\$109,347	\$112,081	\$138,998	\$142,473	\$168,648	\$172,865
Director of Internal Audit	\$108,271	\$110,978	\$135,338	\$138,722	\$162,406	\$166,466
Director of Information Technology	\$106,011	\$108,661	\$132,540	\$135,854	\$159,070	\$163,046
Director of Information Security	\$106,011	\$108,661	\$130,334	\$133,592	\$154,657	\$158,524
Investment Officer	\$82,118	\$84,171	\$109,508	\$112,246	\$136,899	\$140,321
Internal Auditor	\$72,539	\$74,353	\$90,620	\$92,886	\$108,701	\$111,419
Senior Investment Analyst	\$71,894	\$73,691	\$95,894	\$98,291	\$119,894	\$122,892
Information Security Manager	\$65,328	\$66,962	\$101,114	\$103,642	\$136,899	\$140,321
Information Technology Operations Manager	\$65,328	\$66,962	\$101,114	\$103,642	\$136,899	\$140,321
Program and Business Analyst Manager - New		\$66,962		\$103,642		\$140,321
Retirement Analyst	\$65,328	\$66,962	\$101,114	\$103,642	\$136,899	\$140,321
Finance Manager	\$61,669	\$63,211	\$91,051	\$93,327	\$120,432	\$123,443
Member Services Manager	\$61,669	\$63,211	\$91,051	\$93,327	\$120,432	\$123,443
Disability Manager	\$61,669	\$63,211	\$91,051	\$93,327	\$120,432	\$123,443
Manager of Learning and Organization	\$61,669	\$63,211	\$91,051	\$93,327	\$120,432	\$123,443
Contracts, Risk & Performance Administrator	\$61,669	\$63,211	\$91,051	\$93,327	\$120,432	\$123,443
Communications Manager	\$61,669	\$63,211	\$86,046	\$88,197	\$110,423	\$113,184
Staff Analyst	\$61,669	\$63,211	\$82,279	\$84,336	\$102,890	\$105,462
Investment Analyst	\$61,669	\$63,211	\$82,279	\$84,336	\$102,890	\$105,462

The Current Annual amounts are the approved amounts from the 2019 Budget Process. The Revised Annual amounts are a formula based on the increase in the Salary Ranges.

Percentage Increase in the Salary Ranges for the year, 2020:  
 2.50%

Title Change

Title Change

Title Change

Title Change

# Certification Pay

*Add the following certifications to OCERS' certification pay program*

- Certified Information Systems Security Professional (CISSP)
- Society for Human Resource Management Certified Professional (SHRM-CP), Society for Human Resource Professional Senior Certified Professional (SHRM-SCP)
- Certified Internal Auditor certifications to OCERS' certification pay program.

OCERS Direct Employees

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# **Certified Information Systems Security Professional (CISSP) & Certification Pay**



Earning the CISSP proves you have what it takes to effectively design, implement and manage a best-in-class cybersecurity program.

## **The 8 Security Domains Covered by the CISSP**

Domain 1: Security and Risk Management

Domain 2: Asset Security

Domain 3: Security Architecture and Engineering

Domain 4: Communication and Network Security

Domain 5: Identity and Access Management

Domain 6: Security Assessment and Testing

Domain 7: Security Operations

Domain 8: Software Development Security

The CISSP is ideal for experienced security practitioners, managers and executives interested in proving their knowledge across a wide array of security practices and principles.



# CISSP Comparison to CPA and CFA

- Highest Experience Requirement
  - 5 years
- Highest Continuing Education Requirement
  - 40 hours/year
- Endorsement Required
  - CPA and CFA do not require endorsement
- Internationally Accredited
  - CPA and CFA are not internationally accredited



“The CISSP certification is the current gold standard in information security certifications.”

<https://www.globalknowledge.com/us-en/resources/resource-library/articles/10-certifications-that-really-mean-something/>

“The CISSP is considered the gold standard credential that assures information security leaders possess the breadth of knowledge, skills and experience required to credibly build and manage the security posture of an organization.”

