

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

**PERSONNEL COMMITTEE MEETING  
Wednesday, December 3, 2025  
9:00 A.M.**

**Members of the Committee**

Shawn Dewane, Chair  
Roger Hilton, Vice Chair  
Richard Oates  
Charles Packard

**Members of the public who wish to observe and/or participate in the meeting may do so (1) from the OCERS Boardroom or (2) via the Zoom app or telephone (information below) from any location.**

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**AGENDA**

This agenda contains a brief general description of each item to be considered. The Committee may take action on any item listed on this 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.

**OPEN SESSION**

- 1. CALL MEETING TO ORDER AND ROLL CALL**
- 2. BOARD MEMBER STATEMENT REGARDING PARTICIPATION VIA ZOOM (IF NECESSARY)  
(Government Code Section 54953(f))**
- 3. PUBLIC COMMENTS**

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Personnel Committee Meeting – Agenda

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**Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing \* 9 on your telephone keypad.**

**Members of the public who participate in the meeting from the OCERS Boardroom and who wish to provide comment during the meeting may do so from the podium located in the OCERS Boardroom.**

When addressing the Committee, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

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.

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 PERSONNEL COMMITTEE MEETING MINUTES**

Personnel Committee Meeting Minutes

August 20, 2025

**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. **Members of the public who wish to provide comment in connection with any matter listed in this agenda may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing \* 9, at the time the item is called. Persons attending the meeting in person and wishing to provide comment on a matter listed on the agenda should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter.**

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

#### **A-2 OCERS EMPLOYEE POLICY HANDBOOK**

*Presentation by Cynthia Hockless, Director of Human Resources, and Manuel D. Serpa, General Counsel, OCERS*

**Recommendation:** Please approve the Employee Handbook as presented.

#### **A-3 ADOPTION OF THE CHIEF TECHNOLOGY OFFICER (CTO) CHARTER**

*Presentation by Darren Dang, Chief Technology Officer, OCERS*

**Recommendation:** Approve and recommend that the Board adopt the Chief Technology Officer (CTO) Charter, formalizing the executive position approved by the Board on October 21, 2024.

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**INFORMATION ITEMS**

Each of the following informational items will be presented to the Committee for discussion.

**I-1      UPDATE ON OUTREACH REGARDING EMPLOYER DATA**

*Presentation by Mark Adviento, Director of Member Services, and David Kim, Assistant CEO of External Operations, OCERS*

**I-2      UPDATE ON THE COUNTY'S CLASSIFICATION MAINTENANCE STUDY PROCESS**

*Presentation by Cynthia Hockless, Director of Human Resources, OCERS*

**I-3      OCERS DIRECT COMPENSATION STUDY**

*Presentation by Cynthia Hockless, Director of Human Resources, OCERS*

**COMMITTEE MEMBER COMMENTS**

**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

**COUNSEL COMMENTS**

**ADJOURNMENT**

**NOTICE OF NEXT MEETINGS**

**AUDIT COMMITTEE MEETING**

**December 9, 2025**

**9:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM**

**2223 E. WELLINGTON AVENUE, SUITE 100**

**SANTA ANA, CA 92701**

**DISABILITY COMMITTEE MEETING**

**December 15, 2025**

**8:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM**

**2223 E. WELLINGTON AVENUE, SUITE 100**

**SANTA ANA, CA 92701**

**REGULAR BOARD MEETING**

**December 15, 2025**

**9:30 A.M.**

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM**

**2223 E. WELLINGTON AVENUE, SUITE 100**

**SANTA ANA, CA 92701**

Orange County Employees Retirement System  
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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.

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

**PERSONNEL COMMITTEE MEETING  
Wednesday, August 20, 2025  
9:00 A.M.**

**MINUTES**

**OPEN SESSION**

Chair Dewane called the meeting to order at 9:05 A.M.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present: Shawn Dewane, Chair; Roger Hilton, Vice Chair; Richard Oates, Board Member

Also Present: Steve Delaney, CEO; David Kim, Assistant CEO of External Operations; Molly Murphy, Chief Investments Officer; Darren Dang, Chief Technology Officer; Manuel Serpa, General Counsel; Cynthia Hockless (Zoom), Director of Human Resources; Tracy Bowman, Director of Finance; Nicole McIntosh, Director of Disability; Will Tsao, Director of EPMO; Jeff Lamberson, Director of Retirement Operations Section - Member Services; Michelle Pak, Audio Visual Technician; Amanda Evenson, Recording Secretary

**CONSENT AGENDA**

**C-1 PERSONNEL COMMITTEE MEETING MINUTES**

Personnel Committee Meeting Minutes

June 25, 2025

**Recommendation:** Approve minutes.

A **Motion** was made by Mr. Hilton, **seconded** by Mr. Oates, to approve staff's recommendation to approve the minutes.

The motion passed **unanimously**.

**ACTION ITEMS**

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

**A-2 PROPOSED 2026 STAFFING PLAN**

Orange County Employees Retirement System  
August 20, 2025  
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*Presentation by Steve Delaney, CEO, and Cynthia Hockless, Director of Human Resources, OCERS*

**Recommendation:** Approve and recommend that the Board of Retirement approve the following items related to the 2026 staffing plan to be presented at the October 20, 2025, Board meeting:

Approve the creation of four (4) new career ladders and one (1) new career ladder series:

- A. Add two (2) career ladders to the Investments Division
- B. Add one (1) career ladder to the Disability Department
- C. Add one (1) career ladder to the Human Resources Department
- D. Add one (1) career ladder series to the Enterprise Project Management Office (EPMO)

The total estimated annual personnel cost for the creation of these career ladders is **\$77,132.**

Ms. Hockless introduced the concept of career ladders, emphasizing their role in employee retention and professional development by providing clear pathways for progression. Over the past 10 years, OCERS has established 19 career ladders, achieving an 84% retention rate for those positions.

Mr. Delaney then presented the proposed career ladder series and recommendation for EPMO. Mr. Hilton expressed concern that the series might be designed with a specific individual in mind. In response, Mr. Delaney clarified that career ladder steps are intended to retain individuals with specialized skill sets by offering structured growth opportunities. Mr. Hilton expressed support for implementing the first step of the EPMO career ladder and recommended deferring the second step for future Committee discussion when needed.

Mr. Oates requested clarification on the fundamental purpose of a career ladder. Ms. Hockless explained that career ladders provide advancement opportunities for high-performing employees who are otherwise limited by their current job classifications. She added that career ladders are developed with the agency's long-term projects and goals in mind. In addition, Mr. Delaney noted that prior to the implementation of career ladders some eight or more years prior, OCERS was a training ground with employees leaving for County employment once they had obtained experience. Career ladders have made that outcome rare.

Mr. Oates requested a comparison between the limited-term positions created for the new Pension Administration System (PAS) project, the County position title and job description recommendations from Gallagher's Classification and Compensation study, and the proposed career ladders. Mr. Delaney clarified that the OCERS Board approved for the County of Orange to leverage the work of the Gallagher study, which will go through the County's process and be approved by the Board of Supervisors. He also noted that the transition of all staff to OCERS Direct has been halted. Ms. Murphy added that the Information Technology and Member Services departments are hiring staff to support PAS implementation, while other departments are leveraging career ladders to retain skilled, high-performing employees. Ms. Hockless clarified that the limited-term PAS project positions will be capitalized under the PAS budget in the 2026 annual budget.

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August 20, 2025  
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Mr. Hilton recommended that the costs associated with the career ladders be reflected in the annual budget report. Staff confirmed that the career ladder cost of \$77k will be reflected in the personnel expenses of the 2026 budget.

Chair Dewane inquired about the replacement cost of a position. Ms. Hockless responded that Human Resources estimates the cost at approximately one year's salary for the role. Chair Dewane emphasized that "dead-end" positions can hinder recruitment efforts and noted that career ladders help mitigate such risks by reducing turnover and replacement costs.

After discussion, a **Motion** was made by Mr. Dewane, **seconded** by Mr. Oates, to approve and recommend that the Board of Retirement approve the item as presented.

A **Substitute Motion** was made by Mr. Hilton, **seconded** by Mr. Oates, to approve and recommend 1A., 1B., and 1C. as presented and vote on 1D. separately.

The substitute motion passed **unanimously**.

A **Motion** was made by Mr. Hilton, **seconded** by Mr. Oates, for 1D. to approve the one-step career ladder for Project Assistant to Project Specialist instead of a career ladder series.

Mr. Serpa emphasized the importance of the EPMO, noting its role in embracing new technology and successfully completing projects. He stated that the department is vital to current operations and that the expense is justified given the agency's present needs.

Mr. Hilton questioned the need for the second step of the EPMO career ladder series if the intent is for the individual to advance directly into the Project Analyst role. Mr. Delaney clarified that the series was structured around organizational needs and that the employee will be expected to gain experience and demonstrate growth before progressing to the last step. He also raised the question of whether it would be efficient for the Committee to review and approve the second step of the EPMO career ladder at a later date.

Following staff's explanation, Mr. Oates acknowledged the importance of the role and expressed confidence in staff's recommendation.

The motion fails by the following vote:

<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Mr. Hilton	Mr. Dewane		Mr. Packard
	Mr. Oates		

A **Motion** was made Mr. Dewane, **seconded** Mr. Oates, to approve and recommend 1D. as presented by staff.

The motion passes by the following vote:

<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Mr. Dewane	Mr. Hilton		Mr. Packard
Mr. Oates			

Orange County Employees Retirement System  
August 20, 2025  
Personnel Committee Meeting

**INFORMATION ITEMS**

**I-1 UPDATE ON OUTREACH REGARDING EMPLOYER DATA**

*Presentation by David Kim, Assistant CEO of External Operations, OCERS*

**COMMITTEE MEMBER/CHIEF EXECUTIVE OFFICER/COUNSEL/STAFF COMMENTS**

None.

**ADJOURNMENT**

Chair Dewane **ADJOURNED** the meeting at 10:28 A.M.

Submitted by:

Submitted by:

Approved by:

\_\_\_\_\_  
Cynthia Hockless  
Liaison

\_\_\_\_\_  
Steve Delaney  
Secretary to the Board

\_\_\_\_\_  
Shawn Dewane  
Chair





## Memorandum

**DATE:** December 3, 2025  
**TO:** Members of the Personnel Committee  
**FROM:** Cynthia Hockless, Director of Human Resources, and Manuel D. Serpa, General Counsel  
**SUBJECT:** OCERS EMPLOYEE POLICY HANDBOOK

### Recommendation

Please approve the Employee Handbook as presented.

### Background

The OCERS Employee Policy Handbook underwent a comprehensive legal review, during which all policies were evaluated and updated. The revisions encompass both substantive and non-substantive changes aimed at enhancing clarity, ensuring compliance, and modernizing policy language.

All policies in the Employee Handbook apply to OCERS Direct employees. The policies listed below apply to *both* OCERS Direct employees and County employees assigned to OCERS.

- Social Media Policy
- Copyright Compliance Policy
- Electronic Resources Policy
- Workplace Relationships Policy
- Remote Work Policy
- Visitor Safety and Security
- Outside Employment
- Professional Business Attire
- Reimbursement Programs
- Updated Lactation Policy
- Artificial Intelligence Policy

Both the County of Orange and the Orange County Employees Association (OCEA) reviewed the above policies and raised no objections to their implementation.

The Employee Handbook spotlights the new **Artificial Intelligence** Policy, which defines clear standards for the acquisition, development, deployment, and use of AI tools and systems within OCERS, in a manner consistent with the National Institute of Standards and Technology (NIST) AI Risk Management Framework and responsible best practices.

The revised handbook also consolidates and clarifies OCERS-specific compensation definitions, including the Certification Incentive Program, Incentive Compensation Plan, and a new Lump Sum Bonus Policy. These updates ensure employees understand available programs, eligibility criteria, and administrative guidelines.



## Memorandum

The new **Lump Sum Bonus Policy** (Page 134) establishes guidelines for the CEO to award non-recurring bonuses to employees tied to measurable achievements or the advancement of significant agency goals, in compliance with applicable laws and within the agency's fiscal constraints.

The **Visitor Safety and Security Policy** is also new and formalizes the provisions for when visitors are on OCERS' premises.

Also, there is a new **Parenthood Leave Policy** that matches the terms available to County employees.

The proposed revised Employee Handbook, along with summaries of the substantive changes made to each policy, is attached.

### Timeline and Next Steps

- December 3, 2025 – Personnel Committee review and discussion.
- December 15, 2025 – Approval by the full Board of Retirement.

### Recommendation

Staff recommends that the Board approve the updated OCERS Employee Handbook as presented. The revised handbook strengthens compliance, modernizes policy language, and supports consistent application of HR practices across the organization.

Attachments

### Submitted by:



Cynthia Hockless  
Director of Human Resources



MDS-Approved

Manuel D. Serpa  
General Counsel

OCERS

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# Employee Handbook

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**V2.0**

**December 2025**



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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# Welcome!

***Serving the Active and Retired Members of:***

CITY OF SAN JUAN  
CAPISTRANO

COUNTY OF ORANGE

ORANGE COUNTY  
CEMETERY DISTRICT

ORANGE COUNTY CHILDREN &  
FAMILIES COMMISSION

ORANGE COUNTY DEPARTMENT  
OF EDUCATION (CLOSED TO  
NEW MEMBERS)

ORANGE COUNTY  
EMPLOYEES  
RETIREMENT SYSTEM

ORANGE COUNTY FIRE  
AUTHORITY

ORANGE COUNTY IN-HOME  
SUPPORTIVE SERVICES  
PUBLIC AUTHORITY

ORANGE COUNTY LOCAL  
AGENCY FORMATION  
COMMISSION

ORANGE COUNTY PUBLIC LAW  
LIBRARY

ORANGE COUNTY  
SANITATION DISTRICT

ORANGE COUNTY  
TRANSPORTATION  
AUTHORITY

SUPERIOR COURT OF  
CALIFORNIA, COUNTY  
OF ORANGE

TRANSPORTATION  
CORRIDOR AGENCIES

UCI MEDICAL CENTER AND  
CAMPUS (CLOSED TO NEW  
MEMBERS)

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

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 Human Resources Department and your supervisor 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 for 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 members rely on and deserve.

Once again, I welcome you to the OCERS team.

Best regards,

Steve Delaney

Chief Executive Officer



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*"We provide secure retirement and disability benefits with the highest standards of excellence."*



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## Preface

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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 to OCERS' personnel policies, work rules, and benefit information. Employees must familiarize themselves with the policies promptly after starting employment with OCERS and upon receipt of any change or update.

#### *Scope*

**These personnel policies supersede all previous policies on the same topics and apply to personnel employed by OCERS unless otherwise stated.**

#### *Authority*

These personnel policies are adopted by the OCERS Board of Retirement and the OCERS Chief Executive Officer ("CEO"), consistent with Section 17 of Article XVI of the California Constitution, Government Code Sections 31522.11 and 31678.3, and the OCERS CEO Charter.

The Chief Executive Officer ("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 employees, 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 an employment contract, and nothing in them alters the at-will nature of employment for OCERS Direct employees, unless otherwise required by law.

OCERS retains the right to modify, change, revise, supplement, delete, or rescind any or all its Personnel Policies, at any time, without notice, whenever OCERS determines that such action is required. Employees will be provided with notice of material changes as required by law.

For questions regarding any of these policies, please contact Human Resources.



## Chapter 1

# General Personnel Policies

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

- Probation Policy
- Discrimination and Harassment Policy
- Confidentiality Policy
- Electronic Resources Policy
- Social Media Policy
- Personnel Records Policy
- Remote Work Policy
- Artificial Intelligence Policy

## Probation Policy

### *Policy statement*

All new and promoted employees undergo a probationary period that begins on the first day of employment or promotion.

The probationary period is the initial period of employment, during which the supervisor carefully considers whether the employee can meet the standards and expectations of the job and if the employee should be retained as an employee. If the employee is not meeting the job requirements, the employee may be released at any time during the probationary period. Employment remains at-will during probation unless otherwise governed by a written agreement or applicable law.

### *Provisions*

#### **1. New Probation**

##### **a. Full-Time Employee**

A new or re-employed employee employed in a regular position shall be placed on probation for 52 weeks from the date of appointment, ending with the first day of the pay period following completion of said period.

##### **b. Part-Time Employee**

A new or re-employed employee employed in a part-time regular position shall be placed on probation for 2,080 paid hours exclusive of overtime, ending with the first day of the pay period following the completion of said period.

#### **2. Promotional Probation**

a. An employee, whether full-time or part-time, who receives a promotion—except for a temporary promotion—will be placed on promotional probation unless specified otherwise in B.2. below. A full-time employee shall serve a promotional probation period of 52 weeks, ending on the first day of the pay period following the successful completion of this period. A part-time employee shall serve a promotional probation period of 2,080 paid hours exclusive of overtime ending with the first day of the pay period following completion of said period.

b. When a regular employee is promoted, reduced, or reassigned because the employee's position is reclassified and the class from which the employee is promoted, reduced, or reassigned is subsequently deleted or abolished, the incumbent employee shall not serve a promotional probation period.

#### **3. Failure of Probation**

##### **a. New probation**

An employee on new probation may be released from employment at any time without notice, cause, or right of appeal or hearing, consistent with California law.

##### **b. Promotional Probation**

i. An employee on promotional probation may be failed at any time without notice, cause, or right of appeal or hearing, except as provided in C.3. below.

When an employee fails their promotional probation, the employee shall have the right to return to their former class, provided the employee was not in the previous class to train for a promotion to the higher class and a vacancy in the former class exists. Employees returned to their former class will complete any remaining probationary period in that classification.

- ii. If the employee's former class has been deleted or abolished, the employee shall have the right to return to a class in their former occupational series closest to, but no higher than, the salary range of the class which the employee occupied immediately before promotion and shall serve the remainder of any probationary period in the former class, if a vacancy in the former class exists.
- c. An employee who alleges that their probationary release was based on unlawful discrimination may submit a grievance or written complaint to the CEO for review within ten days of receiving notice of failure of new probation.

#### **4. General Provisions**

- a. When an employee's record consists of a combination of full-time and part-time service in regular positions, the time worked shall be calculated proportionately by using total hours worked to appropriate full-time requirements. For purposes of this section, 2,080 hours shall equal 52 weeks.
- b. When the CEO or their representative determines that an employee has successfully completed their probationary period (i.e., passes an employee on probation), that determination shall be based upon a written performance evaluation and discussed with the employee. A probation period may not be extended, except as provided in Sections E.1 and 2, and an employee permitted by OCERS to work beyond the end of a probation period shall be deemed to have passed such probationary period.

#### **5. Extension of Probation Periods**

- a. The granting of an Official, Military, or Medical Leave of Absence shall cause the employee's probation period to be extended by the length of the Official Leave or by the length of the Military Leave over 15 calendar days. If the employee is on probation, the extended period resulting from Official, Military, or Medical Leave of Absence shall end with the first day of the pay period after said extended date.
- b. An employee's probationary period may be extended at the sole discretion of the CEO for a period not to exceed 180 calendar days, provided such action is implemented before the regular probation is completed. Denial of a request to extend a probation period shall not be subject to appeal or hearing.

## Discrimination and Harassment Policy

### Policy Statement

OCERS is committed to a work environment where everyone is treated with respect and dignity. It is OCERS' policy to provide and promote equal employment opportunities for all personnel.

### Purpose

OCERS is committed to fostering a work environment free from Discrimination, Harassment, retaliation, and abusive conduct. In accordance with federal and California law, including the Fair Employment and Housing Act (FEHA), Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and other applicable laws, OCERS maintains a strict zero-tolerance policy for such behavior.

### Definitions

- **Abusive Conduct** is defined under California law (Gove. Code § 12950.1) as malicious conduct in the workplace that a reasonable person would find hostile or offensive and that is unrelated to legitimate business interests.
- **Discrimination:** unlawful differential treatment of an individual based on a Protected Characteristic.
- **Harassment** includes unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- **Protected Characteristics** include race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, military and veteran status, or any other characteristic protected by federal, state, or local law.
- **Sexual Harassment** includes quid pro quo requests for sexual favors, or hostile work environment behavior of a sexual nature.

### Provisions

#### 1. Policy Statement

- a. All persons covered by this policy will not be discriminated against based on 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 recruitment, hiring, pay, benefits, job assignments, promotion, training, transfer, discipline, and termination.
- d. All personnel must review this policy annually and affirm their understanding of it and their obligation to comply with it.

- e. In compliance with SB 1343 and SB 778, all employees must complete interactive anti-harassment training every two years. Non-supervisory employees must receive one hour of training every two years supervisors must receive 2 hours of training every two years.

## **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 on any Protected Characteristic.
  - iii. Abusive or hostile treatment or offensive and unwelcome conduct based on any Protected Characteristic.
  - iv. Any use or transmission of electronic communication or access or viewing of websites with ethnic or racial cartoons, jokes, or any other message that may offend, disparage, or harass an individual based on any Protected Characteristic.
  - v. Sexual propositions, stating or implying that sexual favors are required as a condition of employment or continued employment; preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; repeated unwanted sexual flirtations, advances, or invitations, whether verbal, written, physical, or visual in nature.
  - 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, or 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**

Managers, supervisors, and executives have a duty to promptly report complaints or observations of potential violations of this policy to Human Resources.

The failure of executive, management, or supervisory personnel to promptly report or address incidents of Discrimination, Harassment, retaliation, or conduct prohibited by this policy- whether reported to them or witnessed by them- may lead to 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 violating this policy or that could be perceived as discriminating or harassing should report it promptly to an appropriate manager, supervisor, or Human Resources. However, an employee is not required to report it to

their 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 <https://oceeo.oc.gov/>, 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 policy violation 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 and applicable federal and state laws prohibit retaliation, intimidation, or reprisal against applicants, employees, and independent contractors who file complaints or 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 its provisions are subject to such other terms and conditions as are provided in 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 Civil Rights Department or bring a private lawsuit against an employer for failing 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, [www.eeoc.gov](http://www.eeoc.gov), or visit a local EEOC office.
  - ii. For the State of California, personnel may contact the California Civil Rights Department ("CRD") at 1-800-884-1684 or <https://calcivilrights.ca.gov/contactus/>.

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.

### Definitions

- **Confidential Information** includes but is not limited to member or employee Personally Identifiable Information or personal data, business and financial records, personnel files, proprietary OCERS information, and any data classified as confidential under applicable laws and OCERS policies.
- **Personally Identifiable Information (PII)** refers to information that can be used to identify an individual, such as name, address, SSN, financial data, or health information.

### Provisions

#### 1. Protection of Confidential Information

- a. Individuals covered by this policy are responsible for protecting the confidentiality of information obtained or accessed during their employment at OCERS. They must restrict the distribution of Confidential Information to individuals authorized to receive it and who have a legitimate 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 identifying a member's social security number, address, contribution balance, pension amount, or other Confidential Information in the secured 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 Information without authorization or a business need to do so.



- b. Individuals covered by this policy who are authorized to access, use, or disclose Confidential Information must do so in a manner that limits access, use, or disclosure only to what is 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 legal, ethical, and appropriate manner. OCERS' Electronic Resources are business resources and tools. OCERS gives its personnel access to Electronic Resources to assist them in performing their work duties. Limited personal use of OCERS' Electronic Resources is permitted, as described in this policy.

### *Purpose*

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

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Definitions*

- **Discrimination:** unlawful differential treatment of an individual based on a Protected Characteristic.
- **Electronic Resources:** All OCERS electronic media and computing systems or devices, including desktop computers, laptops, portable devices, voice mail, email, printers, copiers, scanners, fax machines, cell phones, and internet access.
- **Harassment** includes unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- **Protected Characteristics** include race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, military and veteran status, or any other characteristic protected by federal, state, or local law.

### *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 by 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 messages or solicitations.
- g. Individuals may not utilize or download unauthorized software on any OCERS' Electronic Resource.
- h. Individuals may not use Electronic Resources to advocate a partisan position or to support their 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 occur outside 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 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 concerning 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, Instagram, and

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 restrict access to or distribution of confidential, private, or personnel information to those authorized to access or receive it and who have a legitimate 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*

The Orange County Employees Retirement System (OCERS) maintains pages on multiple Social Media sites to inform its members, employers, and the public about OCERS' services, news, and events, and to establish interactive communication platforms related to OCERS' business. OCERS prioritizes protecting the integrity of information posted on its social media pages and ensuring that any content posted represents the organization accurately. While appropriate uses of Social Media may aid in achieving certain business objectives, all personnel at OCERS must take care to protect Confidential Information while using Social Media.

### *Purpose*

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

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Definitions*

- **Social Media** means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet website profiles or locations.<sup>1</sup>
- **Confidential Information** includes but is not limited to member or employee Personally Identifiable Information or personal data, business and financial records, personnel files, proprietary OCERS information, and any data classified as confidential under applicable laws and OCERS policies.
- **Personally Identifiable Information (PII)** refers to information that can be used to identify an individual, such as name, address, SSN, financial data, or health information.

### *Provisions*

#### **1. Guidelines**

- a. OCERS' website at [www.ocers.org](http://www.ocers.org) will remain the primary source of internet communication. Whenever possible, a link to that website will be included on any OCERS' social media page. Social media pages will supplement and not replace required notices and standard methods of communication.

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<sup>1</sup> Labor Code § 980

- b. OCERS' Director of Communications and Communications Department staff will be responsible for posting and moderating content as well as responding to comments when appropriate. In addition, Communications Department staff will review OCERS' social media pages daily to ensure compliance with this policy. Only employees authorized by the Director of Communications are permitted to post content on OCERS' social media pages.
- c. Not all forms of social media are suitable for use by OCERS. Any social media page established on behalf of OCERS must be approved by the Chief Executive Officer (CEO). Social media sites approved for official use by OCERS include:
  - i. X (formerly Twitter)
  - ii. Facebook
  - iii. LinkedIn
  - iv. Instagram
  - v. YouTube

## 2. Content

- a. All social media content must align with OCERS' policies, including the Copyright Compliance Policy, and represent OCERS' views rather than personal opinions.
- b. Content in any post or response shall not specifically refer to any OCERS vendor, supplier, member, contractor, employee, or official without the approval of the CEO.
- c. OCERS' Social Media pages are subject to the California Public Records Act. Thus, content maintained on a social media site or application related to OCERS' business may be a public record subject to disclosure.
- d. OCERS intends for its use of Social Media to relate solely to matters of OCERS' business. The following posts or comments are inappropriate and subject to removal or restriction by OCERS:
  - i. Comments not relevant to the topic being discussed.
  - ii. Profane language or content.
  - iii. Sexual content or links to sexual content.
  - iv. Posts or links that contain malicious software (malware) such as viruses, worms, trojans, spyware, adware, or any other unwanted software.
  - v. Comments that imply endorsement, approval, or sponsorship by OCERS.
  - vi. Content that promotes, fosters, or perpetuates discrimination or harassment based on race, creed, color, age, religion, gender, national origin, sexual orientation, or any other category protected by local, state, or federal law.
  - vii. Defamatory, derogatory, or personal attacks on any OCERS employee or official.
  - viii. Threats to any person or organization or encouragement of illegal activity.
  - ix. Information that tends to compromise the safety or security of OCERS' employees, the public, or OCERS' technological resources.

- x. Content containing personally identifiable information, such as home addresses, phone numbers, or social security numbers.
- xi. Solicitation of commerce, including any advertising or business services or products for sale.
- xii. Promotion or endorsement of political issues, ballot measures, groups, or candidates.
- xiii. Comments that violate a legal ownership interest (such as trademark or copyright infringement) or disclose proprietary information.

### **3. Prohibited Conduct**

- a. Personnel may not disclose Confidential Information.
- b. When employees use Social Media in a personal capacity, they are not speaking for OCERS, and it should not appear to others as though they are speaking for or on behalf of OCERS. Personnel must not imply that they are expressing the views of OCERS or present themselves in a way that could reasonably suggest they are communicating on behalf of or as a representative of OCERS, regardless of whether the topic is related to retirement.
- c. Ordinarily, an employee need not use a disclaimer to disavow OCERS' endorsement of their personal Social Media communications. If, however, they have concerns that their use of Social Media may create the impression that their views are sanctioned by the agency (beyond using an official title or position in an area dedicated to biographical information), the employee may use a disclaimer to address this misapprehension. Prominently displaying the following disclaimer in one's user profile could be helpful: "The views presented here are my own and do not represent my employer."
- d. Personnel should not use OCERS' e-mail addresses or accounts to establish personal Social Media accounts or as an identifier during participation in personal or otherwise unofficial Social Media activities.
- e. 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.
- f. Personnel may not use OCERS' logos, trademarks, or official imagery without prior authorization.

### **4. Policy Applicability**

- a. Personnel must comply with all OCERS' Policies when engaging in Social Media.
- b. This policy does **not** restrict or prohibit:
  - i. Communications protected under the National Labor Relations Act (NLRA), including those discussing wages, working conditions, organizing activities, or other terms and conditions of employment.
  - ii. Lawful off-duty conduct protected by California Labor Code §96(k) and §98.6.

### **5. 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
3. OCERS Copyright Compliance 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.

### *Definitions*

- **Confidential Information** includes but is not limited to member or employee Personally Identifiable Information or personal data, business and financial records, personnel files, proprietary OCERS information, and any data classified as confidential under applicable laws and OCERS policies.
- **Personally Identifiable Information (PII)** refers to information that can be used to identify an individual, such as name, address, SSN, financial data, or health information.
- **Personnel Records or Personnel File:** Documents maintained to record necessary information regarding an employee's employment standing and position with OCERS, such as employment application, resume, offer letter, payroll authorization forms, records reflecting a job transfer or promotion or other change in job title or payroll rate, name change, or corrections to date of birth, annual performance evaluations, notices of commendation or discipline, and leave request forms.

### *Provisions*

#### **1. Access to Personnel Records**

- a. Personnel Records will be accessible to OCERS managers and supervisors with an OCERS business need for the information, an employee's supervisor, Human Resources, internal or outside legal counsel, and the OCERS Workers' Compensation administrator.
- b. Orange County will have access to specific Personnel Records when necessary to administer benefits and process payroll.
- c. Individuals covered by this policy will have access to their own Personnel Records.
- d. Former employees or their designated representatives, with written authorization, have the right to inspect and request copies of their Personnel Records as outlined in Section 4.

#### **2. Confidential Information**

Personnel Records containing Confidential Information are stored separately and accessed only by authorized personnel in accordance with state and federal law.

#### **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 order or demand 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 their Personnel Records must submit a written request to Human Resources. Before making Personnel Records available to an employee, former employee, or authorized representative, Human Resources 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 their work performance or 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, including California Labor Code § 1198.5.
  - 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 Human Resources 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. Human Resources will redact the names of any non-supervisory personnel and any other information Human Resources 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 a written request from an employee, former employee, or authorized representative to inspect or copy their Personnel Records.
- c. Human Resources 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. A Human Resources representative will be present when the employee, former employee, or authorized representative inspects the Personnel Records.
- e. An employee, former employee, or authorized representative may not remove, photograph, or alter any Personnel Record.
- f. Upon written request, Human Resources 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 requests to inspect or copy their Personnel Records, OCERS will mail a copy to an address designated by the former employee.

### ***Related Topics***

OCERS Board Policy – Records Management

## Remote Work Policy

### *Policy Statement*

Remote work is a voluntary, cooperative, and mutually beneficial work alternative that may be appropriate for some employees and positions. Hybrid office/remote work arrangements may be permitted when, in individual cases, they are cost-effective, support OCERS' business objectives, allow the employee to perform their duties remotely effectively, are acceptable to executive management and supervisors, and are desirable to the employee.

### *Purpose*

The purpose of this policy is to set forth OCERS' standards, requirements, and expectations regarding Remote Work Arrangements.

### *Scope/Coverage*

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

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

### *Provisions*

#### **1. Guidelines**

- a. General
  - i. Remote work is not an entitlement and does not change the duties, obligations, compensation, benefits, responsibilities, or terms and conditions of employment with OCERS, including the MOU provisions applicable to County employees assigned to work at OCERS.
  - ii. Employees remain obligated to comply with all OCERS and/or County policies, procedures, rules, instructions, and expectations. Violation of such may result in immediate discontinuance of the remote work arrangement and/or disciplinary action, up to and including termination of employment.
- b. Location/Availability
  - i. Employees working remotely must work from a home office location within the State of California and be able to report to the OCERS office within a reasonable time as agreed upon with the employee's supervisor.
  - ii. Employees working remotely are expected to be as accessible as their counterparts working in the office during their agreed-upon regularly scheduled work hours (i.e., employees must be available for phone calls, video conference meetings with functioning cameras turned on, and/or electronic communication within the hours specified by the employee's supervisor).
  - iii. Employees who work remotely may not host in-person work-related meetings at their remote work location.

- iv. Employees may be required to work in the office on scheduled remote days when needed and at OCERS' sole discretion. In addition, on any given scheduled remote workday, employees should use good judgment as to whether it is advisable under the circumstances to forgo the remote workday in order to be at the office.
  - v. Employees approved for a Remote Work Arrangement are authorized to work in the office even if scheduled to work remotely.
- c. Accountability
- i. At the department's discretion, the employee must check in when directed by their supervisor.
  - ii. Employees may be required to provide a summarized report to their supervisor of how time was spent on days worked remotely and be able to show proof of completed tasks if requested.
- d. Workspace
- i. Employees working remotely are expected to maintain a safe and professional work environment that is ergonomically correct. They are required to notify their supervisor or Human Resources immediately of any situation or circumstance that affects their health, safety, or welfare or of any accidents or injuries that occur while working remotely.
  - ii. Employees who do not have or are not able to provide themselves with an ergonomically appropriate place to work should not work remotely and should work instead at the OCERS office.
  - iii. Employees who handle confidential or sensitive information are to have a private workspace to ensure information security.
  - iv. Remote Work Arrangements are not a substitute for childcare, elder care, or other forms of family or dependent care assistance during working hours. The employee is responsible for ensuring that provisions for such care have been made in advance of their agreed-upon daily schedule. Employees are expected to maintain a work area free from personal interruptions.
  - v. Employees are responsible for setting up their home office/workspace. OCERS IT team members will not be permitted to go to home offices to assist with setting up OCERS' or personal equipment. Expenses incurred for setting up or maintaining a home office/workspace or when working remotely (e.g., internet access, utilities, data charges, furniture, housing costs, homeowner's insurance) will not be reimbursed by OCERS.
  - vi. Any individual tax implications related to the home workspace are the employee's sole responsibility.
- e. Equipment and Supplies
- i. OCERS may, but is not required to, provide certain equipment for remote working purposes (e.g., mobile device, monitors, docking station, keyboard, mouse). Any equipment provided will remain the property of OCERS, will be maintained by OCERS, and will be returned to OCERS if the employee either no

longer works remotely or leaves OCERS. Remote workers will adhere to OCERS Electronic Resources Policy.

- ii. If OCERS equipment malfunctions, the remote worker must notify their supervisor/manager immediately. If equipment repairs or maintenance cannot be implemented immediately, remote workers may be asked to report to the OCERS office in lieu of working remotely.
- iii. Any employee-owned equipment will be the responsibility of the employee. Remote workers may be required to report to the OCERS office if employee-owned equipment and/or resources (e.g., internet access) malfunction or are unavailable on a scheduled remote workday.
- iv. Employees must use OCERS' authorized applications for telecommunications (e.g., DialPad must be used, and personal phones are not to be used for conducting OCERS business).

## **2. Workers' Compensation**

- a. OCERS' Workers' Compensation coverage for job-related injuries to the employee is in effect during the employee's working time while remote. OCERS and/or the County of Orange will not be held responsible for non-employee injuries incurred at the employee's remote work location, including those incurred by visitors, other residents, or the public. Any employee injuries that occur while working remotely must be promptly reported to a supervisor.
- b. OCERS and/or the Workers' Compensation Administrator may investigate circumstances in the remote work location, including the employee's home, related to workers' compensation claims.
- c. Employees are responsible for ensuring a safe and ergonomically correct work setup at their remote work location.

## **3. Training Materials**

- a. For supervisors: In addition to any department-specific training, courses and other training materials on effectively managing a remote workforce are available in Eureka. These resources have been designed to help supervisors lead, guide, communicate effectively, and maintain productivity in a remote work environment.
- b. For employees: Any employee who participates in remote work must review the [Risk Management's Home Safety for Telecommuting Document in Eureka](#).

## **4. Requests for Remote Work Arrangements**

- a. Remote Work Arrangements are available to employees who work a standard 8-hour-per-day/five-day-per-week schedule or a 9-80-hour flexible work schedule. Part-time employees may be considered for Remote Work Arrangements on a case-by-case basis.
- b. Eligibility for working remotely will vary by position and by OCERS department.
- c. Eligibility criteria for a Remote Work Arrangement are based on the department, position, and the employee.

### **i. Position Eligibility**

An employee's position may be suitable for remote work when the job duties:

- Are independent in nature
- Are primarily knowledge-based
- Do not require frequent in-person interaction with supervisors, colleagues, members, stakeholders, or vendors
- Do not require the employee's immediate presence at the office to address unscheduled events unless alternative arrangements for coverage are possible
- Are not essential to the management or completion of on-site work
- Are determined by the department to be suitable for remote work

ii. Employee Eligibility

In order to receive consideration for a Remote Work Arrangement, the employee must meet the following criteria:

- Be a regular employee of OCERS (Temporary Staff and Volunteers are not eligible);
  - Have an overall performance rating of "Meets Expectations" or higher on the most recent performance review.
- d. Eligible employees who wish to have a Remote Work Arrangement must submit a Remote Work Arrangement Request Form (available on the OCERS Intranet or from Human Resources) to their supervisor.
- e. Remote Work Arrangement Requests may be approved or denied at OCERS' sole discretion. Denied requests may not be appealed.

## 5. Approval of Requests for Remote Work Arrangements

- a. No employee has a right or entitlement to work remotely.
- b. OCERS's operational needs take precedence over an employee's request to work remotely. Remote Work Arrangement Requests will be approved on a case-by-case basis with terms and conditions acceptable to OCERS and may include a schedule different from the one requested.
- c. Remote Work Arrangement Requests will be approved in writing by the employee's supervisor, manager, and senior executive. Approved requests will be filed with the Director of Human Resources.

## 6. Timekeeping and Meal/Rest Periods

- a. The actual time worked must be accurately recorded on the employee's timesheet. Any time not worked during a remote workday must be reported in the usual manner (e.g., annual leave, vacation, sick), just as the employee would report the time not worked if there were no Remote Work Arrangements.
- b. The procedures for requesting time off, unplanned leave, sick leave, or a change in work hours remain the same as those when working in the OCERS office.
- c. Non-Exempt employees who receive approval for a Remote Work Arrangement must comply with all record-keeping requirements and accurately record all working time.

- d. Non-Exempt Employees who receive approval for a Remote Work Arrangement must take all meal and rest periods in accordance with applicable legal requirements, County and OCERS policies, and applicable Memoranda of Understanding (MOUs).
- e. Non-Exempt Employees who receive approval for a Remote Work Arrangement may not perform any remote work (regular or occasional) outside of regular work hours without advance written direction or approval from their supervisor. This includes checking email and phone messages, which is considered work time and must be documented.
- f. Non-Exempt Employees who receive approval for a Remote Work Arrangement are prohibited from working overtime except when directed to do so and approved in advance by their supervisor.

#### **7. Termination, Suspension or Modifications of Remote Work Arrangements**

- a. OCERS may terminate, suspend, or modify a Remote Work Arrangement at any time, with or without cause. Modifications may be temporary or long-term. All changes will be made in writing.
- b. An employee with an approved Remote Work Arrangement may request to terminate, suspend, or modify their arrangement at any time. The request will be approved at the senior executive's discretion. Modification requests may be temporary or long-term.

#### **8. Occasional Remote Work**

Employees may need or desire to work remotely on an ad hoc basis or for a one-off period of time. Approval for remote work in these situations will be made by the employee's supervisor, manager, or senior executive on a case-by-case basis, with the business needs of OCERS being the primary consideration.

#### **9. Security and Confidential Information**

- a. Employees must comply with all provisions of the OCERS Confidentiality Policy.
- b. All files, records, documents, or other materials created while working remotely are OCERS property. Employees working remotely will ensure the appropriate safeguards are used to protect all confidential, private, or personal information and records. Employees may be required to work in a private location when handling confidential or sensitive materials. Employees are prohibited from printing confidential information while working remotely to avoid a breach of confidentiality.
- c. Employees may not disclose confidential or private files, records, documents, materials, or information and may not allow anyone who is not authorized to have access to OCERS networks or databases.

### ***Related Topics***

OCERS Confidentiality Policy



## Artificial Intelligence Policy

### *Policy Statement*

OCERS is dedicated to the responsible, ethical, and secure adoption and use of Artificial Intelligence technologies, encompassing both AI tools and the development and integration of AI systems. This commitment is driven by the goals of ensuring complete accuracy in pension benefit calculations, providing superior service delivery, improving operational efficiency, and strengthening trust among members. OCERS will leverage AI to empower employees, enhancing their capabilities to deliver more effective and personalized service to members. Through this policy, OCERS establishes guiding principles and requirements to ensure that AI is implemented in full alignment with the organization's mission, values, and all applicable laws.

### *Purpose*

The purpose of this policy is to define clear standards for the acquisition, development, deployment, and use of AI tools and systems within OCERS. It is designed to mitigate risks associated with artificial intelligence, including those related to privacy, security, fairness, and reliability, while ensuring full compliance with all legal, regulatory, and ethical requirements. By promoting transparency, accountability, and continuous improvement in the use of AI, this policy supports OCERS' commitment to responsible innovation and the safeguarding of trust among its members, employees, and stakeholders.

### *Scope*

This policy applies to:

1. All OCERS employees (including County and Direct employees), contractors, consultants, and any member of the workforce who develops, deploys, manages, or interacts with AI tools or systems on behalf of OCERS.
2. All AI technologies used for OCERS work purposes.
3. Both off-the-shelf AI tools (e.g., Copilot, ChatGPT, Gemini) and AI systems (custom-developed or procured) that are integrated into OCERS operations.

### *Provisions*

#### **1. Roles and Responsibilities**

- a. Senior Executive Leadership:
  - i. Provide strategic direction for AI initiatives.
  - ii. Ensure alignment with organizational goals and risk appetite.
  - iii. Foster a culture of responsible AI innovation.
- b. Executive Leadership (Directors):
  - i. Ensure workforce awareness and support compliance with this policy.
  - ii. Proactively identify AI opportunities and partner in evaluating and justifying their use within the division or department.

- iii. Encourage and support team members in proactively upskilling and developing competencies in AI technologies.
- c. AI Committee:
  - i. Maintain and update the OCERS AI policy and related guidelines.
  - ii. Review and approve AI use cases, risk assessments, and system integrations.
  - iii. Monitor advancements in AI and recommend updates to policies, procedures, and training.
- d. Information Technology:
  - i. Design, implement, and maintain AI systems in accordance with risk management and ethical principles.
  - ii. Document AI methodologies for transparency and explainability.
  - iii. Conduct regular testing of AI systems for bias, accuracy, and unintended consequences.
- e. Information Security:
  - i. Implement security controls for AI systems and data.
  - ii. Assess third-party AI tools and services for security and compliance.
  - iii. Monitor AI systems for security threats, vulnerabilities, and misuse to maintain protection and compliance.
- f. Legal and Compliance:
  - i. Ensure AI systems and practices comply with applicable laws, regulations, data governance requirements, and ethical standards.
  - ii. Conduct legal and ethical risk assessments and review contracts or vendor agreements for AI-related provisions.
  - iii. Monitor emerging AI regulations and advise leadership and departments on compliance obligations and policy adjustments.
- g. Human Resources/Learning and Organizational Development:
  - i. Provide training that promotes ethical, responsible, and effective use of AI across the organization.
  - ii. Support AI adoption through organizational change management, communication, and cultural alignment initiatives.
  - iii. Ensure workforce skills alignment by updating roles, competencies, and performance metrics to reflect new AI-related skills and capabilities.
- h. All Users:
  - i. Use AI responsibly and in compliance with this policy and guidelines.
  - ii. Validate AI-generated outputs before use.
  - iii. Report AI risks, biases, or unintended impacts to the AI Committee.

- iv. Maintain a commitment to continuous learning by upskilling in AI technologies and responsible use practices.

## 2. Definitions

- a. Artificial Intelligence (AI): Technologies enabling machines to perform tasks that typically require human intelligence, such as learning, reasoning, problem-solving, and decision-making.
- b. AI Tools: Off-the-shelf applications (e.g., Copilot, ChatGPT, Gemini, etc.) capable of autonomously producing content (text, audio, visual) to support productivity and efficiency.
- c. AI Systems: Integrated AI-driven solutions, either developed internally or procured, that interface with OCERS' technology infrastructure to support operations or decision-making.
- d. Personally Identifiable Information (PII): Data that can identify an individual (e.g., name, address, SSN).
- e. Protected Health Information (PHI): Health-related data protected by law.

## 3. Principles

### a. Responsible Use

- i. AI technologies may only be used for work-related purposes that support OCERS operations and mission.
- ii. The use of AI for any illegal, unethical, or harmful activity is strictly prohibited.
- iii. AI must not be used in any way that causes discrimination, bias, or unfair treatment of individuals or groups.

### b. Privacy, Confidentiality, and Security

- i. AI systems must only use data that has been collected and maintained in accordance with applicable data protection regulations and organizational policies.
- ii. Processing of personally identifiable or confidential information using AI systems is permitted only when authorized, necessary, and fully compliant with these standards.
- iii. The use of AI must never compromise the confidentiality, integrity, or availability of agency or member data.

### c. Human Oversight and Accountability

- i. Authorized personnel must review all AI outputs used to inform consequential decisions affecting members or staff.
- ii. Final eligibility or benefit determinations must not be made by AI without human review and oversight.
- iii. Staff are responsible for ensuring the factual accuracy of all AI-generated content they produce and must not knowingly create false or misleading information using AI.

**d. Transparency and Explainability**

- i. Documentation must be maintained that explains the purpose, logic, and outcomes of AI systems, to the extent possible and appropriate.
- ii. Stakeholders shall be informed when AI is used in decisions that affect them and shall have the right to request clarification or human review.
- iii. Acknowledge the use of artificial intelligence in substantial development of content or ideas to ensure transparency, uphold integrity, and accurately represent the origin of work.

**e. Risk Management**

- i. All AI systems included in business processes shall undergo a risk assessment prior to adoption, evaluating potential legal, ethical, operational, and reputational impacts.
- ii. Risk assessments for AI systems shall be performed, documented, and retained for audit purposes.
- iii. AI systems shall be regularly evaluated to ensure accuracy, fairness, and to identify any unintended consequences.

**f. Intellectual Property**

- i. Staff shall respect copyright, trademark, and intellectual property rights when using AI systems.
- ii. For any questions or concerns about potential copyright infringement, contact the Legal Division.

**g. Vendor Requirements**

- i. Third-party vendors providing AI capabilities shall meet OCERS standards for privacy, security, and ethical practices.
- ii. Contracts with AI vendors shall include provisions for audit rights, transparency, and explainability of AI systems.
- iii. AI vendors shall disclose whether their models were trained with copyrighted or sensitive data.

**4. AI System Development and Integration****a. When developing or integrating AI systems:**

- i. **Adopt a Risk-Based Approach:** Employees must integrate a risk management process aligned with the National Institute of Standards and Technology AI Risk Management Framework (NIST AI RMF), ensuring early and continuous identification, assessment, and mitigation of risks related to safety, fairness, reliability, and operational impact.
- ii. **Ensure Cross-Disciplinary Collaboration:** The agency must establish and maintain collaboration between technical teams, legal counsel, compliance, and subject matter experts to ensure AI systems are developed with a comprehensive understanding of both technical performance and member impact.

- iii. **Prioritize Resilience:** Employees must design AI systems with built-in safeguards, robust testing protocols, and continuous monitoring mechanisms to ensure reliable and secure performance as technologies and conditions evolve.
- iv. **Maintain Flexibility:** The agency must implement modular, adaptable AI system architectures that support efficient updates and integration of future innovations without requiring full system replacements.

**5. Compliance and Enforcement**

- a. Violations of this policy may result in administrative and disciplinary action, up to and including contract termination or termination of employment.

## Chapter 2

# 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
- Copyright Compliance Policy
- Attendance Policy
- Alcohol and Controlled Substance Policy
- Professional Business Attire Policy
- Workplace Relationships Policy
- Employment of Relatives Policy
- Disciplinary Actions and Appeal Procedure Policy

## Code of Conduct Policy

### *Policy Statement*

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

### *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.

### *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 OCERS 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, deferred, and retired members, vendors, visitors, and members of the public.
- d. Individuals covered by this policy will act in a manner consistent with all applicable Personnel Policies.
- e. Individuals covered by this policy will devote their full efforts and energies while performing their duties for OCERS.