<https://niccs.us-cert.gov/training/search/standard-technology-incorporated/isc2-certified-information-systems-security>

“Despite the fact that CISSP certification has been around for a very long time, it remains not only relevant, but crucial.”

<https://resources.infosecinstitute.com/category/certifications-training/cissp/cissp-history/cissp-current-status/>

“On LinkedIn, CISSP is the most required security certification for IT professionals working in this field.”

<https://www.solarwindsmsp.com/blog/understanding-cissp-requirements>

### Job Openings Requiring Information Security Certifications (Nov. 2018):

- **CISSP (ISC2): 49,731**
- CISM (ISACA): 20,209
- CEH (EC-COUNCIL): 10,780
- Security+ (COMPTIA): 10,345
- GSEC (SANS): 7,642


**The CISSP outnumbers the next four certifications combined.**

<https://www.businessnewsdaily.com/10708-information-security-certifications.html>

“The CISSP is one of the most widely respected certificates of high-level expertise in cyber security.”

<https://www.cisecurity.org/services/cis-cybermarket/training/isc2-security-professional-training/>






**ORANGE COUNTY**  
 Human Resource Services  
 333 W. Santa Ana Blvd,  
 Santa Ana, CA 92701  
 714-834-2555  
<http://www.ocgov.com/hr>

**INVITES APPLICATIONS FOR THE POSITION OF:**  
**Chief Information Security Officer (CISO)**

**DESIRABLE QUALIFICATIONS & CORE COMPETENCIES**

The ideal candidate will possess a Bachelor's degree in information security, computer science, information systems, computer engineering, or a related field; be a Certified Information Systems Security Professional (CISSP) and/or Certified Information Security Manager (CISM); and possess a minimum of seven (7) years experience in comprehensive security program management in planning, administering, and ensuring effective and secure large-scale information security operations covering applications, mainframe, servers, voice and data network, Internet, or other systems. In addition, the ideal candidate will possess extensive knowledge and/or experience in the following core competencies:




**CITY OF IRVINE**  
 Department of Human Resources  
 One Civic Center Plaza  
 Irvine, CA 92606-5208

**INVITES APPLICATIONS FOR THE POSITION OF:**  
**IT Security Officer**

**Best Fit**

- Certifications: Certified Information Security Systems Professional (CISSP), Certified Information Security Manager (CISM), or Certified Information Systems Auditor (CISA).




**CITY OF BALTIMORE**  
 Department of Human Resources  
 7 E. Redwood Street, 16th Floor  
 Baltimore, MD 21202  
 (410) 396-3860 711(TTY)  
[www.baltimorecity.gov](http://www.baltimorecity.gov)

**INVITES APPLICATIONS FOR THE POSITION OF:**  
**Deputy Chief Information Security Officer (DCISO) - BCIT**

**Certification/Licensure One or more of the following:**

- CompTIA Security+ (SY0-401)
- (ISC)<sup>2</sup> Certified Information Systems Security Professional (CISSP)
- (ISACA) Certified Information Security Manager (CISM)
- GIAC Security Essentials (GSEC)
- EC-Council Certified Ethical Hacker (CEH)



**ORANGE COUNTY**  
  
 EMPLOYEES RETIREMENT SYSTEM

**DIRECTOR OF CYBER SECURITY**

**DESIRABLE QUALIFICATIONS**

Master of Business Administration or Master of Science degree in computer science or related field

Professional information security certifications such as:

- Certified Information Systems Security Professional (CISSP),
- Certified Information Systems Auditor (CISA)
- Certified Information Security Manager (CISM)
- Similar industry certifications