#### **2. Reporting Obligations and Non-Retaliation**

- a. Employees who observe or suspect a violation of this policy should report it promptly to their supervisor, Human Resources, or the Compliance Department.
- b. Employees must cooperate fully with investigations into alleged misconduct.
- c. 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.

### Definitions

- **Conflict of Interest:** A situation in which an individual's Financial Interest, personal relationship, or outside activity interferes, may interfere, or appears to interfere with the individual's duty to act in the best interests of OCERS.
- **Financial Interest:** Any financial interest that might interfere with the employee's unqualified devotion to their duty to OCERS. A financial interest may be indirect as well as direct, and may involve financial losses, the possibility of losses, or the prospect of pecuniary gain.

### Provisions

#### 1. General Provisions

Individuals covered by this policy are expected to comply with all applicable laws, including those regarding government contracts (Gov. Code, § 1090), Conflicts of Interest, and disclosures of interest (The Political Reform Act, Gov. Code § 87200 et seq.).

#### 2. Prohibited Conduct

- a. OCERS strictly prohibits activities or relationships that create an actual or potential Conflict of Interest. Such activities or relationships include, but are not limited to:
  - i. The use of OCERS' time, facilities, or equipment for personal gain or advantage, or the personal gain or advantage of another;
  - ii. The use of the prestige or influence of employment at OCERS for personal 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, gift cards, checks, or other forms of consideration from any person or non-OCERS 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 their official capacity at OCERS.
- b. Employees must not accept gifts, gratuities, or honoraria that would violate the Political Reform Act, the Fair Political Practices Commission (FPPC) regulations, or the OCERS



Conflict of Interest Code. Employees are responsible for knowing and complying with applicable FPPC gift limits and reporting obligations.

- c. Employees must promptly disclose any actual, potential, or perceived Conflicts of Interest to their supervisor or the Compliance Department.
  - i. For procurement-related matters, the responsible executive must consult with the Legal Division to determine whether a Conflict of Interest or the appearance of one restricts an employee's participation or otherwise affects the procurement.
- d. Employees must recuse themselves from participating in any decision or action in which they have a Financial Interest as defined by law or this policy.

### **3. Outside Business Activities and Employment**

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 their duties as employees of OCERS or with the duties, functions, or responsibilities of OCERS as an organization.

### *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 their duties as OCERS employees or with the duties, functions, or responsibilities of OCERS as an organization.

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Provisions*

1. OCERS employees shall not engage in activities that are inconsistent with, incompatible with, or in conflict with their duties as OCERS employees.
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 their employment with OCERS or as a part of their duties as an OCERS employee;
  - c. Involves the performance of an act other than their 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 that would render the performance of their duties to OCERS less efficient.

3. An employee must complete the Secondary Employment Reporting Form (attached) prior to engaging in any outside employment, activity, or enterprise for compensation. In this context, "compensation" does not include reimbursement for expenses.
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 conflicts in information (e.g., employee work information, employee schedule, job duties, etc.) are found, 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, creates a conflict with, or is inimical to 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 Human Resources for review and filing.
  - e. Human Resources 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, creates a conflict with, or is inimical to the employee's job duties.
    - i. If the reported employment, activity, or enterprise is determined not to be inconsistent, incompatible, or in conflict with the employee's job duties, Human Resources will approve the request and notify the employee and supervisor of the approval. Human Resources will retain a copy of the completed Secondary Employment Reporting Form.
    - ii. If the reported employment, activity, or enterprise is determined to be inconsistent, incompatible, or in conflict with the employee's duties, the Director of Human Resources 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.
    - iii. If the employee accepts the denial, the employee must not engage in outside employment, activity, or enterprise. The employee, the supervisor, and Human Resources are notified of the denial, and the process is complete. A copy of the completed form is provided to Human Resources for filing.
    - iv. 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 Human Resources are notified of the final approval/denial, and the process is complete. A copy of the completed form is provided to Human Resources for filing.
5. Human Resources maintains all records submitted.

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

- 7. Violation of Policy**

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

### ***Related Topics***

OCERS Conflicts of Interest Policy

## Copyright Compliance Policy

### *Policy Statement*

**OCERS respects intellectual property rights and is committed to complying with all legal obligations concerning the use of copyright-protected works.**

OCERS prohibits any use, production, reproduction, distribution, display, or other exploitation of copyrighted works that violates copyright laws. In addition, employees are prohibited from using content they know, have reason to know, or suspect contains copyright-protected material.

### *Purpose*

This policy sets forth the OCERS' use requirements regarding copyright and ensures that the use of third-party content is in compliance with copyright law.

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Policy Provisions*

1. The owner of a copyrighted work has the exclusive rights of reproduction, distribution, public performance, public display, and creation and authorization of derivative works.<sup>2</sup> Copyright protection begins the moment the copyrighted work is first "fixed." According to § 102(a) of the Copyright Act, "[c]opyright protection subsists . . . in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." Works of authorship that fall within the scope of copyright protection include (per 17 U.S.C. § 102(a)):
  - (1) literary works, including computer programs in source code or object code, databases, operating systems, programs embedded in ROMS, PROMS, etc., and microcode;
  - (2) musical works and any accompanying words;
  - (3) dramatic works and any accompanying music;
  - (4) pantomimes and choreographic works;
  - (5) pictorial, graphic, and sculptural works;
  - (6) motion pictures and other audiovisual works;
  - (7) sound recordings; and
  - (8) architectural works.

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<sup>2</sup> Copyright protection is governed by Title 17 of the United States Code.

The above list is not all-encompassing. The types of works that qualify for copyright protection were intentionally left open-ended by the law, so new forms of expression not specifically identified may also receive protection. Examples of copyrighted works include printed articles from publications, electronic articles in online publications or email newsletters, online videos, movies, TV and radio programs, recorded music, photos and image files, manuals, software programs, databases, websites, and blogs.

## **2. What Constitutes Infringement**

- a. Copyright law gives the owner of the copyrighted work the *exclusive* right to reproduce, publish, perform, display, or create derivative works from it.
- b. Copyright infringement occurs when any of the following exclusive rights are violated:
  - i. Reproduction: to reproduce the work in copies;
  - ii. Derivation: to prepare derivative works based on the copyrighted work;
  - iii. Distribution: to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
  - iv. Performance: to perform the work publicly; or
  - v. Display: to display the copyrighted work publicly.
- c. Works are protected even if they are not registered with the U.S. Copyright Office, and whether or not they carry the copyright symbol (©). It is also important to note that just because photos, documents, or files may be available online does not mean such materials can be used without violating copyright.

## **3. Performances and Displays as Infringement**

- a. Public performance or display of copyrighted material without authorization may violate copyright laws.
- b. For example, copyright restrictions may apply to the showing, streaming, or performance of songs, shows, movies, or YouTube videos. Any such use must comply with the copyright holder's terms of use.
- c. To perform or display a work "publicly" means—
  - i. to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances are gathered; or
  - ii. to transmit or otherwise communicate a performance or display of the work to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.

## **4. Copying as Infringement**

- a. The illegal duplication or copying of a protected work can take many forms.
- b. Restrictions on the reproduction and distribution of copies may prohibit the copying or "cutting and pasting" of content into a document or email and the creation of an electronic file/copy, such as a Portable Document Format (PDF), image file, audio recording, or video recording. Infringement of the right to reproduce a work can also

occur through forwarding the content by email, printing it out, photocopying it, or saving it in a shared electronic folder or database.

#### 5. **How Subscriptions Can Lead to Infringement**

- a. Authorization for use under a subscription or license may not eliminate the risk of copyright infringement.
- b. Any use of a specific license or subscription must comply with copyright laws generally and with the terms of the agreement. The terms of such an agreement typically specify the permitted use of the content and usually restrict that use to the specific subscriber. Employees are prohibited from sharing their username, password, or other information necessary to gain access to a third-party website, service, or product. Some subscriptions may permit the sharing of content in limited circumstances.

#### 6. **Use of Hypertext Links**

- a. Generally, providing a hypertext link to a third-party website is permissible, but anything more than linking may be a copyright violation.
- b. Sending a link to material on the Internet does not constitute duplication of the work. However, the terms of a specific subscription may disallow the sharing of links to material behind its "pay wall."

#### 7. **Obtaining Permission to Use Copyrighted Works**

- a. Employees are prohibited from making any digital or paper copies of, distributing, or otherwise using any content authored, developed, or owned by a party other than OCERS unless compliance with the copyright owner's terms of use has been ensured and all necessary licenses or permissions are obtained.
- b. Employee use of content obtained from other sources is limited by the copyright laws and the terms of any agreements with the owners of that material, whether contained within a website's terms and conditions, in a signed contract, or the terms of a subscription or license. This process is known as "rights clearance." The basic process requires you to:
  - iii. Identify all copyrightable content you plan to use, such as an article or photo.
  - iv. Identify the owners of applicable copyrights or all agents, licensees, or others with authority to grant permissions.
  - v. Determine whether a license or other permission may be required.
  - vi. Secure the necessary licenses or written permissions.
- c. **Employees are required to contact the Legal Division before finalizing any rights clearance.** Any questions regarding copyright, terms of use, or this policy should be forwarded to the Legal Division.

#### 8. **Violation of Policy**

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

#### 9. **Resources for permission to use copyrighted works:**

TEXT COPYRIGHT RESOURCES	
•	The Authors Guild, <a href="https://authorsguild.org">https://authorsguild.org</a>
•	Association of American Publishers, Inc., <a href="http://www.publishers.org">www.publishers.org</a>
•	Copyright Clearance Center, Inc., <a href="http://www.copyright.com">www.copyright.com</a>
•	International Federation of Reproduction Rights Organizations, <a href="http://www.ifrro.org">www.ifrro.org</a>
•	National Writers Union, <a href="http://www.nwu.org">www.nwu.org</a>
•	U.S. Copyright Office, <a href="http://www.copyright.gov">www.copyright.gov</a>

NON-TEXTUAL COPYRIGHTED WORKS	
<b>Music</b>	
•	American Society of Composers, Authors and Publishers, <a href="http://www.ascap.com">www.ascap.com</a>
•	Broadcast Music, Inc., <a href="http://www.bmi.com">www.bmi.com</a>
•	Recording Industry Association of America, <a href="http://www.riaa.com">www.riaa.com</a>
•	SESAC, <a href="http://www.sesac.com">www.sesac.com</a>
<b>Photography/Design</b>	
•	American Society of Media Photographers, <a href="http://www.asmp.org">www.asmp.org</a>
•	Graphic Artists Guild, <a href="https://graphicartistsguild.org">https://graphicartistsguild.org</a>
<b>Software</b>	
•	The Business Software Alliance, <a href="http://www.bsa.org">www.bsa.org</a>
•	Software & Information Industry Association, <a href="http://www.siia.net">www.siia.net</a>
<b>Movies</b>	
•	Motion Picture Licensing Corporation, <a href="http://www.mplc.org">www.mplc.org</a>
<b>General</b>	
•	U.S. Copyright Office, <a href="http://www.copyright.gov">www.copyright.gov</a>

### ***Related Topics***

OCERS 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 to successful employee performance.

### *Purpose*

This policy sets forth OCERS' expectations regarding attendance and punctuality and defines procedures for reporting absences and tardiness. It is intended to comply with all applicable local, state, and federal laws, including protected leaves of absence.

### *Scope*

This policy applies to individuals employed by OCERS (Direct Employees).

### *Provisions*

#### **1. Hours of Operation**

OCERS' office is open five days per week, Monday through Friday, except for 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. Employee 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 workstation and /or conducting OCERS business by the start of each workday at the time designated by their supervisor. Unapproved or excessive absenteeism or tardiness, even if unintentional, may lead to disciplinary action.

#### **3. Punctuality**

- a. Employees with regularly scheduled work hours must be prepared to commence work at their scheduled start time.
- 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 their 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 their supervisor. The employee may report the tardiness to their 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 their late arrival.
  - ii. Supervisors must document an employee's unscheduled tardiness and the reasons provided for each late arrival.
- c. Excessive Tardiness

Excessive tardiness occurs when an employee has had more than three unexcused and unscheduled tardies in any thirty-day period.

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 their 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 their absence.
  - ii. At the commencement of an absence, an employee must provide their supervisor with the reason for the absence and its expected duration.
  - iii. An employee's supervisor may request that the employee provide satisfactory evidence of a reported illness, injury, or medical condition, consistent with applicable law.
- b. Excessive Absenteeism
  - i. An employee's absences may be considered excessive when the number of unscheduled and unapproved absences exceeds twelve days in any twelve-month period and/or three or more days in any thirty-day period before an employee's most recent absence.
  - ii. An employee's absences may be deemed excessive when their unapproved absences follow a consistent pattern. Examples of such patterns include:
    - 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 at OCERS' sole discretion.
  - iv. **Note:** Absences protected under applicable law will not be counted against an employee under this policy.
  - v. 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 their job and voluntarily resigned unless the employee offers a reasonable excuse that the Chief Executive Officer accepts.

### ***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 unlawful use, possession, distribution, or being under the influence of alcohol or Prohibited Drugs by all persons on OCERS property, during work hours, or while conducting OCERS business.

### Purpose

This policy defines OCERS's expectations regarding the possession, use, or influence of alcohol or Prohibited Drugs in the workplace or in connection with OCERS business activities.

### Scope

This policy applies to individuals who are employed by the following entities:

1. OCERS
2. Third-party vendors and contract employees.

### Definitions

- **Alcohol:** Ethanol alcohol in any consumable form (e.g., beer, wine, liquor).
- **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 law. Prohibited Drugs include:
  - Any drug that is legally obtainable but has not been legally obtained.
  - Prescribed drugs used without a valid prescription or used in a manner inconsistent with a lawful prescription.
  - Any non-prescription substances that are used contrary to the manufacturer’s recommendations.
  - Cannabis and cannabis-derived products (e.g., marijuana, THC concentrates) are considered Prohibited Drugs when used, possessed, or if an employee is impaired by them in the workplace, despite their legal status under California law.
- **Under the Influence:** The state of being intoxicated or impaired by alcohol or a drug, or the combination of alcohol and drugs.

### Provisions

1. The use, possession, sale, distribution, or being Under the Influence of Alcohol or Prohibited Drugs while on OCERS property, during working hours, or while conducting OCERS business is strictly prohibited.
2. The use of Alcohol or Prohibited Drugs, on or off OCERS’ property, in a manner that causes reputational risk to OCERS is prohibited.
3. 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 per 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.

#### 4. Drug and Alcohol Testing

- a. OCERS may require an employee 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 such Drugs and/or Alcohol.
  - b. A supervisor may have a "reasonable suspicion" that an employee is Under the Influence based upon observation of conduct 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 workspace.
    - iv. Odor 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 determining disciplinary action, including termination.
5. 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. Participation in the EAP is confidential and, where applicable, may be considered a mitigating factor during disciplinary processes. Contact Human Resources for additional information on the EAP.

## Professional Business Attire Policy

### *Policy Statement*

OCERS' professional atmosphere is maintained, in part, by the image that employees present. Employees are expected to use sound 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 the OCERS workplace while on OCERS business.

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Provisions*

1. All persons covered by this policy are expected to present a professional, businesslike image.
2. All persons covered by this policy should use their best judgment when determining their attire and appearance. They are expected to be well-groomed and clean, and their attire should be clean, well-maintained, and appropriate for the setting.
3. These guidelines apply to all staff without regard to gender, gender identity, or gender expression.
4. OCERS respects the religious and cultural practices of its employees. Reasonable accommodations will be made for attire and grooming practices required by sincerely held religious beliefs or cultural traditions, consistent with OCERS' Religious Accommodations Policy and applicable law.
5. OCERS will make reasonable modifications to this policy to accommodate employees with disabilities, in compliance with the Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA).
6. Questions about these guidelines should be directed to Human Resources.

## Workplace Relationships Policy

### Policy Statement

OCERS is committed to fostering a professional, respectful, and legally compliant work environment. Personal relationships of a romantic or sexual nature between employees, particularly those involving supervisory or evaluative authority, may present actual or perceived conflicts of interest, claims of favoritism, disruption of team dynamics, or claims of Sexual Harassment. This policy is intended to prevent such situations, promote transparency, and ensure compliance with California law and OCERS' workplace standards.

### Definitions

- **Sexual Harassment:** The making of unwanted and offensive sexual advances or 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: (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.
- **Workplace Relationship:** As used in this policy, "Workplace Relationship" refers to personal relationships of a romantic or sexual nature between two employees, including dating, cohabitation, or partnerships.

### Provisions

#### 1. Prohibited Workplace Relationships

- a. Employees are prohibited from engaging in or continuing a Workplace Relationship with any employee who reports directly or indirectly to them, or over whom they have supervisory, evaluative, or decision-making authority.
- b. Workplace Relationships between employees in the same department or project team that may create a perceived or actual conflict of interest, favoritism, or disruption to the work environment may also be subject to review and action by Human Resources.
- c. 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. Disclosure

- a. Employees who enter a Workplace Relationship must promptly disclose the relationship to Human Resources if it poses a conflict of interest or involves a supervisory, evaluative, or decision-making dynamic.
- b. Disclosures will be kept confidential to the extent possible, and no disciplinary action will be taken solely based on disclosure. Human Resources will evaluate the situation to determine if a change in reporting structure, assignment, or other reasonable accommodation is necessary.

**3. Corrective Measures**

- a. If OCERS determines that a Workplace Relationship has resulted in a conflict of interest, disrupted team dynamics, or violated professional conduct expectations, it may take steps to resolve the issue. This could include modifying work assignments, transfers, or, when appropriate, disciplinary action.

**4. Retaliation Prohibited**

- a. OCERS strictly prohibits retaliation against any employee who declines or terminates a Workplace Relationship or reports concerns regarding potential favoritism, harassment, or conflicts of interest.

**5. 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 the 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 ensure employment decisions are based solely on merit and business necessity, and to prevent actual or perceived influence based on personal relationships.

### Scope

This policy applies to individuals who are employed by the following entities:

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

### Definitions

- **Close Relative:** Includes spouse, domestic partner, parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, grandchild, aunt, uncle, niece, nephew, in-law (mother, father, son, daughter, brother, or sister-in-law), or any individual residing in the same household as the employee.
- **Direct Line of Supervision:** When one employee has the authority to influence employment decisions (such as hiring, promotion, disciplinary action, compensation, scheduling, evaluation, or assignment of duties) concerning another employee.

### 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. Employees must not participate in decisions affecting a Close Relative's employment or working conditions.

#### 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 before appointment, promotion, reduction, transfer, or reassignment. An employee who becomes a Close Relative by marriage after appointment must promptly disclose the new relationship(s) to their supervisor.
- b. The Director of Human Resources 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 provided safeguards are established to avoid actual or perceived conflicts of interest. 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 this policy from the OCERS' CEO before appointing, promoting, reducing, transferring, or reassigning a close relative of an employee if such action will result in a policy violation.
2. The written request for exemption from this 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 the 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 the supervisor believes problems will not result.
  - e. Mitigation plan to address potential conflicts (e.g., third-party oversight, recusal from employment decisions).
3. OCERS' CEO will approve or disapprove of the supervisor's recommendation and notify the Director of Human Resources of specific reasons for the decision. Upon request, the Director of Human Resources will review and provide comments to OCERS' CEO. The Director of Human Resources shall maintain a listing of exemptions granted.

### **Violation of Policy**

Any violation of this policy, including failure to disclose Close Relationships, may result in discipline up to and including termination.

## Disciplinary Actions and Appeals Procedure Policy

### *Policy Statement*

Employees must abide by applicable federal, state, and local laws and regulations and comply with OCERS' policies and procedures. Failure to do so, including engaging in misconduct or demonstrating poor performance, may result in disciplinary action, up to and including termination of employment.

### *Purpose*

This policy sets forth the disciplinary actions available to OCERS for employee violations of the law or OCERS' policies, employee misconduct, or poor performance. It 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 their position in an unsatisfactory manner may be subject to discipline up to and including termination.
- b. Disciplinary actions may include:
  - i. Verbal counseling and/or warning;
  - ii. Written warning;
  - iii. Suspension (with or without pay, in compliance with applicable law);
  - and
  - iv. Termination.
- c. The above disciplinary actions serve as general guidelines; they are not mandatory and need not be issued in a specific sequence. 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 Human Resources.
- 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:
  - i. The severity and frequency of the violations;
  - ii. The number of violations;
  - iii. Whether the violation was part of a pattern or practice of improper behavior;
  - iv. The impact on OCERS' operations or reputation;
  - v. The individual's disciplinary, non-compliance, or performance history;
  - vi. Whether the employee knew or should have known the rules, regulations, or policies at issue;

- vii. Length of employment with OCERS;
  - viii. Whether the conduct was intentional, negligent, or reckless;
  - ix. Whether the action was committed for personal gain.
- f. Management will determine the level of disciplinary action in consultation with Human Resources after reviewing the circumstances and determining 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.

## **2. Termination for Cause Only**

- a. Discipline, up to and including termination, shall be for cause.
- b. For purposes of this policy, cause means:
  - i. a violation of any OCERS policy or procedure;
  - ii. insubordination, inappropriate conduct, or disruptive behavior;
  - iii. failure to satisfactorily perform the duties of one's position;
  - iv. an act of fraud, embezzlement, theft, serious misconduct, or any other material violation of law committed in one's capacity as an OCERS employee;
  - v. intentional or reckless disclosure of Confidential Information;
  - vi. 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;
  - vii. failure to provide requested medical documentation supporting a leave of absence or failure to return to work following an approved leave of absence.
- c. Appeal Procedure
  - i. An employee who wishes to contest a personnel action taken against them may follow 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 that do not incorporate the provisions of these policies and regulations.
    - 2. Matters that the employee has other means of appeal, including 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 before 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 their immediate supervisor within fourteen (14) calendar days from the occurrence that gives rise to the personnel action. Such submission shall be in writing and state the appeal's nature and the proposed resolution. Upon receipt of the written appeal, the immediate supervisor or other representative(s) designated by OCERS shall meet with the employee to discuss the appeal. Thereafter, the immediate supervisor or the OCERS designee shall inform the employee of OCERS' determination regarding the appeal.

**Step 2: Senior Executive Level**

If the employee is unsatisfied with the determination issued at Step 1, they may present the appeal to the respective Senior Executive 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 Senior Executive or the OCERS designee shall meet with the employee to discuss the appeal. Thereafter, the Senior Executive or the OCERS designee shall inform the employee of their determination regarding the appeal.

**Step 3: Chief Executive Officer**

If the employee is unsatisfied with the determination issued at Step 2, he or she may present the appeal to the Chief Executive Officer within seven (7) calendar days after receipt of the 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 their 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 with the determination issued at Step 3 concerning a termination, they may present the appeal to the Board of Retirement within seven (7) calendar days after receiving the 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 Board's determination shall be final.

Each of the above-referenced steps may involve reviewing documentation provided by the employee and their supervisor and interviewing the supervisor and other OCERS personnel.

## Chapter 3

# 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 each employee's performance for the current year and performance goals for the future year.

### *Scope*

This policy applies to individuals employed by OCERS (Direct Employees).

### *Definitions*

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

### *Provisions*

1. 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. At least once each year, such ratings shall be prepared and recorded in the employee's personnel file for all regular and part-time employees.
2. Employees may be asked to complete a self-assessment prior to the evaluation to reflect on achievements, challenges, and goals.
3. OCERS shall discuss the specific ratings with the employee before they are included in their Personnel File.
4. Employees can submit written objections or comments about their evaluation, and such information will be included with the evaluation in their Personnel File.
5. When a performance evaluation is recorded in an employee's Personnel File, they will receive a copy of the evaluation and any related attachments.
6. Where an employee takes authorized leave (e.g., Family and Medical Leave of Absence, Pregnancy Disability Leave), the date of their performance review will be extended by the length of time of their leave.

## Education and Professional Reimbursement Policy

### *Policy Statement*

OCERS supports the continued professional development of its employees through its 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 the various educational opportunities available.

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Definitions*

- **Full-Time Employee:** An employee employed in one (1) or more regular or limited-term positions who's normally assigned work hours are at least forty hours per week.

### *Provisions*

#### **1. General Provisions:**

Eligibility for reimbursement is subject to evaluation by the department head and Human Resources, based on alignment with OCERS' strategic goals and employee development plans. Educational opportunities are eligible for reimbursement if they have a reasonable potential of contributing to achieving 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, part-time, regular, and probationary employees with a performance rating of "meets expectations" or above are eligible for reimbursement. Employees on an approved leave of absence may be eligible for reimbursement on a case-by-case basis, subject to department head approval.

#### **3. Reimbursement Eligibility**

- a. The following types of educational courses are eligible for reimbursement:
  - i. Courses related to obtaining a degree (AA, BA, BS, Master's, 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 the employee to take a test to obtain business-related certifications, licenses, or accreditations;
  - 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 that were a minimum qualification for the employees' position.
- c. Courses that duplicate courses available for in-service training; and,
- d. Courses that are duplicative of internal training or external training previously reimbursed by OCERS.

#### **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 they meet the department's business needs and are 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 (3) 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 eligible employees may receive in one (1) Fiscal Year is \$10,000.

**6. Request Procedure:**

- a. The employee shall apply for approval for reimbursement through normal supervisory channels on forms provided by Human Resources.
- b. Approval must be granted **before** the employee registers and pays for the course.
- c. The employee's department head shall either approve or deny the application as they deem justified 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 the department head with proof of payment and proof of grade (where applicable).
- e. The department head will provide final approval for the reimbursement upon proof of a satisfactory grade and/or payment of fees.

## Chapter 4

# 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 the principles of equal employment opportunity for all employees.

### Purpose

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

### Definitions

- **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:
  - The reason the position exists is to perform that function.
  - The limited number of employees available among whom the performance of that job function can be distributed.
  - The function may be highly specialized.
- **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 explicitly allowed by this law (e.g., to certify the need for leave for a family member's serious health condition).
- **Human Resources:** The department responsible for managing various employment processes and procedures within an organization, including recruitment, onboarding, training and development, performance management, compensation and benefits, employee relations, and compliance with labor laws organizational policies.
- **Interactive Process:** A timely, good-faith communication between OCERS and an employee or, when necessary because of the disability or other circumstances, their representative, to explore whether the employee needs Reasonable Accommodation of a disability in order to perform the essential functions of their job, and when needed, how the employee can be reasonably accommodated.
- **Qualified Individual:** An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position held or desired, and who can perform the Essential Job Functions of the position, with or without Reasonable Accommodation.
- **Reasonable Accommodation:** Modifications or adjustments to an employee's position that are effective in enabling an employee to perform the Essential Job Functions 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 nor required by law.

### Provisions

#### 1. Eligibility

Any Qualified Individual with a physical disability, mental disability, or medical condition that limits a major life activity, including their ability to work, is eligible for Reasonable Accommodations from OCERS to enable them to perform their Essential Job Functions.

## **2. Accommodation Request**

- a. An employee may request accommodation at any time. Alternatively, a family member, friend, health professional, or other representative may make a request on an employee's behalf. The request does not have to be made in writing.
- b. Employees or their representatives are encouraged to make requests for Reasonable Accommodation directly to Human Resources. Employees may also make a request for accommodations to their supervisor, who will then immediately relay the request to Human Resources.
- c. Human Resources 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 their job duties due to a physical disability, mental disability, or medical condition, OCERS must engage the employee in an Interactive Process (see below), even when the employee has not made a request for an accommodation. OCERS can be put on such notice by a third party, by observation, or because a disabled employee has exhausted their protected leave (see OCERS Family and Medical Leave Policy) and their 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, Human Resources, with input from the employee's supervisor when appropriate, will initiate a dialogue with the employee to determine what accommodations are available to them. 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 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 their Essential Job Functions.
- b. OCERS will not require the employee or their health care provider to disclose a specific medical diagnosis or underlying condition unless such information is necessary to determine the need for accommodation and is permitted by law.
- 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 they deem unnecessary. However, the employee may not be qualified to remain in their job if they need a Reasonable Accommodation to perform an Essential Job Function and refuse to accept this Reasonable Accommodation. Further, rejecting a Reasonable Accommodation may terminate OCERS' obligation to engage further in the Interactive Process.
- e. Human Resources may require an employee to provide reasonable medical documentation of their need for accommodation. However, any genetic information must be excluded when responding to requests for medical information, in accordance with the Genetic Information Nondiscrimination Act of 2008 (GINA).
- f. Upon identifying possible accommodations, Human Resources may grant the employee's requested accommodation or reject it after due consideration and discuss alternative accommodations with the employee.
- g. The Interactive Process will be documented.

#### **5. Accommodation Request Grant**

- a. While OCERS will consider an employee's preference for an accommodation, it has the right to implement an accommodation that is effective in assisting the employee in performing their Essential Job Functions. OCERS has the ultimate discretion to choose the manner of effective accommodation and may consider reasonableness in cost and feasibility.
- 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 the employee's medical documentation, OCERS may ask for medical documentation substantiating the need for continued accommodation every year.
- d. If a granted accommodation is not effective, OCERS will resume the Interactive Process and attempt to identify 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 their position and to enjoy equal employment opportunity. OCERS is not required to provide accommodations that would impose an undue hardship on its operations.
- b. If OCERS denies an employee's requested accommodation, it will continue the Interactive Process and 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 Civil Rights Department (“CDR”) or 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, contact Human Resources.

### ***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 with 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 laws.

### *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 leave.

### *Definitions*

- **Affected by Pregnancy:** When, because of pregnancy, childbirth, or a related medical condition, it is medically advisable for an employee to transfer or otherwise be reasonably accommodated by her employer.
- **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.
- **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.
- **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.
- **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.
- **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 explicitly allowed by this law (e.g., to certify the need for leave for a family member's serious health condition).
- **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.



- **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.
- **Registered Domestic Partner:** A person registered as a domestic partner with the Secretary of State of California or registered as a domestic partner in any other state in which domestic partnerships or civil unions are recognized.
- **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves:
  - 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.
  - 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.
- **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.

## Provisions

### 1. Eligibility

- a. An employee is eligible for leave under the FMLA and CFRA if they:
  - i. Have been employed by OCERS for at least twelve (12) months; and
  - ii. Have worked at least 1,250 hours during the twelve (12)-month period immediately before the start of 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 Personnel Policy: Pregnancy and Pregnancy Disability Leave). If an employee takes FMLA leave for pregnancy disability, they may still be eligible for an additional twelve (12) weeks of leave under CFRA for other family and medical leave purposes.

CFRA also provides an eligible employee with up to twelve (12) weeks of leave to care for a domestic partner with a serious health condition. In addition, CFRA leave is available to care for grandparents, grandchildren, siblings, and parents-in-law with serious health conditions. CFRA leave is also available to care for a person designated by the employee at the time the leave is requested, who is related by blood or whose association with the employee is the equivalent of a family relationship (a "Designated Person"). An employee may designate only one such individual per 12-month period for purposes of such leave.

### **3. Notice of Need for Leave**

- a. **Employee's Obligations:** In order to obtain FMLA or CFRA leave, an employee must inform OCERS of their need for leave verbally or in writing. For all FMLA or CFRA leaves other than Military Exigency Leave (see OCERS Personnel Policy: Military Family Leave), an employee must give OCERS thirty (30) calendar days' notice of their need for leave if they know of the leave in advance. If an employee does not have advance notice of the need for FMLA or CFRA leave, they must notify OCERS of their 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 Human Resources. Human Resources will provide employees with information about their rights under FMLA or CFRA and determine whether they are eligible for FMLA or CFRA leave.

### **4. Leave Designation**

- a. Upon an employee's request for FMLA or CFRA leave, Human Resources will inform the employee within five (5) business days whether they are entitled to FMLA or CFRA leave. If Human Resources determines that the employee is not eligible for FMLA or CFRA leave, they will be informed of the reasons for ineligibility, including any additional information required.
- b. OCERS is responsible for designating time off work, paid or unpaid, as FMLA, CFRA, or 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 such, and as long as a late designation did not cause an employee to take leave they would not have taken had they known the leave would be counted against their 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 their FMLA or CFRA entitlement by stating that they do 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 their final FMLA/CFRA leave designation depends on their timely submission of a satisfactory medical certification.
- b. An employee must obtain their treating Healthcare Provider's medical certification and submit it to OCERS within fifteen (15) calendar days of OCERS' request for medical certification, unless there are extenuating circumstances that make this impracticable despite the employee's diligent, good faith efforts or OCERS' grant of additional time. Untimely submission of medical certification may result in denial of FMLA/CFRA protection for the employee's absence, subjecting the absence to OCERS' Attendance Policy.
- c. An employee must provide complete and sufficient medical certification to OCERS. If they do not, OCERS will give 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/CFRA protection for their absence, impose penalties pursuant to the Attendance Policy, or deny their reinstatement to work.
- d. For FMLA/CFRA, OCERS requires that the employee provide the following documentation:
  - i. Medical certification from the treating Healthcare Provider that the employee: (1) needs a period of leave because of a serious health condition affecting the employee or their child, parent, spouse, domestic partner, or Designated Person; (2) needs Intermittent Leave for a serious health condition of the employee or their child, parent, spouse, domestic partner, or Designated Person; or (3) needs a reduced work schedule for the employee's own serious health condition.
  - ii. Recertification by the treating Healthcare Provider may be required every thirty (30) calendar days in connection with an employee's absence, unless one of the following applies:
    - 1. When the medical certification indicates that the minimum duration of the condition is more than thirty (30) calendar days, OCERS may request recertification when that minimum duration has lapsed; or
    - 2. OCERS may request recertification in less than thirty (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 absence.
  - iii. The employee may be required, at OCERS' expense, to obtain the opinions of a second and third Healthcare Provider supporting the need for FMLA/CFRA leave due to a serious health condition.
- e. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits OCERS from requesting or requiring genetic information of an employee or their family member, except as specifically allowed by this law (e.g., to certify the need for leave for a family member's serious health condition). To comply with GINA, OCERS asks that the Healthcare 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 family member sought or received genetic services, and genetic information of a fetus carried by an individual or 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 (1) 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 twelve (12) workweeks of FMLA/CFRA leave within a twelve (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 calendar-year rolling period measured backward from the date the employee uses such leave. Each time an employee takes FMLA/CFRA leave, the remaining leave entitlement is the balance of the twelve (12) workweeks they have not used during the immediately preceding calendar year.
- b. If an employee needs to extend their leave, and their initial FMLA/CFRA leave was less than twelve (12) weeks, they must request an extension for FMLA/CFRA leave. The employee must notify OCERS as soon as they are aware of the need, but not later than two (2) business days before the anticipated return to work date, when the need for an extension is foreseeable. For extension of FMLA/CFRA leave relating to a serious health condition, employees must provide a Healthcare Provider’s recertification within fifteen (15) calendar days of OCERS’ request, if practicable.
- c. If an employee has taken the entire twelve (12) weeks FMLA/CFRA leave permitted by law and they still need additional leave, they can request additional leave under the Authorized Unpaid Leaves of Absence Policy. The employee must notify OCERS as soon as they are aware 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. For extensions relating to a serious health condition, employees must provide a Health Care Provider’s recertification within fifteen (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 (3) days after the approved FMLA/CFRA leave or other approved leave expires, they 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 their 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 to allow the employee to care for a child, parent, spouse, or domestic partner (domestic partners are only included under the CFRA) with a serious health condition.
- b. Intermittent leave or a reduced work schedule must be based on a medical need that is best met through such intermittent leave or reduced work schedule. OCERS may request that the treating Health Care Provider verify that the employee's absence or reduced schedule is consistent with their medical need.
- c. For employees on intermittent leave or a reduced work schedule, only the amount of leave actually taken is counted toward the twelve (12) weeks of leave the employee is entitled to.
- d. An Exempt Employee on FMLA/CFRA leave with medical certification stating that they will need intermittent leave or reduced hours may have their 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 (1) year of the birth or placement of the child must take the leave in increments of two (2) weeks or more at a time, with the exception that leaves of less than (2) 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 their accrued Annual Leave and, where applicable, vacation and sick leave, during FMLA/CFRA leave.
- b. An employee will maintain OCERS' health care benefits while they are on FMLA/CFRA leave, whether it is paid or unpaid, for a maximum of twelve (12) workweeks in a twelve (12)-month period. Health care benefits coverage may be extended if 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 their 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 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 leaves run concurrently with Kin Care under the California Employment Sick Leave Act when the leave is for a FMLA and CFRA-qualifying reason.
- e. CFRA leave for a Designated Person does NOT run concurrently with FMLA leave.

## **12. Return from Leave and Reinstatement**

- a. OCERS encourages employees returning from leave to provide their manager with at least fourteen (14) calendar days' advance notice of the date on which they intend to return to work. OCERS requires reasonable notice, which is typically at least 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 than fourteen (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 (2) 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 fourteen (14) days or more, the employee will be required to submit medical certification from their Health Care Provider at or before the date of return to work, indicating they are 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 their employment.
- c. If an employee has complied with their obligations under this policy, OCERS will reinstate them to their former position if it 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 their former position or an equivalent position if OCERS' business conditions resulted in the elimination of the former position during the leave, or if the employee would not otherwise have continued to be employed had they continued in active employment.
- d. An employee's use of FMLA/CFRA leave will not result in the loss of any employment benefit they earned or were entitled to before commencing their leave.
- e. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if they 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 from discriminating or retaliating against an employee for taking such a leave.

- 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 they 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 Human Resources.

### ***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 Policy

## Pregnancy Disability Leave Policy

### *Policy Statement*

OCERS provides eligible employees with 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 laws.

### *Purpose*

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

### *Definitions*

- **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 medical condition requiring pregnancy disability leave, although it may require transfer to a less strenuous or hazardous position or other reasonable accommodation.
- **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.
- **Health Care 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.
- **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 a family member's serious health condition).
- **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.
- **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.



## **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 (12) months; and
  - ii. Has worked at least 1250 hours during the twelve (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 twelve (12) workweeks of leave during a twelve (12)-month period.
- b. PDL:
  - i. An employee Disabled by Pregnancy, childbirth, or a 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 the 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. Employees interested in taking this “bonding leave” following PDL should refer to the OCERS Family and Medical Leave Policy and the OCERS Parenthood Leave Policy. They should contact Human Resources to coordinate this additional leave.
  - 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 thirty (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, they 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, accommodation, or 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 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 Human Resources. Human Resources will provide the employee with information regarding their rights under PDL and will determine whether they are eligible for leave.

#### **4. Leave Designation**

- a. Upon an employee's request for PDL leave, transfer, or reasonable accommodation, the Director of Human Resources will inform the employee within five (5) business days whether they are entitled to the leave, transfer, or accommodation. If the Director of Human Resources determines that the employee is not eligible, they will be informed of the reasons for their ineligibility, including any additional information required. The employee may appeal the decision to the Director of Human Resources within fifteen (15) days of notice of the denial. Upon receipt of an appeal, the Director of Human Resources 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 it as FMLA/PDL leave, to the extent that the period qualifies as such leave, and a retroactive designation did not cause an employee to take leave they would not have taken if they had known the leave would be counted against their FMLA/PDL entitlement.
- d. An eligible employee who takes leave for a FMLA/PDL leave-qualifying reason cannot avoid having the time counted against their FMLA/PDL entitlement by stating they do 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 their treating Health Care Provider. The certification
- b. must state the employee needs a period of leave, a transfer, a reasonable accommodation, Intermittent Leave, or reduced work schedule due to a pregnancy disability, childbirth, or a related medical condition, and set forth the duration of said leave, transfer, reasonable accommodation, Intermittent Leave, or reduced work schedule.
- c. An employee must obtain and submit the medical certification to OCERS within fifteen (15) calendar days of OCERS' request, unless there are extenuating circumstances that make this impracticable despite the employee's diligent, good faith efforts, or when OCERS has granted additional time. An employee's untimely submission may result in denial of FMLA/PDL protection for their absence, which will be subject to OCERS' Attendance Policy.
- d. If a timely-submitted medical certification does not meet the requirements, above, OCERS will grant the employee seven (7) calendar days to cure the deficiency. If the

deficiency is not timely cured, OCERS may deny FMLA/PDL protection for the employee's absence, impose penalties pursuant to the Attendance Policy, or deny their 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 the minimum duration of the condition is more than thirty (30) calendar days, OCERS may request recertification when that minimum duration expires;
  - ii. OCERS may request recertification in less than thirty (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 Nondiscrimination Act of 2008 (GINA) prohibits OCERS from requesting or requiring genetic information of an employee or employee's family member, except as specifically allowed by GINA (e.g., to certify the need for leave for the family member's serious health condition). To comply with this law, OCERS requests that the employee and their 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 family member sought or received genetic services, and genetic information of a fetus carried by an individual or 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 fifteen (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 needs additional leave, they may 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 fifteen (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, they may be subject to penalties under OCERS' Attendance Policy, up to and including termination.
- d. OCERS may require an employee on leave to report periodically on their 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 that is best met through intermittent leave or a reduced work schedule. OCERS may request that the treating Health Care Provider verify that an employee's pattern of absence is consistent with the need for the Intermittent Leave.
- c. For intermittent leave or a reduced work schedule, only the amount of leave or hours actually taken are counted toward the four months (17 1/3 weeks) of leave they are entitled to.
- d. An exempt employee on intermittent leave or a reduced work schedule may have their 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 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 when 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 their own expense through COBRA (Consolidated Omnibus Budget Reconciliation Act).

## **9. Coordination with Other Leaves**

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

## **10. Return from Leave and Reinstatement**

- a. OCERS encourages employees returning from leave to provide their manager with at least fourteen (14) calendar days advance notice of the date on which they intend 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, OCERS may delay the date on

which it reinstates the employee in order to allow two (2) business days to prepare for the employee's return to work.

- b. If an employee's PDL leave exceeds fourteen (14) days, they will be required to submit a medical certification from their Health Care Provider, on or before their return-to-work date, indicating 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 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. 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 on the reason why employment would not have continued had they remained in active employment. Such placement in a comparable position should occur on the date the employee was to return from PDL. If there was no agreed-upon return date, the placement will occur within two (2) business days of the notice of return. If placement is not possible within two (2) business days, the employee should be returned to a comparable position as soon as possible. If a comparable position is available within sixty (60) calendar days following the scheduled return date, then reinstatement to the comparable position must occur. During this sixty (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 extends 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 they earned or were entitled to before commencing PDL leave.
- e. An employee has no greater right to reinstatement or other benefits and conditions of employment than if they had been continuously employed during the PDL leave period.

#### **11. Compliance with Applicable Law**

- a. This policy and all 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 FMLA, CFRA, or PDL leave, or from discriminating or retaliating against an employee for taking such a leave.
- b. An employee may file a complaint with the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission, or the California Civil Rights Department or 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 Policy
4. OCERS Parenthood Leave Policy

## Lactation Policy

### *Policy Statement*

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

### *Purpose*

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

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Provisions*

#### **1. Lactation Accommodation**

- a. Employees who wish to express breast milk while at work will be given the opportunity to do so. All such requests should be made to Human Resources.
- b. An employee who wishes to express breast milk will be provided with a private area shielded from view and intrusion from co-workers and the public. 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 the law, OCERS will provide reasonable break time for each time the employee must express breast milk.
- d. Exempt Employees may express milk during work time each time they need to do so.
- e. Non-Exempt Employees may express breast milk during work time each time they need to do so. However, if a Non-Exempt employee uses time in addition to a normal rest period to express breast milk, that additional time may be unpaid. When a Non-Exempt Employee uses a normal rest period to express breast milk, the time will be paid.

#### **2. Compliance with Applicable Law**

- a. This policy and all 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 employees 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

## Parenthood Leave Policy

### *Policy Statement*

OCERS provides eligible employees with parenthood leave in connection with the birth or placement for legal adoption of a child. OCERS intends to administer this policy in accordance with all applicable state and federal laws. This policy does not diminish or supersede any rights provided to employees under applicable federal or state leave laws, including but not limited to FMLA, CFRA, and PDL.

### *Purpose*

The purpose of this policy is to provide parenthood leave to employees in a manner parallel to that provided to County employees under the General Unit Memorandum of Understanding.

### *Definitions*

- **Parenthood Leave:** Leave for the birth of an employee's child or the placement for legal adoption of a child.
- **Comparable Position:** A position with equivalent pay, benefits, and working conditions.
- **Placement for Legal Adoption:** The placement of a child for adoption with the employee, according to applicable law.

### *Provisions*

#### 1. Eligibility

- a. To qualify for Parenthood Leave, employees must meet the following conditions:
  - i. Employees must provide reasonable advance notice of the need for Parenthood Leave and should submit required documentation to Human Resources to facilitate the timely processing of their leave request.
  - ii. Sufficient documentation of the birth of the employee's child or placement of a child with the employee for legal adoption is submitted with the request for Leave. Documentation may include a birth certificate, hospital documentation, or adoption placement documentation.
  - iii. The requested Leave is commenced within one (1) month before, or six (6) months after, the date of birth or placement for legal adoption of the child.

#### 2. Leave Entitlement

- a. OCERS employees may qualify for parenthood leave of up to six (6) months.
- b. OCERS probationary employees may qualify for Parenthood Leave of up to three (3) months.
- c. Human Resources will determine whether they are eligible for leave. Human Resources will provide employees with required leave notices, including rights and responsibilities under FMLA, CFRA, and PDL, and will confirm eligibility, leave designations, and reinstatement rights in writing.
- d. Parental leave under this policy will be unpaid unless the employee elects to use accrued paid leave balances in accordance with OCERS policies and applicable law.



**3. Leave Designation**

- a. Parenthood Leave runs concurrently with Pregnancy Disability Leave (PDL), Family and Medical Leave Act (FMLA), and California Family Rights Act (CFRA), where applicable. In those situations, the law pertaining to those leaves shall supersede this policy.
- b. 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 it as FMLA/PDL leave, to the extent that the period qualifies as such leave, and a retroactive designation did not cause an employee to take leave they would not have taken if they had known the leave would be counted against their FMLA/PDL entitlement.
- c. An eligible employee who takes leave for a FMLA/PDL leave-qualifying reason cannot avoid having the time counted against their FMLA/PDL entitlement by stating they do not want it considered as FMLA/PDL leave.
- d. OCERS may require an employee on leave to report periodically on their status and intent to return to work.

**4. Return from Leave and Reinstatement**

- a. OCERS encourages employees returning from leave to provide their manager with at least fourteen (14) calendar days advance notice of the date on which they intend 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, OCERS may delay the date on which it reinstates the employee to allow two (2) business days to prepare for the employee's return to work.
- b. Upon return from Parenthood Leave, the employee will be reinstated to the same position held before the leave, or to a comparable position, per applicable law. If the position has been eliminated or the employee would not otherwise have been employed during the leave, reinstatement may be denied as permitted under applicable law.
- c. An employee's use of Parenthood Leave will not result in the loss of any employment benefit they earned or were entitled to before commencing Parenthood Leave.
- d. An employee has no greater right to reinstatement or other benefits and conditions of employment than if they had been continuously employed during the Parenthood Leave period.

**5. Compliance with Applicable Law**

- a. This policy and all 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.
- b. Employees may be eligible for wage replacement benefits through the California Paid Family Leave program, administered by the Employment Development Department (EDD), while on unpaid Parenthood Leave.

### ***Related Topics***

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

### *Definitions*

**Leave of Absence with Pay:** A temporary approved absence from work during which the employee receives their regular compensation, not charged against vacation, sick leave, or other leave balances.

### *Provisions*

#### **Eligibility:**

1. The Chief Executive Officer (CEO) may authorize an employee to be absent with pay from their regular work area for reasons other than physical or mental illness for a period of time not to exceed six (6) months, if the CEO finds that such absence with pay:
  - a. Contributes to the employee's effectiveness in their assigned duties and responsibilities;
  - 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 their regular work area for more than 120 regular scheduled working days or six (6) months without the approval of the Board of Retirement.
3. Requests for Leave of Absence with Pay must be submitted in writing to the CEO with justification.
4. CEO approval must be documented in writing and will be maintained in the employee's personnel file.
5. Employees will be reinstated to the same or a comparable position upon return from leave approved under this Policy.

## 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.

### *Definitions*

- **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.

### *Provisions*

#### **1. Departmental leave**

- a. Employees may request a departmental leave for a period not exceeding fifteen (15) calendar days. Departmental leaves shall be without pay.
- b. OCERS and the employee's department head shall decide whether to grant departmental leave.
- c. An employee who is granted departmental leave is required to use all of their 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 fifteen (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 completes 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 discretion of OCERS and its CEO.
- d. An employee on official leave shall provide OCERS with at least two (2) weeks' notice of their intended return to work date. OCERS shall not be required to return an employee to work absent such notice, but may waive or reduce the notice period at its discretion.

#### **3. Non-Occupational Disability Leave**

- a. An employee may request a leave of absence for a non-occupational disability for a period not to exceed six (6) months.
- b. To be eligible for a non-occupational disability leave, an employee must:

- i. Provide OCERS with a medical statement certifying they are 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 exhausting 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 twelve (12)-month period.