- 20+ Years of Experience
- Self-Study Program
  - We averaged 140 study hours over a 6 week period
- CISSP Certification Training Courses
  - We averaged 50 hours of in-class training over a 1 week period
  - Equivalent to semester-length college course
- 2017 and Earlier – Standard Exam
  - One 250 question, 6 hour exam
- 2018 and Later - Computerized Adaptive Test
  - One 100-150 question, 3 hour exam
  - Maximizes precision of exam by utilizing knowledge of the test-taker
  - Increasing difficulty of questions based on performance



- High Level Certifications support the following goals:
  - Increase Professionalism
  - Continuous Improvement
  - Trained Workforce (Do More With What We Have)
  - Engaged and Dedicated Workforce
  - Recruit and Retain a High-Performing Workforce
  - Develop and Empower Every Member of the Team
  - Recognize Individual Needs and Career Goals
  - Cultivate a Collaborative, Inclusive and Creative Culture





# Benefit Recommendations

CPS HR Consulting in the OCERS Final Total Compensation Report:

*“Consideration should be given to develop a certification incentive compensation program by encouraging, acknowledging and rewarding employees for acquiring knowledge and developing critical skills beyond the minimum qualification requirements of a classification which are a benefit to the organization. A program should be agency wide and include national and state certifications relative to the different agency areas of business i.e.; investment, benefits, administration etc. A certification incentive compensation program aids in retention, requirement and development of agency intellectual knowledge.”*





- Include the Certified Information Systems Security Professional (CISSP) in the OCERS Certification Pay program at the 5% level



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**Thank You**

## Comparison of CISSP, CPA, and CFA Certifications

Certification	Certified Information Systems Security Professional (CISSP)	Certified Public Accountant (CPA)	Chartered Financial Analyst (CFA)
Governing Organization	International Information System Security Certification Consortium (ISC) <sup>2</sup>	American Institute of Certified Public Accountants (AICPA)	CFA Institute
Accreditation Body & Standard	American National Standards Institute (ANSI) ISO/IEC Standard 17024 <sup>1</sup>	N/A (Internal AICPA Committee) <sup>2</sup>	N/A <sup>3</sup>
Education Requirement	N/A (can use four-year college degree to satisfy 1 year of required experience) <sup>4</sup>	Bachelor's Degree (150 semester units of education, including 24 semester units in accounting-related subjects and 24 semester units in business-related subjects) <sup>5</sup>	Bachelor's Degree or 4 years professional work experience (does not have to be investment-related) or Combination of work experience and education totaling 4 years prior to enrollment <sup>6</sup>
Experience Requirement	5 years cumulative paid work experience in 2 or more of the 8 domains of the CISSP CBK (a four-year college degree or an approved credential will satisfy 1 year of required experience) <sup>7</sup>	1 year general accounting experience, supervised by actively-licensed CPA <sup>8</sup>	4 years in the investment decision-making process <sup>9</sup>
Exam Requirement	One 250 question, 6 hour exam (2017 and earlier) or One 100-150 question, 3 hour Computerized Adaptive Test exam (2018 and later) (exams include multiple choice and simulation questions) <sup>10</sup>	Four exams, containing an average of 77 questions each, 4 hours per exam (exams include multiple choice, simulation, and writing questions) <sup>11</sup>	Three exams as follows: Level I Exam: 240 multiple choice questions (6 hours) Level II Exam: 120 multiple choice questions (6 hours) Level III Exam: 8-12 essay questions, 60 multiple choice questions (6 hours) <sup>12</sup>
Exam Passing Score	700 out of 1000 <sup>13</sup>	75 out of 99 on each exam <sup>14</sup>	Pass/Fail <sup>15</sup>
Exam Pass Rate	Not publically released; widely assumed to be well below 50% <sup>16</sup>	Historically between 45-50% <sup>17</sup>	Level I: 43%; Level II: 45%; Level III: 56% <sup>18</sup>
Certification Term	3 years <sup>19</sup>	2 years <sup>20</sup>	N/A
Continuing Education Requirement	120 hours over the three-year period (40 hours annually) <sup>21</sup>	80 hours during the two-year period (40 hours annually) <sup>22</sup>	N/A (Voluntary) <sup>23</sup>
Ethics Requirement	Agree to and uphold the (ISC) <sup>2</sup> Code of Ethics <sup>24</sup>	CalCPA PETH Exam (50 multiple-choice questions; no time limit; 90%+ passing score) <sup>25</sup>	Complete a Professional Conduct Statement and uphold the Code of Ethics and Standards of Professional Conduct <sup>26</sup>
Endorsement Requirement	Endorsement by an (ISC) <sup>2</sup> certified professional in good standing <sup>27</sup>	N/A	N/A
Desirability In Industry	Job Openings Requiring Information Security Certifications (Nov. 2018): <b>CISSP (ISC<sup>2</sup>): 49,731</b> CISM (ISACA): 20,209 CEH (EC-COUNCIL): 10,780 Security+ (COMPTIA): 10,345 GSEC (SANS): 7,642 <sup>28</sup>	N/A	N/A
No. of Certification Holders	> 136,428 worldwide <sup>29</sup>	> 664,532 in the US <sup>30</sup>	> 154,000 worldwide <sup>31</sup>
Year Established	1994 <sup>32</sup>	1917 <sup>33</sup>	1963 <sup>34</sup>