#### **4. Procedure for Requesting a Leave Without Pay**

- a. An employee must submit a request for leave without pay or an extension of an existing leave in writing to their supervisor and the Director of Human Resources. The request must state the general reason for the request for leave without pay or extended leave (e.g., medical, family, educational pursuits, etc.).
- b. Upon receipt and review of the request, the Director of Human Resources will inform the employee in writing whether their 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's designee) within fifteen (15) days of notice of the denial or modification.
- d. Employees who fail to return to work for three (3) consecutive days after their authorized leave expires will be considered to have abandoned their job and voluntarily resigned unless the CEO accepts a reasonable excuse.

### ***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.

### Definitions

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

### 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 thirty (30) days following the commencement of said military leave.
- c. **Benefits:** When an employee goes on military leave for more than thirty (30) days, any applicable group insurance (existing provisions will apply) continues for ninety (90) days following the commencement of unpaid military leave. Beyond the ninety (90) days, the employee may elect to continue the same group health care coverage, including dependent coverage, if applicable, for up to twenty-four (24) months at their 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 returning from the leave. The employee must request/elect to do so in writing to their supervisor before starting the military leave.

- e. Reinstatement: At the conclusion of military service, an employee will be reinstated upon giving notice of their 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 their 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 concluding their 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 completing their 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 their military service dates. The employee should submit to their supervisor a copy of the military orders, if available, containing the dates and duration of their leave.
2. An employee returning from military service of less than thirty-one (31) days' duration must report to work no later than the beginning of the second full, regularly scheduled work period following the first calendar day after their completion of service, unless doing so is impractical.
3. An employee returning from military service of more than thirty (30) days must submit a request for reemployment:
  - a. No later than fourteen (14) days after completing service of less than 181 days.
  - b. No later than ninety (90) days after completing service of more than 180 days.
4. An employee who requests reemployment must provide, at OCERS' request, information confirming the timeliness of their request, the length of military service, and the qualifying status of their discharge from service.

- ii. Position upon Reemployment

1. If the military service was less than ninety-one (91) days, the individual will be promptly reemployed in the following order of priority:
  - a. To the position they would have attained with reasonable certainty if continuously employed without the interruption of military service.
    - i. However, if the individual is not qualified to perform the duties of such position after reasonable training efforts by the Employer, they will instead be reinstated to the same position they held on the date their military service started.

- b. If an individual returning from military service is not qualified to perform any of the positions described above, they will be reinstated to any other position that is the nearest approximation to a position they are qualified to perform.
- 2. If the military service was more than ninety (90) days, the individual will be promptly reemployed in the following order of priority:
  - a. To the position they would have attained with reasonable certainty if continuously employed without the interruption of military service, or to a position of like Seniority, status, and pay;
    - i. However, if the individual is not qualified to perform the duties of either such position after reasonable training efforts by the Employer, they will instead be reinstated to the same position they held when their military service started, or to a position of equivalent seniority, status, and pay.
    - ii. Determinations of status are based on applicable collective bargaining agreements, employer policy, or employer practices, and may include opportunities for advancement, general working conditions, job location, shift assignment, rank, responsibility, and geographical location.
  - b. If an individual returning from military service is not qualified to perform any of the positions described above, they will be reinstated to any other position that is the nearest approximation to one of those positions they are qualified to perform.
- 3. If, due to a military related disability or aggravation of a disability, an individual is unable to perform the job they would have attained if continuously employed, and if reasonable efforts to accommodate the disability fail, they will be reinstated to any other position which they are qualified for, 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 that 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 employee is entitled to the seniority, status, and rate of pay, and any other rights and benefits determined by seniority that they would have attained with reasonable certainty had they 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 unpaid military leave for more than thirty (30) days, the employee ceases to earn or accrue Annual Leave. Earnings or accrual will resume 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 thirty-one (31) to one hundred eighty (180) days and reemployed under USERRA may not be discharged without cause for a period of six (6) months after reemployment. An employee returning from a period of service that exceeds one hundred eighty (180) days and reemployed under USERRA may not be discharged without cause for a period of twelve (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 ten (10) days per calendar year, with a three (3)-day limit per emergency.
- c. **Qualifying Reasons:** The employee is covered only when they are called to respond to "an emergency operational mission." This may include 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, they may

be required to provide a written request to their 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 they 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 they are a member of the state or U.S. military or are 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, as well as 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. Note, the California Family Rights Act (CFRA) does not provide for military caregiver or exigency leave. These provisions apply under the federal Family and Medical Leave Act (FMLA) only.

### 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.

### Definitions

- **Active Duty:** Full-time duty in the active military service of the United States, including 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 a national emergency declared by the President or Congress.
- **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.
- **Covered Service Member:** A current member of the Armed Forces, including National Guard or Reserves, or a veteran within five years of separation, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred or aggravated in the line of active duty.
- **Covered Veteran:** A veteran discharged within the past five years (not dishonorably) who is receiving medical treatment, recuperation, or therapy for a qualifying serious injury or illness incurred in the line of duty.
- **Deployment:** The movement or assignment of a service member to a location outside the United States in support of military operations.
- **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.
- **Family Member:** For purposes of this policy, "Family Member" is defined in accordance with the FMLA and refers to the employee's spouse, parent, son, daughter, or next of kin of a covered service member.
- **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.
- **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.

## **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 twenty-six (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 twelve (12) months after that date.
- b. An employee must be the spouse, son, daughter, parent, or next of kin of a covered service member to be eligible for military caregiver leave.
  - 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. A covered service member's next of kin is the nearest blood relative other than the member's spouse, parent, son, or daughter. Nearest blood relative in order of priority: blood relatives who have been granted legal custody, siblings, grandparents, aunts/uncles, first cousins, or a person designated in writing by the service member.
- 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 they take FMLA leave to care for the veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that they incurred in the line of active duty, and that manifested itself before or after the service member became a veteran. Veterans must have been discharged under conditions other than dishonorable.
- 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 their 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. 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 twelve (12)-month period. This leave may be taken intermittently.
- 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 twelve (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 twelve (12)-month period is twenty-six (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 both spouses are employed by OCERS and take military caregiver leave, they are limited to a maximum combined total of twenty-six (26) weeks for all types of FMLA leave.

## **2. Military Exigency Leave**

- a. FMLA-eligible employees may take up to twelve (12) workweeks of FMLA leave while their spouse, child, or parent (the "covered military member") is on active duty or on call to active-duty status. Military exigency leave does not extend to Family Members of service members called to active duty by a State. This leave may be taken before or after the active duty period begins if the qualifying exigency is related to the call to duty.
- b. "Covered military members" are: (1) members of the Reserves or National Guard who are called to active duty in connection with a national emergency, 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 (7) 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 fifteen (15) days of leave for each instance of rest and recuperation.
  - vi. To attend post-deployment activities during the period of ninety (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.
  - ix. This leave may be taken intermittently.
- 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 twelve (12)-month period for FMLA leave for any reason or combination of reasons (except military caregiver leave) is twelve (12) weeks.

### **3. California Military Leave**

- a. Employees in the Guard, Reserves, or Naval Militia are entitled to up to 17 days of unpaid leave per year for military training, drills, encampment, naval cruises, special exercises, or similar activities.

### **4. Extending Leave**

- a. If an employee's initial request for Military Caregiver leave or Military Exigency leave is less than the twenty-six (26) weeks or twelve (12) weeks, respectively, permitted under the law, and the employee needs to extend their leave, they can request an extension of the Military Caregiver leave or Military Exigency leave. The employee must notify OCERS as soon as they have knowledge of the need, but no later than two (2) business days before the anticipated return to work date, if the need for an extension is foreseeable.
- b. If an employee has taken the entire twenty-six (26) weeks or twelve (12) weeks of the Military Caregiver leave or Military Exigency leave, respectively, permitted under the law and still needs additional leave, they can request additional leave under the Authorized Unpaid Leaves of Absence Policy. The employee must notify OCERS as soon as they have knowledge of the need, but no later than two (2) business days before the anticipated return to work date, if the need for an extension is foreseeable.
- c. Upon expiration of the time approved for Military Caregiver leave, Military Exigency leave, 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) business days after the approved Military Caregiver leave, Military Exigency leave, or any other approved leave expires, they may be subject to the penalties imposed by OCERS Attendance Policy up to and including termination following appropriate due process.

#### **5. 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 they are a member of the state or U.S. military or are 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 a fourteen (14)-day unpaid leave of absence. This program permits limited individual donations of vacation, annual leave, PIP, and 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 compensatory time hours to a co-worker under certain circumstances.

### *Definitions*

- **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.

### *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 fourteen (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 twenty-four (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 they receive a Catastrophic Leave donation will be treated as if they are 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.

### *Definitions*

- **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.
- **Immediate Family Member:** Father, mother, child (including adopted), 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.
- **Full-Time Employee:** An employee employed in one (1) or more regular or limited-term positions who's normally assigned work hours equal those of a full workweek or work period as described hereinafter.
- **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.
- **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.

### *Provisions*

An employee who wishes to take time off due to the death of an Immediate Family Member should notify their manager. Upon request, regular Full-Time Employees employed by OCERS for at least 30 days may request up to five (5) days of time off with pay to grieve the death of an immediate family member. Part-time employees employed by OCERS for at least 30 days may request up to twenty (20) hours of time off.

The days of bereavement leave do not need to be consecutive but must be completed within three months of the Immediate Family Member's death.

OCERS reserves the right to request proof of death of the Immediate Family Member.

### *Related Topics*

OCERS' Authorized Unpaid Leaves of Absence Policy

## Voting, Jury Duty, 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, 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 take off up to two (2) hours 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 should fulfill their jury duty as required by law.
- b. Employees should notify their supervisor promptly upon receipt of a summons for jury service. Employees must provide proof of jury service to Human Resources 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 which occur during the employee's regularly scheduled work hours, provided the employee does not accept fees for their jury duty, exclusive of mileage.
- d. Employees may retain fees for jury duty performed outside of their regularly scheduled working hours.
- e. It is each employee's responsibility to report to work the next business day after completing jury service. Failure to do so may 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 a notice to appear in a legal proceeding.
- c. Employees who are subpoenaed to appear as a witness during their work hours will be compensated at their regular rate of pay for all hours of absence related to the appearance, provided the employee shows proof of the subpoena, does not accept witness fees for such hours (exclusive of mileage), and the subpoena and legal proceeding are not the result of the employee's unlawful conduct.
- d. Employees may accept witness fees when their subpoenaed appearance occurs outside their regularly scheduled working hours.

#### **4. No Retaliation**

No employee shall be subject to retaliation for taking time off from work for any purpose authorized by 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 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.

### *Definitions*

- **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 and may be removed from their position at any time, with or without notice or cause, and without a hearing.
- **Extra Help Position:** A position intended to be occupied for less than a year-round basis and for circumstances, including, but not limited to seasonal peak workloads of limited duration, necessary vacation relief, paid sick leave, and other situations involving a fluctuation in staff.
- **Family Member:** An employee's child (regardless of age or dependency status), parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. "Child" includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis. "Parent" includes a biological, adoptive, or foster parent, a stepparent, or a legal guardian of the employee or the employee's spouse or registered domestic partner, or any other individual who stood in loco parentis to the employee. In addition, a family member may include a person designated by the employee at the time the leave is requested, who is related by blood or whose association with the employee is the equivalent of a family relationship. An employee may designate only one such individual per 12-month period for purposes of paid sick leave.

### *Provisions*

#### **1. Sick Leave Accrual**

- a. Extra Help Employees accrue sick leave upon the first day of employment.
- b. Extra Help Employees will accrue one (1) hour of sick leave for every thirty (30) hours worked.
- c. Extra Help Employees shall accrue a maximum of six (6) days or forty-eight (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 fifteen (15) minute increments.
- b. Extra Help Employees may use up to three (3) days or twenty-four (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.
  - 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 must submit a sick leave request to their supervisor for approval at least thirty (30) days before the sick day(s). In situations where thirty (30) days' advance notice is impractical, the employee must notify OCERS promptly by phone, voicemail, message, 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 using sick leave for unforeseeable reasons (e.g., illness), employees must report their absence to their supervisor promptly by phone, voicemail message, 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 they had accrued as of their departure date. The unused sick leave hours will be available for use beginning the second pay period after the employee is rehired.

#### **8. Compliance with Applicable Law**

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

## Chapter 5

# Benefits

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This chapter contains the following policies related to personnel benefits:

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

## 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. More detailed information is set forth in the official plan documents and insurance policies that govern the plans, which are available for inspection upon request. Accordingly, if there is any actual or 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.

In addition, while it is OCERS' present intention to continue providing benefits identified herein, 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 Policy

### 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, please consult with an Employee Benefits Representative on the Benefits Resource Line at 1-800-858-7266 or visit the Benefits Center Site at <https://hrs.ocgov.com/employeebenefits>.

### Definitions

- **Dependent:** an individual who is eligible to be added to the employee's health insurance coverage, which includes:
  - 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.
  - Registered Domestic Partner: A person registered as a domestic partner with the Secretary of State of California or registered as a domestic partner in any other state in which domestic partnerships or civil unions are recognized.
  - Children under age 26, including biological, stepchildren, foster children, children placed for adoption, legally adopted children, and children of domestic partners.
  - Disabled children aged 26 and over who are financially dependent on the employee and were disabled prior to their 26<sup>th</sup> birthday.
- **Open enrollment:** the period when employees can either enroll or make changes to the health insurance plans that provide coverage to them, their family, and dependents.

### Purpose

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

### Provisions

1. Health insurance is available to OCERS' employees along with eligible dependent coverage. OCERS pays a portion of an employee's health insurance premiums 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 employees who 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 employees married to each other. They may work for any agency or department that shares 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 Leave of Absence and Pregnancy Disability Leave (refer to Chapter 4, Family and Medical Leave, and Pregnancy Disability Leave policies) 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 thirty (30) days of employment. Eligible full-time employees who fail to elect a plan will be automatically enrolled in the Wellwise Health Plan, which offers employee-only coverage. Eligible part-time employees who fail to elect a plan will be automatically enrolled in the Sharewell Health Plan, which offers employee-only coverage.
5. Employees may opt out of participation in the County's health insurance programs at any open enrollment or within thirty (30) days of qualifying life event, provided they sign a waiver of the offer of health coverage that complies with the Affordable Care Act ("ACA") and/or any other relevant Federal or California State requirements, and upon request, provide the County proof they will maintain continuous health insurance coverage that complies with the ACA and any other relevant Federal or California State requirements.
6. 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.
7. The County of Orange Benefits Department will provide an open enrollment period once each Calendar Year for employees and their dependents to change their enrollment in a County-offered health plan.
8. Employee-paid health insurance premiums are paid on a pre-tax basis.

## Annual Leave (Paid Time Off) Policy

### Statement

Annual Leave is a paid time-off benefits program. Accrued hours 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.

### Definitions

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

### Provisions

#### 1. General Provisions

- a. Employees begin to earn Annual Leave upon the first day of employment, and Annual Leave hours are credited at the end of each pay period.
- b. Annual Leave may be taken in one (1) hour increments.
- c. Annual Leave hours are earned while an employee is on approved paid leave of absence.
- d. Annual Leave does not accrue during unpaid leave unless required by law.

#### 2. Accrual Rates

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

Annual Leave for full-time employees is earned in each pay period, subject to the limitations set forth in Paragraph 3 below. Employees earn Annual Leave hours based on their years of full-time, continuous service with OCERS. All such employees will earn Annual Leave in accordance with the following schedule up to the maximum set forth in Paragraph 3 below:

- a. For employees beginning their third (3rd) or tenth (10th) year of service, the applicable rate of accrual will take effect with the pay period following the one in which the employee completes their third (3rd) or tenth (10th) year of service.
- b. Annual Leave accruals for part-time employees will be prorated based on their part-time status (e.g., half-time, 75% time).

### **3. Maximum Annual Leave Balance**

- a. Accrual of Annual Leave hours shall be limited to 640 hours.
- b. If at any point an employee accrues 640 Annual Leave hours, the employee will cease to earn and accrue Annual Leave until the Annual Leave balance falls below 640 hours.
- c. Employees are encouraged to work with their supervisor to plan their use of Annual Leave so that the accrual of hours can continue uninterrupted.
- d. Cessation of Annual Leave accrual could impact retirement benefits for Legacy members.

### **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/registered domestic partner, child, parent, parents-in-law, grandparents, grandchildren, and siblings). An employee's supervisor may request that the employee provide satisfactory evidence of their 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 (1) or more weeks of time off should submit a request for time off to their supervisor for approval at least two (2) 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 a family member, or for emergency personal situations.
- b. An employee requesting less than one (1) 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, 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 their absence.

**7. Accrual Payout During Employment**

During each calendar year, an employee may request to be paid for accrued Annual Leave in one (1) or two (2) increments up to a total of 120 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, 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 with the approval of the CEO. Annual Leave payments are computed on the basis of the salary rate in effect at the time of termination. The payout of any time banked while an employee for the County of Orange before becoming an OCERS direct employee will follow the terms of the MOU for the County position the employee left, which was in effect at the time of the transfer.

**9. Compliance with Applicable Law**

- a. This policy and all its provisions are subject to any other terms and conditions as may be provided under California law.
- b. For questions about Annual Leave, contact Human Resources.

***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

### *Policy Statement*

OCERS observes certain legal holidays.

### *Purpose*

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

### *Definitions*

- **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 and may be removed at any time, with or without notice or cause, and without a hearing.
- **Extra Help Position:** A position intended to be occupied for less than a year-round basis and for circumstances, including seasonal peak workloads of limited duration, necessary vacation relief, paid sick leave, and other situations involving a fluctuation in staff.
- **Temporary Employee:** A person hired for a specific, limited time period in a position that is not permanent.

### *Provisions*

#### **1. Holidays Observed**

OCERS observes the following holidays on dates specified by the County of Orange (those in bold are Major Holidays, the others are Minor Holidays):

- **Christmas Day**
- **New Year's Day**
- **Memorial Day**
- **Independence Day**
- **Labor Day**
- **Native American Day**
- **Thanksgiving Day**
- Martin Luther King Junior's Birthday
- Lincoln's Birthday
- Presidents Day
- Veteran's Day
- Friday after Thanksgiving

#### **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 in paid status for all or a portion of both the last regularly scheduled workday immediately preceding and the first regularly scheduled workday immediately following the holiday, unless on authorized paid leave.
- 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.
- f. Holidays observed during an employee's annual leave period shall not be charged against the employee's annual leave balance.
- g. An employee on an unpaid leave of absence during a holiday shall not receive holiday pay.

**4. Compensatory Time for Holidays Falling on Scheduled Days Off**

- a. When a holiday falls on a full-time employee's regularly scheduled day off, the employee shall receive one hour of compensatory time per hour worked if it is a Minor Holiday and 1.5 hours per hour worked if it is a Major Holiday. Refer to the Compensatory Time Off Policy.
- b. 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.
- c. With OCERS' approval, an employee will be permitted to use compensatory time on the date requested unless doing so would unduly disrupt OCERS' operation.

## Additional Employee Benefits Policy

### Policy Statement

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,<sup>3</sup> 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 who desire to inspect the official plan documents or insurance policies can contact the Human Resources Department or the County of Orange Benefits Center.

### Definitions

- **Disability Insurance:** provides coverage through the County's insurance plan to provide income to employees who meet the requirements for eligibility and are unable to work due to a disability caused by nonoccupational injury or illness. Employees have coverage under short-term and long-term disability plans.
- **Flexible Spending Account:** a tax-advantaged account that allows employees to set aside pre-tax dollars to pay for qualifying healthcare or dependent care expenses, including those not covered by a health insurance plan.

### Provisions

Additional benefit plans offered to OCERS' employees through the County of Orange Benefits Department include short-term 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 the continuation of OCERS' share of premiums for health, dental, and life insurance benefits while the employee is on official leave due to non-occupational disability for up to one (1) year from the effective date of the disability.
2. Up to sixty (60) percent of salary can be provided through long-term disability insurance coverage at no cost to the employee. If the employee is receiving short-term disability, enrollment is automatic with the proper documentation. Once on long-term disability, the employee becomes responsible for one hundred (100) percent of the employee and employer portion of health insurance premiums.
3. Basic Life insurance in the amount of \$100,000 (\$125,000 for senior executives) 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.

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<sup>3</sup> Refer to policies on Workplace Health and Safety.

4. Accidental Death and Dismemberment insurance in the amount of \$100,000 (\$125,000 for senior executives) 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 can purchase additional life insurance coverage without proof of insurability within thirty (30) days of eligibility. Some levels of additional life insurance coverage, or any additional life insurance coverage purchased after thirty (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. Dental insurance will be provided to all full-time OCERS direct employees and their eligible dependents at no cost to the employee. Dental insurance is available for part-time OCERS direct employees at their cost.
8. Vision insurance will be provided to full-time OCERS direct employees at no cost for employee-only coverage and provided to part-time OCERS direct employees at their cost. Any eligible dependents added will be at a cost.
9. Optional Benefit Plan
  - a. Eligibility – a regular or limited-term employee is eligible to receive an optional benefit provided he/she is continuously employed in a regular full-time capacity. Part-time employees whose normal work week consists of twenty (20) hours or more will be eligible to receive fifty (50) percent of the Optional Benefit amount available to full-time employees. 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 (28th) day of employment.
  - b. Each eligible employee is entitled to select benefits from those listed below at a cost to OCERS not to exceed \$3,500, effective the beginning of each Calendar Year. Senior executive employees are entitled to select benefits not to exceed \$4,500, or such amount as is provided to executive management employees of the County of Orange, per plan year.
  - c. The Optional Benefit Plan choices may include:
    - i. Cash lump sum (taxable);
    - ii. Health Care Flexible Spending Account, including a Health Care Reimbursement Account or Dependent Care Reimbursement Account.
    - iii. The Defined Contribution Plan: a pre-tax contribution to the OCERS Section 457(b) Defined Contribution Plan.
  - d. An eligible employee who does not make an election during the election period shall receive a taxable cash lump sum following the close of the election period.
  - e. The County Chief Human Resources Officer shall administer the plan in accordance with its stated purpose. Each employee must follow the enrollment instructions prepared by the County Human Resources department. Annual employee designations are irrevocable unless there has been a change in family status.



#### 10. Flexible Spending Accounts

- a. Health Care Flexible Spending Account (HCFSAs): Employees have the opportunity to allocate a specified amount of biweekly pre-tax salary into a HCFSAs, which is administered by the County, to pay for health care expenses as permitted by state and federal law, regulations, and guidelines, and as permitted by the County's plan document.

Dependent Care Flexible Spending Account (DCFSAs): Employees have the opportunity to allocate a specified amount of biweekly pre-tax salary into a DCFSAs, which is administered by the County, to pay for dependent care expenses as permitted by state and federal law, regulations, and guidelines, and as permitted by the County's plan document.

## Defined Contribution Program Policy

### *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. Executive Employees refer to the Terms and Conditions of Employment for Executive Employees Policy.

### *457 Defined Contribution*

The 457 Defined Contribution Program (“The Program”) is a voluntary retirement savings program that enables employees to contribute a portion of their bi-weekly salary to 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 their current tax liability. Additionally, all of their savings grow tax-free until they remove money from their account. Employees can withdraw their money from the 457 account, either at retirement or upon separation from 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:  
<https://hrs.ocgov.com/page/financial-programs>.

## Retirement Benefits Policy

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

An overview of the retirement benefits available to employees upon retirement or disability, as well as potential survivor benefits upon the death of an eligible employee, is 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 full-time employees or part-time employees scheduled to work twenty (20) hours or more per week. Part-time employees scheduled to work fewer than twenty (20) hours per week, extra-help employees, 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 event of an actual 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 shall prevail.

### Definitions

- **Deferred retirement:** When an employee separates from service but is not eligible to retire, they may elect to leave their contributions on deposit with OCERS. The contributions will continue to earn interest. The member may become eligible to retire and receive a deferred retirement allowance on a later date.
- **Disability retirement:** Employees who become permanently incapacitated for duty – i.e., they are permanently incapable of performing the usual duties of their assignment within their job classification due to a disabling physical or mental condition – may be eligible for disability retirement benefits. A disability retirement may be either service-connected or nonservice-connected.
- **Service retirement:** Retirement based on an employee meeting requirements for years of service and age under their specific retirement plan formula and provides a lifetime retirement allowance.
- **Survivor benefits:** The employee's surviving spouse, registered domestic partner, or children (including stepchildren and adopted children) may be entitled to receive certain benefits upon the employee's death, whether before or after retirement. Children must be unmarried and under the age of eighteen (18), and eligibility is extended to age twenty-two (22) if they remain unmarried and a full-time student in an accredited school.

### Provisions

#### 1. Retirement System, Membership

- a. An employee automatically becomes a member of the OCERS' pension plan on the date they commence 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 remains employed.

## **2. Service Retirement**

An active member of the OCERS pension plan is eligible for a retirement allowance when they meet the minimum age and years of service requirements as outlined in the plan documents. An employee's retirement allowance is based on years of service accrued according to the plan formula, final average salary, and age at retirement.

## **3. Deferred Retirement**

If an employee separates from employment with OCERS, but is not eligible to service retire, they may leave their contributions on deposit with the Retirement System, and the account will continue to earn interest. The employee may also become eligible for a "Deferred Retirement" allowance on a later date.

If an employee has earned five (5) or more years of service credit at the time of their separation from employment, they are eligible to receive a Deferred Retirement allowance based on the requirements of their plan formula. Plan J (i.e., 2.7% @ age 55) members are eligible when they would have accrued ten (10) years of service had they remained working and are at least age fifty (50). Plan U members (i.e., 2.5% @ age 67) are eligible at age fifty-two (52). If an employee has earned less than five (5) years of service credit at the time of their separation, the employee becomes eligible for a Deferred Retirement allowance at age seventy (70).

If an employee does not wish to leave their contributions on deposit or elect a Deferred Retirement allowance, they may elect to receive a lump sum payment consisting of the accumulated employee contributions and interest.

## **4. Disability Retirement Benefits**

If an employee becomes permanently incapacitated while employed by OCERS, they 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 their permanent assignment within their 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 their permanent assignment within their job classification, and
- ii. the incapacity arose out of, and in the course of their employment, and such employment contributed substantially to their permanent incapacity.

## **5. Beneficiaries and Survivors**

Employees of OCERS are asked to designate a beneficiary who may be entitled to receive certain benefits upon the employee's death. The employee may designate anyone they choose and change the beneficiary at any time prior to retirement. To designate or change a beneficiary, the employee must complete and submit the "Beneficiary Change Form." This form can be obtained from Member Services, through the 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.

Surviving spouses, domestic partners, and children may be entitled to certain survivor benefits upon the member's death, whether or not they were designated as beneficiary.

In addition, spouses, ex-spouses, Registered Domestic Partners, ex-Registered Domestic Partners, and 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)

## Health Reimbursement Arrangement Plan

### *Statement*

OCERS previously provided eligible employees with a retiree medical grant to use towards healthcare insurance premiums after retirement. As of 2023, the retiree medical grant was frozen. Existing employees were given the choice to receive the frozen Retiree Medical Grant or to opt out of the Retiree Medical Grant and receive a credit for the value of their Retiree Medical Grant (\$855 for each full year of Qualified Credited Service) in their County Health Reimbursement Arrangement Plan (HRA) account. Effective on June 16, 2023, the HRA is available for current and future employees.

### *Purpose*

The purpose of this policy is to provide OCERS' employees with an overview of the HRA plan. The County of Orange established the HRA to assist career employees in maintaining health insurance coverage after they retire from OCERS service.

### *Scope/Coverage*

This policy supersedes all previously promulgated policies regarding the Medical Grant Plan. It applies to individuals whom OCERS employs as a full-time or part-time employee scheduled to work twenty (20) hours per week or more. This policy does not apply to part-time employees scheduled to work less than twenty (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. Effective June 16, 2023, the retiree medical grant benefits were frozen (Frozen Grant), and the County transitioned to the HRA.
  - a. For those who chose to retain their Frozen Grant to offset the cost of their County Retiree Health Plan, the monthly Frozen Grant formula is \$25.37 multiplied by your continuous years of credited service by \$25.37 (up to a maximum of 25 years). The Value of excess service years goes to the HRA as a one-time deposit at \$855 per year.
  - b. The Frozen Grant is used to offset the cost of your County Retiree Health Plan premiums and Medicare Part B Reimbursement (if applicable).
  - c. The Frozen Grant is neither a vested nor guaranteed benefit.
2. For those who chose to roll over their Frozen Grant, the formula for the one-time deposit into the HRA is \$855 for each continuous full year of credit service.
  - a. The HRA is a medical expense reimbursement program. Funds can be used to pay for various health care costs once you separate from the County, including post-tax health plan premiums.

3. The County and the HRA administrator, under the oversight of the HRA Advisory Committee, shall administer the HRA program in accordance with the requirements outlined in the County Health Reimbursement Arrangement Plan Document.
4. \$60.00 will be contributed to the HRA per pay period for each employee, effective the pay period beginning June 16, 2023, and will increase by 2.5% annually each first full pay period beginning in July 2024.
5. The County, by establishing and maintaining the HRA, does not grant any employee, retiree, or any other person a legal right against OCERS or the County, nor does it guarantee any employee the right to remain in the service of OCERS or the County. The HRA may be amended or terminated at any time, in whole or in part, at the County's sole discretion.
6. For details about the Frozen Grant, the HRA, please visit: <https://hrs.ocgov.com/retiree.benefits>, where you will find a link to the HRA account and additional resources.

## Chapter 6

# 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 Policy
- Compensatory Time Off Policy
- Compensation Policy
- Incentive Compensation Plan
- Lump Sum Bonus Policy
- Terms and Conditions of Employment for Executive Employees Policy



## Payroll Practice Policy

### *Policy Statement*

OCERS follows a structured, documented payroll process.

### *Purpose*

The purpose of this policy is to establish uniform standards for OCERS to pay its employees.

### *Definitions*

- **Annual Leave** means paid time-off earned by an employee under OCERS Annual Leave (Paid Time Off) Policy.
- **PAN** means Personnel Action Notices.

### *Provisions*

#### **1. Method of Compensation for Employees**

- a. OCERS' office hours are 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 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 their supervisor with the approval of the head of the Department.
- b. Employees shall receive compensation at the biweekly or hourly rate within the range for the position in which they are employed. Pursuant to OCERS Compensation Policy, the Chief Executive Officer will be responsible for managing employee salaries within the salary ranges approved by the Board of Retirement.

#### **2. Salary Payment Procedure**

- a. A pay period shall cover 14 calendar days, starting on a Friday and ending on the second Thursday thereafter, and shall consist of an 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 their paycheck to a financial institution of the employee's choice.
- b. When an employee separates from OCERS service, the separating employee shall receive all amounts due at the time of separation. In the event an 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 must be approved by the employee's supervisor before being submitted to Human Resources. The supervisor who approves the hours must verify that the hours reported by the employee are accurate.

#### **3. Time Keeping**

- a. Electronic timesheets are used as a means of accurately recording hours worked and calculating pay. Electronic timesheets must be consistent with approved PAN forms when applicable. All employees must submit timesheets every two (2) weeks according to the annual payroll schedule. All employees are required to report their regular hours

worked and absences from work, such as Annual Leave time, holidays, or any other leaves of absence. In instances where an absence occurs that is two (2) hours or less, such absence does not need to be reported. Timesheets must be received in a timely fashion.

- b. Timesheets shall be prepared by the employee electronically and signed by both the employee and their supervisor.
- c. Accuracy when preparing timesheets is critical. Employees are responsible for ensuring the accuracy of their timesheets. Altering, falsifying, or tampering with timesheets may result in disciplinary action, up to and including immediate termination.
- d. OCERS reserves the right to verify that all employees are in compliance with this policy.

#### **4. Annual Leave Payout**

An employee requesting to be paid for accrued Annual Leave shall record such request on the timesheet in the pay period during which the employee would like the payout to occur.

#### ***Related Topics***

- 1. OCERS Compensation Policy
- 2. OCERS Annual Leave (Paid Time Off) Policy

## Salary Basis Policy

### *Policy Statement*

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.

### *Definitions*

- **Exempt Employees** means employees who meet the exemption standards of FLSA. OCERS Direct Employees are Exempt Employees.
- **FLSA** means the United States Fair Labor Standards Act and the rules and regulations promulgated thereunder.

### *Provisions*

1. It is OCERS' policy to comply with the salary basis requirements of the FLSA. All employees directly employed by OCERS are Exempt Employees; therefore, OCERS prohibits any improper deductions from the salaries of its employees.
2. Employees who believe that an improper deduction has been made to their salary should immediately report this information to Human Resources. 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 employees to earn compensatory time off under certain limited circumstances.

### Definitions

- **Comp Time:** compensatory time granted to OCERS employees in accordance with this policy.
- **Exempt Employees:** employees who meet the exemption standards of FLSA. OCERS direct employees are Exempt Employees.
- **FLSA:** the United States Fair Labor Standards Act and the rules and regulations promulgated thereunder.
- **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.
  - Major Holidays are:
    - Christmas Day
    - New Year's Day
    - Memorial Day
    - Independence Day (July 4)
    - Labor Day
    - Thanksgiving Day
  - Minor Holidays are:
    - Native American Day
    - Veteran's Day
    - Day after Thanksgiving
    - Martin Luther King, Jr.'s Birthday
    - Lincoln's Birthday
    - Washington's Birthday
- **Non-Exempt Employees:** employees who do not meet the exemption standards of the FLSA. OCERS County employees are Non-Exempt Employees.
- **PAN:** Personnel Action Notices.
- **Part-Time Employee:** an employee employed in one (1) or more regular or limited-term positions who's normally assigned work hours are less than those of a full workweek or work period.
- **Pay Period:** shall cover 14 calendar days, starting on a Friday and ending on the second Thursday thereafter, and shall consist of an 80-hour work period.
- **Pay Status:** employees who are not on unpaid leave from their position at OCERS.

## **Purpose**

While there is no obligation under the FLSA to grant compensatory time off to Exempt Employees or to pay Exempt Employees for hours worked in excess of their work period, OCERS has established this policy to compensate its 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 Comp Time**

- a. Full-time employees on Pay Status during the Pay Period that includes March 1st of each Fiscal Year will be credited with two (2) hours of Comp Time at the end of such Pay Period.
- b. Part-time employees on 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 such Pay Period.
- c. Full-time employees may earn up to eight (8) hours of Comp Time (one hour per hour worked) when they work on a Minor Holiday, and 1.5 hours per hour worked of Comp Time should they work on a Major Holiday.
- d. Notwithstanding the foregoing, if any 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. Full-time employees working an approved flexible work schedule may earn up to eight (8) hours of Comp Time when required to work on their scheduled flex day off, as approved by their 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 a PAN form request to their 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' operations.

### **3. Payment of Comp Time**

- a. An employee may obtain a payoff of all or a portion of their Comp Time at any time by submitting a PAN form to Human Resources *and* recording the request on their 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.

## Compensation Policy

### *Policy Summary*

The Board of Retirement has established a Compensation Policy applicable to all employees employed by OCERS. The Board's Compensation Policy outlines the structure and guidelines for employee compensation. It aims to attract, develop, and retain strong leaders by maintaining competitive pay, promoting fair and transparent salary growth, and recognizing individual performance. The policy emphasizes fairness, transparency, and alignment with OCERS' goals and financial needs. Key provisions of OCERS Compensation Policy include:

- **Compensation Program;**
- **Incentive Compensation Program; and**
- **Certification Incentive Program.**

The Board-approved OCERS Compensation Policy can be found on the OCERS website. Under the policy, the Board approves competitive salary ranges based on peer data and market analysis. These ranges are reviewed every three years.

### **Annual Performance Reviews**

In November of each year, or such other time of year as determined by the Chief Executive Officer (CEO), each employee who OCERS employed as of June 1 of that year will receive a written performance evaluation. Each OCERS Direct Employee's performance will be rated as Does Not Meet Expectations; Meets Expectations; Exceeds Expectations; or Exceptional.

### **Annual Salary Increases**

Employees who receive a performance rating of Meets Expectations or better will be eligible for a salary increase tied to their performance ratings.

### **Equity Adjustments and Incentive Pay**

In addition to the performance evaluation process set forth in the Board's Compensation Policy, the Board has authorized the CEO to approve additional individual salary increases based on factors like external market data, internal salary structure, job responsibilities, individual performance, budget constraints, and sound management principles. The CEO may also authorize extra one-time annual incentives that do not exceed \$2,500 per employee per year.

### **Certification Incentive Program**

OCERS offers a Certification Incentive Program that provides a 5.5% salary increase to eligible OCERS Direct Employees who hold specific professional certifications that support the agency's operational goals. Only one incentive is granted per employee, regardless of the number of qualifying certifications held. To maintain eligibility, employees must meet the certifying organization's continuing education requirements (or complete 20 hours annually if none exist) and submit documentation to Human Resources by December 31 each year, in accordance with the OCERS Board Compensation Policy.

- CFA - Chartered Financial Analyst certification granted by the CFA Institute,
- CIA - Certified Internal Auditor certification granted by the Institute of Internal Auditors,
- CISSP - Certified Information Systems Security Professional certification granted by the International Information System Security Certification Consortium, also known as ISC2,

- CPA - Certified Public Accountant certification granted by the American Institute of Certified Public Accountants, or
- SHRM-SCP - Senior Certified Professional certification granted by the Society for Human Resource Management, also known as SHRM.

### ***Related Topics***

OCERS Compensation Policy

Incentive Compensation Plan

## Incentive Compensation Plan

### *Purpose*

The Incentive Compensation Plan sets forth the elements, design, calculation, and details of the Incentive Compensation Program described in the OCERS Compensation Policy. The Compensation Policy describes the list of covered positions and eligible employees. Changes to this Incentive Compensation Plan require approval by the Board of Retirement.

### *Program Design and Benchmark*

1. The Program is designed around three components: 1) total portfolio excess return (alpha) over a benchmark; 2) risk-adjusted return (Sharpe Ratio); and 3) employee performance, as shown in the chart below. For the alpha and Sharpe Ratio calculations, the OCERS' Total Fund Plan Benchmark serves as the relative comparison benchmark.
2. The measurement period is the prior three years ("Rolling 3-year Period") ending December 31. For example, on December 31, 2022, the measurement period would include performance results for the calendar years 2020, 2021, and 2022. All OCERS' portfolio results will be reflected as net of fees.
3. Portfolio Excess Return vs. Benchmark: eligible employees earn 10% of their maximum payout for each 25 basis points of alpha generated by the OCERS' Total Portfolio, up to 50% of the maximum payout.
4. Risk-adjusted return:
  - a. Sharpe Ratio exceeds Benchmark: eligible employees earn 10% of their maximum payout if the Sharpe Ratio of the OCERS' Total Portfolio exceeds that of the Benchmark (i.e., that a dollar of risk was invested more efficiently relative to an indexed portfolio).
  - b. Sharpe Ratio Peer Rank: eligible employees earn 10% of their maximum payout if the OCERS' Total Portfolio Sharpe Ratio exceeds the median Sharpe Ratio of the public pension peer group, with an additional 10% credited for a first quartile Sharpe Ratio, relative to peers.
5. Annual Employee Performance Appraisal: eligible employees earn 10% of their maximum payout for a rating of "Exceeds" on their annual review; they earn the full 20% of maximum for this component of the Program with a rating of "Exceptional."

### *Incentive Calculation and Payment*

1. The Incentive Compensation Program requires an annual calculation for the period ending December 31, with payments made in two tranches, Year 1 and Year 2. Once eligibility has been confirmed and the annual incentive compensation has been earned and calculated, the two payments for the Program are paid as follows:
  - Year 1: the first 50% of the annual award paid within 60 days of the calculation of the OCERS' Total Plan Benchmark and its rolling three-year returns (period ended December 31) and the availability of the relevant Sharpe ratio information.
  - Year 2: the remaining 50% of the annual award paid in the calendar year following the first payment, prior to March 31 of that year.



2. If a Covered Employee earns a promotion to another Covered Position during the most recent calendar year of the measurement period, the Covered Employee shall have their incentive compensation calculated to reflect the proportion of calendar days spent in each position.
3. If an Eligible Employee takes a Leave of Absence, other than Annual Leave, during the most recent calendar year, then the annual incentive payment amount will be reduced by a percentage that reflects the amount of leave time taken during the year by the employee.

QUANTITATIVE COMPONENT (Rolling 3-year period, net of fees)	% of Incentive	% of Incentive
<b>Portfolio Excess Return vs Benchmark (Alpha)</b>		<b>0-50%</b>
0-25 bps	10%	
26-50 bps	+10%	
51-75 bps	+10%	
76-100 bps	+10%	
>101 bps	+10%	
<b>Risk Adjusted Return (Sharpe Ratio)</b>		<b>0-30%</b>
A) Portfolio Sharpe Exceeds Benchmark	10%	
B) Above Median Peer Rank	10%	
1 <sup>st</sup> Quartile Peer Rank	+10%	
<b>QUALITATIVE COMPONENT</b>		
<b>Annual Employee Performance Appraisal</b>		<b>0-20%</b>
Meets	0%	
Exceeds	10%	
Exceptional	20%	

## Lump Sum Bonus Policy

### *Policy Statement*

OCERS may award discretionary, non-recurring lump sum bonuses to employees tied to measurable achievements or the advancement of significant agency goals, in compliance with applicable laws and within the agency's fiscal constraints.

### *Purpose*

The purpose of this policy is to establish a transparent framework for awarding discretionary lump sum bonuses to employees.

### *Scope*

This policy applies to all OCERS employees, subject to applicable collective bargaining agreements.

### *Provisions*

1. Lump sum bonuses may be awarded from time to time for incentive purposes at the sole discretion of the Chief Executive Officer (CEO).
2. The CEO may award a lump sum bonus in an amount not to exceed ten percent of the employee's base salary.
3. During any single calendar year, the CEO may award lump sum bonuses totaling no more than one percent (1%) of regular salaries without requiring Board approval.
4. An employee must be in good standing and have no disciplinary actions within the previous two years to be eligible to receive a lump sum bonus.
5. A lump sum bonus may also be given, as per the terms set forth in an offer letter (i.e., a signing bonus), to a new employee when the CEO deems it appropriate and justified.
6. Lump sum bonuses awarded under this policy are non-recurring, not considered part of base pay, and not guaranteed.
7. All lump sum bonuses shall be supported by written documentation that identifies the achievement, business purpose, or agency goal served, and that confirms eligibility criteria. Human Resources will maintain a record of all lump sum bonus awards, including the amount, justification, and approval.
8. The CEO shall provide an annual summary report to the Board detailing the number, amount, and justification of bonuses awarded under this policy.
9. Nothing in this policy shall be construed as a guarantee or entitlement to a bonus. The awarding of lump sum bonuses remains entirely within OCERS' discretion.

## Terms and Conditions of Employment for Executive Employees Policy

### *Policy Statement*

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 establish the terms, conditions, and benefits of Executive Employees in 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 may submit such requests to Human Resources.

### *Definitions*

- **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.
- **At-Will:** An employment status in which OCERS can terminate the employment relationship at any time, with or without cause, and with or without notice.
- **Executive Employees** means the Chief Executive Officer, the Chief Investment Officer, the Assistant Chief Executive Officer of Finance and Internal Operations, the Assistant Chief Executive of External Operations, the Chief Technology Officer, the Chief Information Security Officer, and the General Counsel.
- **Non-CEO Executive Employees** means the Executive Employees other than the Chief Executive Officer.

### *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. Non-CEO Executive Employees**

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

#### **3. Insurance**

- a. Health insurance is available to Executive Employees, with eligible dependent coverage. OCERS pays 95 percent of an Executive 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 Executive Employee and their eligible dependents.

- 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 eligible dependent coverage.
- c. Accidental Death and Dismemberment insurance 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 have an option to purchase additional coverage, including eligible 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 Executive Employees a premium only plan that will allow Executive Employees to pay for health insurance premiums on a pre-tax basis as permitted in the Internal Revenue Code. Under such plan, an Executive Employee's gross taxable salary will be reduced by the amount of their 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**

Executive Employees have the Optional Benefit Plan available to them. The terms of the Optional Benefit Plan for the Executive Employees are the same as the terms for non-executive employees, except that 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 Benefits, Additional Employee Benefits, 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.

## Chapter 7

# Workplace Health and Safety

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

- Workplace Safety Policy
- Employee Assistance Program Policy
- Tobacco and Smoke Free Workplace Policy
- Workplace Injuries and Workers' Compensation Policy
- Visitor Safety and Security Policy

## Workplace Safety 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. Detailed information about workplace safety and security can be found in the **OCERS Safety Manual** (which includes a Facility Emergency Plan, Fire Prevention Plan, Hazardous Chemical Communication Program, Injury and Illness Prevention Program, Workplace Violence Prevention Plan, and Covid-19 Prevention Plan).

### Definitions

- **Emergency:** Any unanticipated circumstances that can be life-threatening or pose a risk of significant injuries to employees or other persons.
- **Workplace Violence:** Any act or threat of violence that occurs in a place of employment. It includes, but is not limited to the following: the threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury; or an incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.

### 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 and unsafe working conditions and practices.
  - iv. Take effective action to provide a safe and healthy workplace.
  - v. Offer and provide mandatory and optional training to employees on topics related to workplace safety.

#### 2. Employee Obligations

- a. Each employee must review and abide by the procedures contained in the **OCERS Safety Manual** (which includes a Facility Emergency Plan, Fire Prevention Plan, Hazardous Chemical Communication Program, Injury and Illness Prevention Program, Workplace Violence Prevention Plan, and COVID-19 prevention Plan). The Safety Manual and all related Plan/Program documents may be requested from Human Resources.

- b. 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.
- c. Behavior by employees or their guests that places the safety and well-being of OCERS personnel, members, and visitors at risk of harm will not be tolerated and may result in discipline, up to and including termination.
- d. All employees are encouraged to report any incident, hazard, or unsafe condition that affects the well-being of employees or visitors to their supervisor, Human Resources, and the Chair of OCERS' Safety Committee without fear of reprisal.

### 3. Procedures

- a. Employees must abide by all procedures contained in OCERS' Safety Manual.
- b. Workplace Violence Prevention
  - i. Employees should review and follow the procedures contained in OCERS' Workplace Violence Prevention Plan.
  - ii. OCERS does not tolerate violence in the workplace. Actual incidents or threats of violence against employees, visitors, or any persons on OCERS' premises are strictly prohibited and must be reported to a supervisor and Human Resources.
  - iii. Employees who engage in threatening or violent behavior may be subject to disciplinary action, up to and including termination.
  - iv. In the event of an emergency, employees should call 911 and alert a supervisor, Human Resources, department Director, or Senior Executive as soon as it is safe to do so. The OCERS Crisis Management Team will activate an emergency notification to be sent to all employees. Emails will be sent from [notifications@castellancb.com](mailto:notifications@castellancb.com), and SMS messages will be sent from 91950. The emergency notification will include instructions for evacuating or sheltering in place.
- c. Emergency Evacuation
  - i. Employees must comply with instructions to evacuate in the event of an emergency. All employees should review and follow procedures contained in the Facility Emergency Plan portion of OCERS' Safety Manual.
- d. Fire Prevention
  - i. All employees should review and follow procedures contained in the Fire Prevention Plan portion of OCERS' Safety Manual.
- e. Safety Committee
  - i. OCERS' Safety Committee is comprised of employees who meet regularly to evaluate, discuss, and respond to reported incidents, hazards, procedures, and any concerns relating to employee safety. The current Chair of the committee is Fong Tse, (714) 558-6212, [ftse@ocers.org](mailto:ftse@ocers.org).
- f. Injury and Illness Prevention

- i. All employees should review and follow the procedures in the Injury and Illness Prevention Plan section of OCERS' Safety Manual.
  - ii. Employees are encouraged to report any hazards or safety concerns to their supervisor, Human Resources, or the Safety Committee Chair without fear of reprisal.
  - iii. When an injury occurs on OCERS' premises, employees must report the incident immediately to their supervisor, who will assess the severity of the incident and initiate an appropriate response. This may include providing first aid, contacting public safety or 9-1-1 for emergencies, and alerting Human Resources and the Safety Committee Chair.
  - iv. Refer to the Workplace Injuries and Workers' Compensation Policy, herein, for additional procedures to be followed.
- g. Transportation to seek medical care
  - i. **Emergency Medical Situations** - If an injury or illness appears to be life-threatening or requires immediate emergency medical attention:
    - 1. Call **9-1-1** immediately.
    - 2. Do **not** attempt to transport the employee yourself.
    - 3. Notify the injured employee's supervisor and HR, who must ensure that emergency services are contacted as soon as possible.
  - ii. **Non-Emergency Situations** - When medical attention is needed but the condition is not life-threatening, notify the employee's supervisor or HR, who must:
    - 1. Consult with the injured employee to determine whether they are able and willing to drive themselves or if another method of transportation is appropriate.
    - 2. Offer alternative transportation options, which may include:
      - a. Ride-share or taxi service;
      - b. Assistance in contacting a family member or friend;
      - c. Requesting an ambulance, if warranted;
      - d. Public transportation.
  - iii. **Prohibition on Employee Transport** - Employees may not transport other employees to or from a medical facility unless all of the following apply:
    - 1. It is a genuine emergency, and no other timely transportation option is reasonably available.
    - 2. The injured employee is conscious and consents to the transport;
    - 3. The supervisor or Human Resources approves the exception in advance (when possible);



4. The transportation is voluntary and outside the course and scope of employment for both individuals.
- iv. **Assumption of Risk** - If an exception is made to permit one employee to transport another, both individuals must:
  1. Acknowledge that they are acting voluntarily by providing verbal consent, which the supervisor or Human Resources must document in writing and retain.
  2. Confirm that the transportation is being conducted outside the course and scope of employment;
  3. Assume all personal risk and liability for the transportation;
- v. **Agency Liability Disclaimer:** OCERS assumes no liability for any injuries, accidents, or damages that occur during employee-to-employee transportation. Such transportation is conducted at the individuals' own risk and shall not be considered part of their official job duties.