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## Memorandum

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**DATE:** October 1, 2019  
**TO:** Members of the Personnel Committee  
**FROM:** Steve Delaney, Chief Executive Officer  
**SUBJECT:** OCERS SUCCESSION PLANNING

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### Presentation

#### Background/Discussion

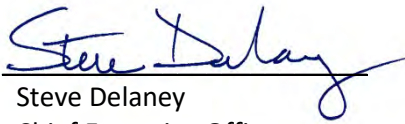
I will share the attached PowerPoint presentation with the Personnel Committee on October 1 regarding the past year's efforts to provide for succession planning. In past years this report had been provided directly to the OCERS Board of Retirement, but with the creation of the Personnel Committee, this body seems to be the natural home for such a presentation, and discussion of the process. The materials contained here will be shared with the full Board when it meets on October 21.

Also attached is a copy of the current Succession Planning policy. I believe it can be improved and will discuss my plans for revision with the Committee. Those revisions can come to a future meeting of the Committee if so directed.

#### Attachments

OCERS Succession Planning PowerPoint  
OCERS Succession Planning Policy

#### Submitted by:

  
Steve Delaney  
Chief Executive Officer

# OCERS Succession Planning – A Review



October 1, 2019

# SUCCESSION PLANNING

*“The Board of Retirement will from time to time as determined to be in the best interests of OCERS: Ensure that appropriate succession plans are in place to provide continuity in the OCERS management”*

- Section 15(b) OCERS Board of Retirement Charter

# SUCCESSION PLANNING

– **It's about growing people**

- Succession planning is the long term development of staff and skill sets that will serve the agency





# SUCCESSION PLANNING

## The Challenge



177/182

# SUCCESSION PLANNING

## – Laying the Foundation

### First steps:

- Determine critical positions
- Identify expected vacancies
- Identify competencies, skills needed for each of those positions
- Assess where current staff stands in meeting those long-term needs



# SUCCESSION PLANNING

## – In 2019...

- Training – PDX, CALAPRS, One –on-Ones – All Staff

- (2018 focused on skill sets)
- 2019 focuses on education
- (2020 work at CEO level)



- Exposure – NASRA CLIPS; duties outside the norm

## **Purpose and Background**

1. The Orange County Employees Retirement System (“OCERS”) established a succession policy to provide continuity in leadership and avoid extended and costly vacancies in key positions. This policy provides specific steps designed to identify candidates for the Chief Executive Officer (“CEO”) position that may become vacant due to retirement, resignation, death or a new business opportunity. This policy ensures that there are qualified and motivated employees (or a means of recruiting them) who are able to take over when the CEO exits the agency. It also demonstrates to plan sponsors and members that OCERS is committed to and able to provide excellent service at all times, including during times of transition.