### ***Related Topics***

1. Workplace Injuries and Workers' Compensation Policy
2. OCERS Safety Manual

## 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.

### Definitions

- **Employee Assistance Program (EAP):** A confidential resource providing short-term counseling, assessments, referrals, and follow-up services to help employees and their family members address personal or work-related issues.
- **Unpaid Leave of Absence:** An employee's authorized absence for Departmental, Official, or Nonoccupational Disability Leave. Refer to the Authorized Unpaid Leaves of Absence Policy.

### 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 challenges. Employees who desire assistance can contact the EAP by going to [www.resourcesforliving.com](http://www.resourcesforliving.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. OCERS will reasonably accommodate such requests unless doing so would cause an undue hardship.
3. Each employee is responsible for seeking necessary assistance before alcohol, drug, or other problems adversely affect the employee's performance or conduct in the workplace. Participation in EAP does not excuse violations of OCERS policies or workplace misconduct. 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, provided the employee is not violating other OCERS policies or performance standards.

### 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 all employees and visitors with a tobacco- and smoke-free environment. This policy applies to all tobacco products, including combustible, smokeless, and electronic nicotine delivery systems (ENDS), such as e-cigarettes, vapes, and heated tobacco products, and the use of oral tobacco, including chewing tobacco.

### ***Purpose***

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

### ***Provisions***

Smoking and tobacco use are strictly prohibited within all company work areas and public spaces, including conference rooms, private offices, reception areas, restrooms, stairwells, hallways, workstations, and all other enclosed areas. Employees may smoke outside during breaks in the 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.

### Definition

- **Interactive Process:** Employers must initiate an interactive process when an employee requests or the employer becomes aware of the need for Reasonable Accommodation due to the employee's disability. It is a collaborative effort to determine whether accommodations are available that will allow the employee to continue performing their job duties.
- **Maximum Medical Improvement:** a determination in workers' compensation that an employee's injury or illness has reached a permanent and stationary condition and is unlikely to substantially change with or without additional treatment.
- **Reasonable Accommodation:** Modifications or adjustments to an employee's position that are effective in enabling an employee to perform the Essential Job Functions 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 nor required by law.
- **Workers' Compensation:** a program mandated by law and administered by the California Department of Industrial Relations, Division of Workers' Compensation, to provide medical care and benefits to workers who are injured or disabled in a work-related accident, illness, or injury.
- **Workers' Compensation Leave:** an employee's authorized leave due to a work-related injury as determined through workers' compensation.

### Provisions

#### 1. General Provisions

- a. Whenever an employee sustains an injury or disability arising out of and in the course of OCERS' employment that requires medical care, the employee shall obtain treatment medically necessary as recommended by a medical doctor and according to the provisions of California Labor Code Section 4600 et seq as soon as reasonably practicable.
- 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 their 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 fourteen (14) days, all paid time off expended 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 fifteen (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 their option, use paid time off to supplement such pay so that the employee receives no more than their regular salary during the employee's industrial injury leave. Employees who wish to supplement temporary disability with leave accruals must coordinate with Human Resources.
- h. The time during which an employee receives workers' compensation or temporary disability benefits shall be counted toward the computation of OCERS Seniority and the 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 eighty (80) working hours for a full-time employee or fourteen (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 that 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 maximum medical 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 Human Resources. 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, Human Resources will provide an injured employee with the following documents:
  - i. Medical Services Authorization is used by the injured worker's supervisor or manager to authorize one-time treatment on the day of injury only. The claims administrator must approve subsequent treatment.
  - ii. Workers' Compensation Treatment Facility List—The employer has medical control from the time the injury occurs and should select the treatment location. Employees may predesignate a personal physician prior to injury in accordance with Labor Code § 4600 and should submit the appropriate form to Human Resources annually.
  - iii. Mitchell Script Advisor Card for required prescriptions.
  - iv. The Guide to Your Workers' Compensation Medical Care provides information the State requires injured workers to receive regarding legislative changes to medical treatment in work comp.
  - v. WellComp Medical Provider Network brochure provides information that the State requires injured workers to be given regarding the Medical Provider Network.

### **5. Documentation Required from Injured Employees**

- a. Human Resources 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 the employee is unable to work. The injured employee must complete and return both forms to Human Resources in a timely manner.
  - i. Employee's Report of Occupational Injury or Illness
  - ii. Workers' Compensation Claim Form & Notice of Potential Eligibility
- b. An injured employee must provide Human Resources with 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 regarding the management of the employee's Workers' Compensation status and returning the 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 their former position as soon as it is reasonable. If the former position has been filled or other operational changes make it unreasonable to return the employee to their former position, OCERS will make a reasonable, good-faith effort to place the employee in a vacant position that is comparable to the former position. The employee must cooperate and respond in a timely manner throughout the interactive process, including the job search process. If the employee rejects an offer of a comparable position, they 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, they 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 cannot return to work unless released by a physician.

## **7. Compliance with Applicable Law**

- a. This policy and its provisions are subject to other terms and conditions as provided in California Workers' Compensation Law. An employer is prohibited from discriminating or retaliating against an employee for filing a report of injury or illness, taking a leave due to a work-related injury, or for their involvement in any proceeding relating to a work-related injury claim.
- b. All decisions to terminate or separate employees in connection with a disability or injury will be made in consultation with Human Resources and the Legal Division to ensure compliance with applicable law.
- c. For questions about exercising your Workers' Compensation rights, contact Human Resources.

## ***Related Topics***

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



## Visitor Safety and Security Policy

### *Policy Statement*

OCERS is committed to providing a safe, secure, and respectful work environment for employees, visitors, and members of the public. All visitors must comply with established safety, security, and confidentiality protocols to maintain workplace integrity and protect OCERS' assets and information. This policy will be administered in accordance with applicable federal, state, and local laws. Any exception to this policy must be approved in advance by Human Resources or a Senior Executive.<sup>4</sup>

### *Purpose*

The purpose of this policy is to promote safety, security, and confidentiality when visitors are on OCERS' premises, and to prevent unauthorized access to facilities, systems, or information.

### *Scope*

This policy applies to individuals who are employed by the following entities:

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

### *Definitions*

**Confidential Information** includes but is not limited to member or employee Personally Identifiable Information or personal data, business and financial records, personnel files, proprietary OCERS information, and any data classified as confidential under applicable laws and OCERS policies.

**Premises:** All OCERS-owned, -leased, or -controlled properties, including buildings, parking areas, and interior/exterior spaces accessible to visitors.

**Visitor:** Any person who is not a current employee (including full-time, part-time, whether an OCERS Direct or County employee), Extra Help employee, intern, or volunteer working for OCERS. Visitors include independent contractors, vendors, delivery personnel, media representatives, personal guests of an employee (e.g., family members, friends), and former employees who are visiting OCERS Premises by invitation or request of a current employee.

### *Provisions*

#### **1. Visitor Check-In**

- a. All Visitors to OCERS headquarters must check in at the reception desk upon arrival.
- b. Visitors must sign the visitor log and provide valid photo identification.
- c. A Visitor badge (or name tag) will be issued and must be worn visibly at all times while on the Premises.

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<sup>4</sup> A Senior Executive is a person employed in the position of: Chief Executive Officer, Chief Investment Officer, Assistant Chief Executive Officer, Finance and Internal Operations, Assistant Chief Executive Officer, External Operations, Chief Technology Officer, and the General Counsel.

- d. Visitor badges are for single-day use only and must not be altered or transferred.

## **2. Escort Requirements and Access Restrictions**

- a. Visitors must be accompanied by a designated employee at all times, unless authorized by a Senior Executive or a department Director.
- b. In general, Visitors may not be given OCERS security badges, access cards, or computer credentials. However, exceptions may be made for contractors if necessary for them to perform their services and if authorized by the executive responsible for the contract.
- c. Employees are responsible for ensuring guests follow all OCERS policies and access only authorized areas reasonably necessary for and related to their visit.
- d. Access to Confidential Information, computers, and other electronic resources, or server rooms, is strictly prohibited, unless contractor access is necessary for the performance of their services and if authorized by the executive responsible for the contract.

## **3. Visitor Conduct**

- a. All Visitors are expected to behave in a professional and respectful manner.
- b. Disruptive, unsafe, or inappropriate behavior should be reported immediately to a supervisor and may result in the Visitor being escorted off the Premises and having future visitation privileges revoked.
- c. Visitors may not take photos, videos, or record conversations unless authorized by a Senior Executive or department Director.
- d. OCERS prohibits visitors from possessing weapons, illegal substances, or hazardous materials while on the Premises, except as otherwise required by law.

## **4. Personal Guests**

- a. Visitors who are personal guests of a current employee are subject to all requirements of this policy. Employees who wish to bring a personal guest (e.g., family member, friend) must obtain approval from their supervisor.
- b. Visits by personal guests should be brief and non-disruptive. Employees are responsible for ensuring that personal guests do not interfere with OCERS' operations or other employees' duties.
- c. Employees who bring a minor (under age 18) as a guest are responsible for supervising them at all times during the visit unless the minor's parent or legal guardian is also a guest and is supervising them.
- d. Babies (ages 0 to 1 year) may visit only when accompanied by their parent or legal guardian, and a supervisor has given approval. Visits should be brief (generally not exceeding one hour) and confined to areas clear of hazards. Babies must be supervised at all times by their parent or legal guardian and should never be left unattended or under the supervision of other employees.

## **5. Check-Out Procedure**

- a. Before leaving, Visitors must return their badge and sign out at the front desk.

**6. Exceptions**

- a. OCERS hosts Visitors from time to time for special events. Exceptions to this policy may be made in connection with special events as authorized by a Senior Executive.

***Related Topics***

- 4. OCERS Family and Medical Leave Policy
- 5. OCERS Attendance Policy
- 6. OCERS Authorized Unpaid Leaves of Absence
- 7. OCERS Confidentiality Policy

## Chapter 8

# Miscellaneous Policies

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- Reimbursement Programs Policy
- Religious Accommodation Policy

## Reimbursement Programs Policy

### *Policy Statement*

OCERS recognizes that under certain circumstances, employees should be reimbursed for costs incurred in 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.

### *Provisions*

#### **1. Travel Reimbursement**

OCERS shall reimburse employees for travel and related costs in accordance with OCERS Employee Travel Policy. The Employee Travel Policy is reviewed by the Governance Committee of the Board every 3 years and may be amended by the Board at any time. Exceptions to any provision of the Employee Travel Policy by an employee require the CEO's pre-approval.

#### **2. Personal Property Reimbursement**

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

#### **3. Membership Fees**

Upon request, OCERS shall reimburse employees for job-related membership dues of professional organizations or professional license or certificate fees. (e.g., State and County Bar fees, CFA, CPA).

### *Related Topics*

OCERS Employee Travel Policy

## Religious Accommodation Policy

### *Policy Statement*

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

### *Purpose*

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

### *Provisions*

1. OCERS will reasonably accommodate employees so that they may follow their sincerely held religious observances, beliefs, and practices unless doing so results in undue hardship on the conduct of OCERS' business. In determining whether a requested accommodation would impose an undue hardship on the conduct of OCERS' business, 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 their job, work schedule, OCERS' policy or practice on dress and appearance, or other aspects of employment, and who seeks a religious accommodation should submit a written request to Human Resources.
3. Upon receipt of a religious accommodation request, OCERS will engage in an interactive process with the employee to assess whether reasonable accommodation can be provided without causing undue hardship on the conduct of OCERS' business. A reasonable 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.
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

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**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.

**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.

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

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

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

**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 desktop 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.

**Fiscal Year:** The Fiscal Year is the established period of time when an organization's annual financial records commence and conclude. OCERS' Fiscal Year is January 1 through December 31.

**Full-Time Employee:** An employee employed in one (1) or more regular or limited-term positions who's 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.

**Human Resources:** Manages, plans, directs, and coordinates supportive services of OCERS such as, facilities maintenance and contracts, Human Resources, mail distribution, and office upkeep.

**Interactive Process:** A timely good faith communication between OCERS and an employee or, when necessary because of the disability or other circumstances, his/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.

## Summary of Changes

### Chapter 1:

#### **Probation Policy:**

##### Clarification of Employment Status During Probation

- a. The revised policy introduces a key clarification: “Employment remains at-will during probation unless otherwise governed by a written agreement or applicable law.”
- b. Impact: This statement formally confirms the organization’s at-will employment framework for employees in their probationary period. It provides legal clarity and alignment with state law by reinforcing that termination during probation can occur without cause except where preempted by contract or statute.

#### **Discrimination & Harassment Policy:**

##### Inclusion of Legal Definitions and Scope of Protected Conduct

- a. The updated policy introduces a new Definitions section that did not exist in the prior version. This section provides legally grounded definitions for:
  - i. Abusive Conduct (referencing California Government Code § 12950.1)
  - ii. Discrimination
  - iii. Harassment
  - iv. Protected Characteristics
  - v. Sexual Harassment
- b. Impact: These definitions add legal specificity and improve clarity regarding prohibited behavior, aligning the policy with current statutory language. The inclusion of California-specific legal references, such as California Government Code § 12950.1, strengthens compliance with state-mandated standards.

##### Expanded Legal Compliance References in Policy Purpose

- a. The Purpose section now explicitly references compliance with:
  - i. FEHA (Fair Employment and Housing Act)
  - ii. Title VII of the Civil Rights Act
  - iii. ADA (Americans with Disabilities Act)
  - iv. Other applicable laws
- b. It also reinforces a “strict zero-tolerance policy” for discrimination, harassment, retaliation, and abusive conduct.
- c. Impact: This language reflects a stronger legal posture and demonstrates an organizational commitment to legal compliance and zero tolerance, which may reduce liability exposure in the event of litigation or agency investigations.

##### New Anti-Harassment Training Requirements

- a. The new policy adds the following provision under Section 1(e): “In compliance with SB 1343 and SB 778, all employees must complete interactive anti-harassment training every two years (non-supervisory) and every two years for supervisors (2-hour requirement).”
- b. Impact: This is a new compliance requirement based on California law. Its inclusion in policy ensures that training obligations are formally documented, and that supervisors and HR can enforce participation accordingly.

**Streamlined Reporting Obligations**

- a. Section 3 (Reporting Obligations) was restructured and simplified while maintaining the core requirement that managers, supervisors, and executives must promptly report violations to Human Resources.
- b. Impact: The revision maintains substantive reporting requirements while improving clarity and readability of management obligations.

**Confidentiality Policy:****New Definitions Section Introduced**

- a. The updated policy introduces a new Definitions section, which did not exist in the previous version. This section formally defines:
  - i. *Confidential Information*: now explicitly includes PII, personal data, proprietary records, and data protected by law or policy.
  - ii. *Personally Identifiable Information (PII)*: defined as information that can identify an individual, including SSN, financial, and health data.
- b. Impact: These additions improve clarity around what constitutes confidential data and align the policy with industry standards and regulatory language, such as data privacy frameworks (e.g., CPRA, HIPAA).

**Electronic Resources Policy:****New Definitions Sections Added**

- a. The updated policy introduces two new sections not present in the prior version:
  - i. *Scope*: Specifies that the policy applies not only to OCERS employees but also to County of Orange employees working at OCERS.
  - ii. *Definitions*: Clearly defines key terms including *Electronic Resources*, *Discrimination*, *Harassment*, and *Protected Characteristics*.
- b. Impact: These additions provide clarity on coverage and ensure alignment with legal language around workplace conduct, supporting broader compliance with EEO and anti-discrimination laws.

**Social Media Policy:****New Scope and Definitions Sections Added**

- a. The updated policy introduces two new structural elements:
  - i. *Scope*: Specifies that the policy applies to both OCERS employees and County of Orange employees assigned to OCERS.
  - ii. *Definitions*: Adds a formal definition of *Social Media*, including modern platforms and forms of communication such as blogs, vlogs, podcasts, emails, and profiles.
- b. Impact: These additions clarify who is covered by the policy and what constitutes "Social Media," creating clearer expectations and legal alignment.

**Expanded and Refined Prohibited Conduct**

- a. *New Provision*: Personnel may not use OCERS' logos, trademarks, or official imagery without prior authorization.
- b. Impact: Strengthens OCERS' ability to protect its brand and reputation and ensures a broader application of conduct standards.

#### New Legal Protections Acknowledged

- a. New Subsection (2.e) added to explicitly state that the policy does not restrict:
  - i. Employee communications protected under the National Labor Relations Act (NLRA), including discussion of wages, working conditions, and union activities.
  - ii. Lawful off-duty conduct protected under California Labor Code §96(k) and §98.6.
- b. Impact: Aligns OCERS policy with state and federal employee rights laws, mitigating risk of unlawful enforcement.

#### Removal of Work-Time Social Media Restrictions

- a. The old policy's Section 2.a limiting social media use at work to "work related assignments or during breaks and/or lunch" has been removed.
- b. Impact: This eliminates specific workplace time restrictions while maintaining other policy requirements.

#### **Personnel Records Policy:**

##### Addition of a "Definitions" Section

- a. The updated policy includes definitions for key terms:
  - i. Confidential Information
  - ii. Personally Identifiable Information (PII)
  - iii. Personnel Records / Personnel File
- b. These definitions clarify what types of data are covered and align terminology with broader legal and regulatory standards.
- c. Impact: Enhances clarity and ensures policy language is consistent with applicable data protection frameworks and OCERS' other policies.

#### Expanded Access and Rights Clarification

- a. Section 1 now explicitly states, "Former employees and their authorized representatives may access their Personnel Records, with written authorization."
- b. Impact: Improves transparency around access rights and ensures consistency in policy application.

#### Inspection and Disclosure Guidelines Updated

- a. Section 4 was restructured for improved readability and now explicitly references California Labor Code §1198.5 as a legal basis for access to records.
- b. Impact: Strengthens procedural clarity and mitigates legal risk through compliance with state labor law.

#### **Remote Work Policy:**

No substantive changes.

#### **AI Policy – New Policy:**

New Policy Overview and Legal Framework

- a. The new AI Policy provides staff with responsible, ethical, and secure adoption and use of Artificial Intelligence technologies, encompassing both AI tools and the development and integration of AI systems.
- b. Impact: This policy ensures OCERS maintains compliance with evolving AI best practice and in full alignment with the organization's mission, values, and all applicable laws.

## Chapter 2:

### **Code of Conduct Policy:**

#### Enhanced Reporting Infrastructure

- a. Change: Section 2 has been expanded from "Non-Retaliation" to "Reporting Obligations and Non-Retaliation" with the addition of two new subsections:
  - i. 2.a: "Employees who observe or suspect a violation of this policy should report it promptly to their supervisor, Human Resources, or the Compliance Officer."
  - ii. 2.b: "Employees must cooperate fully with investigations into alleged misconduct."
- b. Impact: This addition establishes clear reporting channels and creates affirmative obligations for employees to report suspected violations and cooperate with investigations. The inclusion of the Compliance Officer as a reporting option provides an additional avenue for employees who may be uncomfortable reporting to direct supervisors or Human Resources, potentially increasing reporting rates and compliance effectiveness.

### **Conflict of Interest Policy:**

#### Addition of Formal Definitions Section

- a. The revised policy introduces a new "Definitions" section that provides formal definitions for key terms:
  - i. "Conflict of Interest": Defined as situations where an individual's Financial Interest, personal relationship, or outside activity interferes, may interfere, or appears to interfere with duty to act in OCERS' best interests.
  - ii. "Financial Interest": Defined as any financial interest that might interfere with unqualified devotion to duty, including direct, indirect, actual losses, possibility of losses, or prospect of pecuniary gain.
- b. Impact: These definitions provide legal clarity and consistency in policy interpretation, reducing ambiguity in identifying conflicts and establishing clear parameters for employee conduct.

#### Enhanced Legal Compliance References

- a. Under Section 1 (General Provisions), the policy now includes specific statutory citations: "government contracts (Gov. Code, § 1090)" and "disclosures of interest (The Political Reform Act, Gov. Code § 87200 et seq.)."
- b. Impact: This enhancement provides explicit legal authority and ensures alignment with specific California statutes, strengthening the organization's compliance framework and providing clear regulatory guidance.

#### Addition of Gift and Gratuity Restrictions



- a. New Section 2.b introduces comprehensive gift restrictions: "Employees must not accept gifts, gratuities, or honoraria that would violate the Political Reform Act, the Fair Political Practices Commission (FPPC) regulations, or the OCERS Conflict of Interest Code. Employees are responsible for knowing and complying with applicable FPPC gift limits and reporting obligations."
- b. Impact: This addition creates explicit compliance obligations regarding gifts and gratuities, ensuring adherence to FPPC regulations and the Political Reform Act. It places affirmative responsibility on employees to know applicable limits and reporting requirements.

#### Mandatory Disclosure Requirements

- a. New Section 2.c establishes formal disclosure obligations: "Employees must disclose any potential, perceived, or actual Conflicts of Interest to their supervisor or the Compliance Officer promptly upon discovery." As well as "For procurement-related matters, the responsible executive must consult with the Legal Division to determine whether a Conflict of Interest or the appearance of one restricts an employee's participation or otherwise affects the procurement."
- b. Impact: This creates an affirmative duty to disclose conflicts and establishes clear reporting channels, enhancing the organization's ability to identify and manage conflicts proactively.

#### Mandatory Recusal Requirements

- a. New Section 2.d implements recusal obligations: "Employees must recuse themselves from participating in any decision or action in which they have a Financial Interest as defined by law or this policy."
- b. Impact: This provision creates a mandatory procedural safeguard that requires employees to remove themselves from decision-making processes where they have financial interests, reducing legal exposure and ensuring decision-making integrity.

#### **Outside Employment Policy:**

##### Secondary Employment Reporting Form

- a. An employee must complete this form prior to engaging in any outside employment, activity, or enterprise for compensation. A clarifying statement was added that "[i]n this context, "compensation" does not include reimbursement for expenses.

#### **Copyright Compliance Policy:**

##### Restrictions on Subscription and Licensed Content

- a. A new section explains that access granted by license or subscription does not override copyright law and clarifies that sharing access credentials (e.g., usernames or passwords) is prohibited.
- b. Impact: This update promotes adherence to both legal standards and contract terms, addressing common sources of misuse related to third-party digital content.

#### **Attendance Policy:**

##### Clarified Reporting Requirements for Unscheduled Absences

- a. Employees are now explicitly required to notify their supervisor of the reason for the absence and its expected duration at the time of reporting the absence. The supervisor may request documentation consistent with applicable law.
- b. Impact: These changes improve clarity regarding employee obligations and supervisory authority, strengthening compliance and documentation practices.

**Alcohol and Prohibited Drugs Policy:**

Expansion of Scope to Third Parties

- a. The revised policy explicitly expands its applicability to include not only OCERS employees but also third-party vendors and contract employees.
- b. Impact: This ensures a uniform standard of conduct across all individuals on OCERS property or conducting OCERS business, closing a prior coverage gap.

Addition of Defined Terms

- a. The revised policy introduces specific definitions for “Alcohol,” “Prohibited Drug,” and “Under the Influence.” Notably, cannabis is considered a Prohibited Drug when used or if an employee is impaired by it at work, regardless of legality under California law.
- b. Impact: These additions reduce ambiguity and provide consistent interpretation and enforcement of the policy’s provisions.