## **Policy Statement**

2. As part of good governance, OCERS must plan for a change – either planned or unplanned – in Executive leadership which is inevitable for all organizations. The policy goal is to ensure the stability and accountability of the organization and sustain uninterrupted service levels to plan sponsors and members until a new permanent leader is identified. The Board of Retirement (“Board”) shall be responsible for implementing this policy and its related procedures.

## **Scope and Coverage**

3. This policy should be used in case of an Executive transition that involves the CEO. In such an instance, the Board may also consider temporarily subcontracting of the organizational functions to a trained consultant or other organization(s).

## **Policy Guidelines**

### ***Appointment of Interim CEO***

4. In the event of a leave of absence (temporary or permanent) of the CEO, the Board will appoint an Interim CEO. The Interim CEO shall ensure that the organization continues to operate without disruption and that all OCERS’ obligations and commitments as defined in the CEO’s charter are addressed.
5. Within five (5) business days of a leave of absence the Board shall appoint an Interim CEO from the recommended list of incumbent positions below or such other candidates as the Board may choose:
  - a. Assistant CEO of Finance and Internal Operations
  - b. Assistant CEO of External Operations

- c. Chief Investment Officer (CIO)
- d. Chief Legal Officer
- e. External consultant (with experience as a CEO)

### ***Authority and Compensation of the Interim CEO***

- 6. The person appointed as Interim CEO shall have the full authority for decision making and independent action as the CEO. The Board shall determine if the Interim CEO is to be given a temporary salary increase while performing the duties of the CEO position.

### ***Board Oversight***

- 7. The Board Chair is responsible for monitoring the work of the Interim CEO.

### ***Communication Plan***

- 8. Immediately upon transferring the responsibilities to the Interim CEO, the Board Chair will notify staff members of the delegation of authority. As soon as possible after the Interim CEO has assumed the role, Board members and the Interim CEO shall communicate the temporary leadership structure to key external stakeholders.

### ***Leadership Transition***

- 9. In the event that a permanent change in CEO leadership is required, the Board Chair shall appoint an Executive Transition committee within fifteen (15) business days of notification. The committee shall:
  - a. Consider the need for consulting assistance (i.e., transition management or executive search consultant) based on the circumstances of the transition.
  - b. Review OCERS' Business Plan and conduct a brief assessment of organizational strengths, weaknesses, opportunities, and threats to identify priority issues that may need to be addressed during the transition process and to identify attributes and characteristics that are important to consider in the selection of the next CEO.
  - c. Establish a time frame and plan for the recruitment and selection process.
  - d. Refer to the CEO's Charter for a sample job description and qualifications.
- 10. It is the policy of the Board to develop a diverse pool of candidates and consider at least three final candidates for its permanent CEO position. OCERS shall implement a recruitment and selection process to include all qualified candidates.



11. The Board Chair/Vice-Chair shall communicate with key stakeholders regarding the actions taken by the Board in naming an interim successor, the Board Chair's appointment of the Executive Transition Committee, and the committee's implementation of the Succession Policy provisions. OCERS shall maintain a current list of key stakeholders who must be contacted, such as plan sponsors and other entities or government agencies that should be made aware of the change in leadership.

### ***Delegation of Authority – Other Executive Positions***

12. The CEO may use this policy as guidance for the succession of other key Executives.  
13. The CEO will annually present to the Board an executive staff development plan.

### **Policy Review**

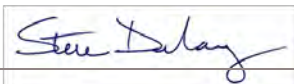
14. This policy shall be reviewed every three years by the Governance Committee and may be amended by the Board of Retirement at any time.

### **Policy History**

15. The Retirement Board adopted this policy on January 19, 2016.

### **Secretary's Certificate**

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



Steve Delaney  
Secretary of the Board

**1/19/16**

Date