Enhanced Employee Assistance Program (EAP) Provisions

- a. Section 5 adds new language stating that EAP "participation is confidential and, where applicable, may be considered a mitigating factor during disciplinary processes" and directs employees to "contact Human Resources for additional information on the EAP"
- b. Impact: This enhancement encourages voluntary participation in assistance programs by clarifying confidentiality protections and potential disciplinary considerations, while providing clear guidance on accessing support services.

**Professional Business Attire Policy:**

Expanded Guidance on Religious and Cultural Accommodations

- a. The revised policy adds language affirming OCERS’ respect for religious and cultural dress and grooming practices and directs employees to the Religious Accommodations Policy for related support.
- b. Impact: This addition reinforces OCERS’ commitment to inclusion and compliance with legal obligations related to religious and cultural expression.

New Provision for Disability Accommodations

- a. A new section explicitly states that OCERS will make reasonable modifications to dress and grooming standards for employees with disabilities in accordance with the ADA and California FEHA.
- b. Impact: This inclusion affirms OCERS’ legal obligations and promotes a supportive and accessible workplace for employees with disabilities.

**Workplace Relationships Policy:**

#### Policy Statement Enhancement

- a. The revised policy significantly expands the policy statement to emphasize legal compliance and transparency, specifically adding: "ensure compliance with California law and OCERS' workplace standards" and "promote transparency."
- b. Impact: This change demonstrates the organization's commitment to legal compliance and establishes a stronger foundation for policy enforcement by explicitly referencing state law requirements.

#### Addition of Definitions Section

- a. The new policy introduces a comprehensive definitions section that was absent from the old policy, including detailed definitions for "Sexual Harassment" and "Workplace Relationship."
- b. Impact: The addition of ten specific examples of sexual harassment behaviors provides clear guidance to employees and creates stronger legal protections for the organization by establishing explicit standards of prohibited conduct.

#### Expanded Prohibited Relationships Coverage

- a. The new policy adds Section 1.b, which extends restrictions to "employees in the same department or project team that may create a perceived or actual conflict of interest, favoritism, or disruption to the work environment."
- b. Impact: This expansion broadens the scope of prohibited relationships beyond direct reporting relationships to include lateral relationships that may create workplace disruption, providing greater organizational control over potential conflicts.

#### Introduction of Disclosure Requirements

- a. The new policy adds an entirely new Section 2 requiring employees to "promptly disclose the relationship to human resources if it poses a conflict of interest or involves a supervisory, evaluative, or decision-making dynamic."
- b. Impact: This creates a proactive reporting mechanism that allows HR to address potential issues before they become problematic, while explicitly stating that disclosure alone will not result in disciplinary action.

#### Addition of Corrective Measures Framework

- a. The new policy introduces Section 3, which outlines specific corrective measures including "modifying work assignments, transfers, or, when appropriate, disciplinary action."
- b. Impact: This provides HR with clear authority and options for addressing relationship-related conflicts while offering alternatives to termination.

#### Anti-Retaliation Protections

- a. The new policy adds Section 4, which "strictly prohibits retaliation against any employee who declines or terminates a Workplace Relationship or reports concerns regarding potential favoritism, harassment, or conflicts of interest."

- b. Impact: This addition provides important legal protections for employees and demonstrates the organization's commitment to preventing retaliatory conduct, which could otherwise expose the organization to significant legal liability.

**Employment of Relatives Policy:**

Addition of Scope Section

- a. The new policy introduces an entirely new "Scope" section that explicitly applies the policy to both "OCERS" employees and "County of Orange (County employees who work at OCERS)."
- b. Impact: This clarification eliminates potential ambiguity about policy coverage and ensures consistent application across all personnel working at OCERS facilities, regardless of their employing entity.

Comprehensive Definitions Section

- a. The new policy adds detailed definitions for "Close Relative" and "Direct Line of Supervision" that were absent from the old policy.
- b. Impact: The expanded definition of "Close Relative" now includes domestic partners, step-relations, in-laws, and household members, significantly broadening the policy's coverage. The "Direct Line of Supervision" definition provides specific examples of prohibited authority relationships, creating clearer enforcement guidelines.

Strengthened General Provisions

- a. The revised policy adds the requirement that "Employees must not participate in decisions affecting a Close Relative's employment or working conditions."
- b. Impact: This addition creates an affirmative duty for employees to recuse themselves from decisions affecting relatives, expanding beyond the original prohibition on supervisory relationships to include participation in employment decisions.

Addition of Mitigation Plan Requirement

- a. The new policy adds Section 2.e requiring a "Mitigation plan to address potential conflicts (e.g., third-party oversight, recusal from employment decisions)."
- b. Impact: This creates a proactive approach to conflict management by requiring specific measures to address potential issues before exemption approval, providing concrete examples of acceptable mitigation strategies.

**Disciplinary Actions and Appeals Procedure Policy:**

No substantive changes.

## Chapter 3:

**Performance Evaluation Policy:**

Introduction of Definitions Section

- a. The new policy adds a comprehensive definition of "Personnel File or Personnel Records" that was entirely absent from the old policy.

- b. Impact: This definition provides clarity on what constitutes personnel records and ensures consistent understanding of where evaluation documentation will be maintained, improving records management and legal compliance.

#### Addition of Self-Assessment Process

- a. The new policy introduces Section 2, which states that "Employees may be asked to complete a self-assessment prior to the evaluation to reflect on achievements, challenges, and goals."
- b. Impact: This addition creates a structured opportunity for employee input in the evaluation process, potentially improving the quality of performance discussions and employee engagement in their professional development.

#### Introduction of Leave Accommodation Provisions

- a. The new policy adds Section 6, which states that "Where an employee takes authorized leave (e.g., Family and Medical Leave of Absence, Pregnancy Disability Leave), the date of their performance review will be extended by the length of time of their leave."
- b. Impact: This addition ensures compliance with employment laws regarding leave accommodations and prevents employees from being penalized in their evaluation timeline due to protected leave, demonstrating legal compliance and fair treatment of employees on authorized leave.

### **Education and Professional Reimbursement Policy:**

#### Addition of Definitions Section

- a. The new policy introduces a "Definitions" section that defines "Full-Time Employee" as "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."
- b. Impact: This addition provides clarity on employment classification for reimbursement eligibility purposes and ensures consistent interpretation of full-time status across the organization.

#### Enhanced General Provisions with Strategic Alignment

- a. The revised policy adds language stating that "Eligibility for reimbursement is subject to evaluation by the department head and Human Resources, based on alignment with OCERS' strategic goals and employee development plans."
- b. Impact: This change introduces a more structured evaluation process that considers both strategic organizational needs and individual development, providing clearer criteria for approval decisions and ensuring better alignment with business objectives.

## **Chapter 4:**

### **Interactive Process and Accommodations Policy:**

#### Addition of Comprehensive Definitions Section

- a. The new policy introduces an extensive "Definitions" section that was absent from the old policy.
- b. Impact: This addition provides crucial clarity on key terms and legal concepts, ensuring consistent interpretation and application of the policy while establishing clear parameters for what constitutes reasonable accommodations and essential job functions.

**Family and Medical Leave of Absence Policy:**

Addition of Comprehensive Definitions Section

- a. The revised policy introduces a new "Definitions" section containing detailed definitions for key terms including "Affected by Pregnancy," "Disabled by Pregnancy," "Child," "Parent," "Registered Domestic Partner," "Serious Health Condition," "Spouse," and other relevant terms.
- b. Impact: This addition provides legal clarity and ensures consistent interpretation of policy terms. The definitions align with federal and state regulatory requirements and establish clear parameters for policy application.

Expanded CFRA Leave Eligibility for Extended Family Members

- a. Under Section 2.b (CFRA Leave Entitlement), the policy now includes eligibility for leave to care for "grandparents, grandchildren, siblings, and parents-in-law with serious health conditions."
- b. Impact: This significantly expands the scope of family members for whom employees may take CFRA leave, extending beyond the traditional nuclear family structure. This change reflects recent amendments to California law and provides employees with broader family care options.

Clarification of Designated Person Leave Coordination

- a. Section 11.e adds a new provision stating: "CFRA leave for a Designated Person does NOT run concurrently with FMLA leave."
- b. Impact: This clarification ensures that employees taking CFRA leave for a Designated Person do not have that time counted against their federal FMLA entitlement, potentially providing additional leave time beyond the standard 12-week allocation.

**Pregnancy Disability Leave Policy:**

Addition of Comprehensive Definitions Section

- a. The revised policy introduces a complete "Definitions" section that was absent from the original policy.
- b. Impact: This addition provides critical legal clarity by defining key terms, including "Condition related to pregnancy, childbirth, or a related medical condition," "Disabled by Pregnancy," "Healthcare Provider," "Reasonable Accommodation," and "Intermittent leave." The inclusion of these definitions reduces ambiguity in policy interpretation and provides stronger legal foundation for leave determinations, particularly the detailed definition of "Disabled by Pregnancy" which encompasses conditions like severe morning sickness, prenatal/postnatal care, and postpartum depression.

#### Enhanced Cross-Reference to Parenthood Leave Policy

- a. Section 2.b.i now includes specific guidance directing employees to the "OCERS Parenthood Leave Policy" and instructs them to "contact Human Resources to coordinate this additional leave."
- b. Impact: This modification provides clearer guidance for employees transitioning from pregnancy disability leave to bonding leave, improving policy coordination and employee experience. The addition of the Parenthood Leave Policy to the Related Topics section (new item 4) reinforces this integration.

#### **Lactation Policy:**

No substantive changes.

#### **Parenthood Leave Policy – New Policy:**

##### New Policy Overview and Legal Framework

- c. The new Parenthood Leave Policy provides eligible employees with leave for the birth or placement for legal adoption of a child, administered in accordance with all applicable state and federal laws including FMLA, CFRA, and PDL.
- d. Impact: This policy ensures OCERS maintains compliance with evolving family leave legislation while providing benefits parallel to County employees under the General Unit Memorandum of Understanding, supporting employee retention and organizational competitiveness.

##### Timing and Documentation Requirements

- a. Employees must commence leave within one (1) month before or six (6) months after the date of birth or placement for legal adoption and must provide reasonable advance notice with sufficient documentation (birth certificate, hospital documentation, or adoption placement documentation).
- b. Impact: These requirements ensure proper planning and verification while providing flexibility for various family circumstances and legal adoption processes.

##### Reinstatement and Job Protection

- a. Upon return, employees will be reinstated to the same position or a comparable position with equivalent pay, benefits, and working conditions, subject to applicable law limitations.
- b. Impact: This provides job security and continuity for employees while including necessary legal protections for position elimination or other employment changes that would have occurred regardless of leave status.

##### Return to Work Procedures

- a. The policy encourages fourteen (14) calendar days advance notice for return to work, requires reasonable notice (typically two (2) business days) for date changes, and allows OCERS to delay reinstatement if insufficient notice is provided.
- b. Impact: These procedures balance employee flexibility with operational planning needs, ensuring smooth transitions back to work while maintaining staffing predictability.

**Leave of Absence with Pay Policy:**

No substantive changes.

**Authorized Unpaid Leaves of Absence Policy:**

Addition of Comprehensive Definitions Section

- a. The revised policy introduces a complete "Definitions" section that was absent from the original policy.
- b. Impact: This addition provides critical legal clarity by defining the key term of annual leave and explains how hours accrued can be used.

**Military Related Leaves of Absences Policy:**

Addition of Comprehensive Definitions Section

- a. The revised policy introduces a complete "Definitions" section that was absent from the original policy.
- b. Impact: This addition provides critical legal clarity by defining key terms, including
  - i. "Active Duty" - Specifying duty under Title 10 of the U.S. Code during war or national emergency
  - ii. "Emergency Military Duty" - Clarifying calls to active duty for war, national emergency, or military operations
  - iii. "Military Duty" - Encompassing active duty, training, and fitness examinations
  - iv. "Military Training Duty" - Defining annual active-duty training for reserves
  - v. "Seniority" - Establishing calculation method as continuous full-time equivalent service with OCERS and/or Orange County

The inclusion of these definitions reduces ambiguity in policy interpretation and provides stronger legal foundation for leave determinations and reinstatement procedures.

**Military Family Leave Policy:**

Policy Statement: Addition of CFRA Exclusion Notice

- a. The revised policy adds a critical clarification: "Note, the California Family Rights Act (CFRA) does not provide for military caregiver or exigency leave. These provisions apply under the federal Family and Medical Leave Act (FMLA) only."
- b. Impact: This addition provides important legal clarity by explicitly stating that military leave provisions are governed exclusively by federal FMLA, not state CFRA. This helps prevent confusion and ensures proper administration of military leave benefits under the correct statutory framework.

New Definitions Section: Comprehensive Terminology Framework

- a. The revised policy introduces an entirely new "Definitions" section containing detailed definitions for key terms including Active Duty, Child, Covered Service Member, Covered Veteran, Deployment, Emergency Military Duty, Family Member, Military Duty, Military Training Duty, and Parent.
- b. Impact: This substantial addition provides legal precision and operational clarity for policy administration. The comprehensive definitions help ensure consistent interpretation and application of military leave provisions across the organization.



**Next of Kin Definition: Expanded Priority Hierarchy**

- a. The revised policy significantly expands the definition of "next of kin" from simply "nearest blood relative" to include a detailed priority order: "blood relatives who have been granted legal custody, siblings, grandparents, aunts/uncles, first cousins, or a person designated in writing by the service member."
- b. Impact: This expansion provides clear guidance for determining eligibility when multiple potential caregivers exist, reducing administrative confusion and potential disputes over leave entitlement.

**Veteran Discharge Requirements: Addition of Honorable Discharge Standard**

- a. Under Section 1.c.ii (Covered Service Member definition), the revised policy adds: "Veterans must have been discharged under conditions other than dishonorable."
- b. Impact: This addition establishes a clear eligibility criterion that aligns with federal requirements and ensures only veterans with qualifying discharge status are covered under the military caregiver leave provisions.

**California Military Leave: New State-Specific Provision**

- a. The revised policy introduces an entirely new Section 3 titled "California Military Leave" providing: "Employees in the Guard, Reserves, or Naval Militia are entitled to up to 17 days of unpaid leave per year for military training, drills, encampment, naval cruises, special exercises, or similar activities."
- b. Impact: This addition ensures compliance with California state law requirements for military leave, providing additional protection beyond federal FMLA for employees serving in state military organizations.

**Catastrophic Leave Donation Policy:**

**Addition of Comprehensive Definitions Section**

- a. The revised policy introduces a complete "Definitions" section that was absent from the original policy.
- b. Impact: This addition provides critical legal clarity by defining the key term of annual leave and explains how hours accrued can be used.

**Bereavement Leave Policy:**

**Addition of Comprehensive Definitions Section**

- a. The revised policy introduces an entirely new "Definitions" section containing detailed definitions for key terms including Child, Immediate Family Member, Full-Time Employee, Parent, and Spouse.
- b. Impact: This substantial addition provides legal precision and operational clarity for policy administration. The comprehensive definitions help ensure consistent interpretation and application of bereavement leave provisions across the organization, particularly regarding eligibility determinations and family relationship qualifications.

**Employment Duration Requirement: Addition of 30-Day Minimum Service**

- a. The revised policy adds a new eligibility requirement: "Full-Time Employees employed by OCERS for at least 30 days" and "Part-time employees employed by OCERS for at least 30 days."
- b. Impact: This addition establishes a minimum service requirement that was previously absent from the policy. New employees must now complete 30 days of employment before becoming eligible for paid bereavement leave, which provides organizational protection against potential abuse and aligns with common employment practices.

**Leave Timing Flexibility: Introduction of Non-Consecutive Leave Option**

- a. The revised policy adds: "The days of bereavement leave do not need to be consecutive but must be completed within three months of the Immediate Family Member's death."
- b. Impact: This provision significantly enhances employee flexibility by allowing bereavement leave to be taken intermittently rather than requiring consecutive days. The three-month timeframe provides reasonable boundaries while accommodating varied grieving needs and memorial service timing. This change recognizes that bereavement needs may not always align with traditional consecutive leave patterns.

**Voting, Jury Duty, and Witness Duty Policy:**

No substantive changes.

**Extra Help Sick Leave Policy:**

**New Definitions Section: Comprehensive Terminology Framework**

- a. The revised policy introduces an entirely new "Definitions" section containing detailed definitions for Extra Help Employee, Extra Help Position, and Family Member.
- b. Impact: This substantial addition provides legal precision and operational clarity for policy administration. The comprehensive definitions help ensure consistent interpretation and application of sick leave provisions across the organization, particularly regarding employee classification and family relationship qualifications.

## Chapter 5

**Employee Health Benefits Policy:**

**New Definitions Section: Comprehensive Terminology Framework**

- a. The revised policy introduces an entirely new "Definitions" section containing detailed definitions for Dependent and Open Enrollment.
- b. Impact: This substantial addition provides legal precision and operational clarity for policy administration. The comprehensive definitions help ensure consistent interpretation and application of health benefit provisions across the organization, particularly regarding dependent eligibility requirements and enrollment procedures.

**Opt-Out Provision: New Employee Choice Option**

- a. The revised policy adds an entirely new provision (Section 4.5): "Employees may opt out of participation in the County's health insurance programs at any open enrollment or within thirty (30) days of qualifying life event, provided they sign a waiver of the offer of health

coverage that complies with the Affordable Care Act ("ACA") and/or any other relevant Federal or California State requirements, and upon request, provide the County proof they will maintain continuous health insurance coverage that complies with the ACA and any other relevant Federal or California State requirements."

- b. Impact: This addition provides employees with formal opt-out rights while ensuring ACA compliance through required waivers and proof of alternative coverage. This provision protects both the organization and employees by establishing clear procedures for declining coverage while maintaining legal compliance with federal healthcare requirements.

### **Annual Leave (Paid Time Off) Policy**

#### **Addition of Family Relationship Definitions**

- a. The revised policy introduces comprehensive definitions for key family relationships: "Child," "Parent," "Registered Domestic Partner," and "Spouse."
- b. Impact: These definitions provide legal clarity and ensure consistent interpretation of family-related leave entitlements. The definitions align with California state law and include both traditional and non-traditional family structures, reducing potential disputes over eligibility for family-related leave usage.

#### **Clarification of Annual Leave Accrual During Unpaid Leave**

- a. Under Section 1.d (General Provisions), the following provision was added: "Annual Leave does not accrue during unpaid leave unless required by law."
- b. Impact: This addition establishes a clear policy regarding accrual cessation during unpaid leave periods while preserving compliance with applicable legal requirements. It provides administrative clarity and ensures the organization's practices align with statutory obligations where law mandates continued accrual.

#### **Clarification of Annual Leave Payout**

- a. Under Section 8., the following provision was added: "The payout of any time banked while an employee for the County of Orange before becoming an OCERS direct employee will follow the terms of the MOU for the County position the employee left, which was in effect at the time of the transfer."
- b. Impact: Provides clarity on the process of paying out any time banked when a County of Orange employee becomes an OCERS direct employee to follow the MOU terms.

### **Holidays Policy:**

#### **Addition of Employee Classification Definitions**

- a. The revised policy introduces definitions for "Extra Help Employee," "Extra Help Position," and "Temporary Employee."
- b. Impact: These definitions provide legal clarity regarding employment classifications and establish formal parameters for non-permanent positions. The Extra Help Employee definition specifically reinforces at-will employment status by stating such employees "may be removed at any time, with or without notice or cause, and without a hearing," providing legal protection for termination decisions.

#### Enhanced Eligibility Requirements for Holiday Pay

- a. Section 3.a has been substantially revised to clarify that employees must be "in paid status for all or a portion of both the last regularly scheduled workday immediately preceding and the first regularly scheduled workday immediately following the holiday, unless on authorized paid leave."
- b. Impact: This revision provides greater specificity regarding paid status requirements and explicitly addresses scenarios involving authorized paid leave, reducing ambiguity in holiday pay eligibility determinations.

#### Addition of Unpaid Leave Exclusion

- a. A new provision in Section 3.g states: "An employee on an unpaid leave of absence during a holiday shall not receive holiday pay."
- b. Impact: This addition establishes clear policy regarding holiday pay during unpaid leave periods, ensuring consistent administrative practices and preventing potential disputes over holiday compensation eligibility.

#### Restructuring of Holiday Pay and Compensatory Time Provisions

- a. The policy restructures holiday pay provisions by stating "one hour of compensatory time per hour worked eight (8) hours compensatory time if it is a Minor Holiday and 1.5 hours per hour worked if it is a Major Holiday."
- b. Section 4.c replaces the previous approval language with: "With OCERS approval, an employee will be permitted to use compensatory time on the date requested unless doing so would unduly disrupt OCERS' operation."
- c. Impact: This restructuring improves policy organization and clarity while establishing a more balanced standard for compensatory time usage that considers both employee requests and operational needs.

#### **Additional Employee Benefits Policy:**

##### Enhanced Life and Accidental Death Coverage for Senior Executives

- a. Sections 3 and 4 now specify increased coverage amounts for senior executives: \$125,000 (compared to \$100,000 for other employees) for both Basic Life insurance and Accidental Death and Dismemberment insurance.
- b. Impact: This creates a tiered benefit structure recognizing different executive compensation levels and provides enhanced coverage for senior leadership positions.

##### Addition of Vision Insurance Coverage

- c. New Section 8 introduces vision insurance benefits:
  - i. Full-time employees receive employee-only coverage at no cost
  - ii. Part-time employees pay for their own coverage
  - iii. Dependent coverage available at employee cost
- d. Impact: This expands the benefits package and provides additional healthcare coverage options for employees and their families.

#### Expanded Optional Benefit Plan Eligibility

- a. Section 9.a revises eligibility criteria:
  - i. Changes "probationary" to "limited-term probationary" employee
  - ii. Removes classification restrictions (Executive, Management, Professional)
  - iii. Adds part-time employee eligibility (20+ hours receive 50% of full-time benefit amount)
  - iv. Removes County policy reference for part-time employees
- b. Impact: This significantly broadens access to optional benefits by eliminating job classification barriers and formally including part-time employees with proportional benefits.

#### Restructured Optional Benefit Categories

- a. Section 9.c reorganizes benefit options from a complex nested structure to a simplified format:
  - i. Professional items (memberships, licenses, journals) consolidated into one category
  - ii. Health Care Flexible Spending Account elevated to primary category
  - iii. Previous detailed health/accident subcategories streamlined
- b. Impact: This simplification improves clarity and administrative efficiency while maintaining core benefit options.

#### Enhanced Optional Benefit Plan Administration

- a. Section 9.d introduces several administrative improvements:
  - i. Default taxable cash payment for employees who don't make elections
  - ii. Enhanced irrevocability language referencing state/federal law compliance
  - iii. Extended claims filing deadline to March 31st of following year
  - iv. Clarified eligibility period requirements
- b. Impact: These changes provide clearer administrative procedures, ensure legal compliance, and extend the claims filing period for employee convenience.

#### Flexible Spending Account Expansion and Clarification

- a. Section 10 expands from basic descriptions to comprehensive Flexible Spending Account details:
  - i. Formal recognition of both Health Care (HCFSA) and Dependent Care (DCFSA) accounts
  - ii. Specific reference to state and federal law compliance
  - iii. County plan document governance acknowledgment
- b. Impact: This provides comprehensive framework for tax-advantaged spending accounts and ensures regulatory compliance.

#### **Defined Contribution Program Policy:**

No substantive changes.

#### **Retirement Benefits Policy:**

#### Enhanced Survivor Benefits Definition and Eligibility

- a. The policy now includes a comprehensive definition of survivor benefits in the Definitions section, specifying that "surviving spouse, registered domestic partner, or children (including step-children and adopted children) may be entitled to receive certain benefits."
- b. New age and status requirements for children's eligibility: "Children must be unmarried and under the age of eighteen (18), and eligibility is extended to age twenty-two (22) if they remain unmarried and a full-time student in an accredited school."
- c. Impact: This change provides explicit guidance on survivor benefit eligibility, particularly for dependent children. The addition of specific age limits and educational requirements creates clear parameters for benefit administration and reduces ambiguity in determining eligible beneficiaries.

#### Clarification of Deferred Retirement Eligibility Conditions

- a. Section 3 now explicitly states that deferred retirement is available when an employee "separates from employment with OCERS, but is not eligible to service retire."
- b. Impact: This clarification distinguishes between employees who separate and are immediately eligible for service retirement versus those who must wait for deferred retirement eligibility. It provides clearer guidance for benefit counseling and administrative decisions.

#### Strengthened Survivor Benefits Framework

- a. Added explicit language: "Surviving spouses, domestic partners, and children may be entitled to certain survivor benefits upon the member's death, whether or not they were designated as beneficiary."
- b. Impact: This change strengthens the legal framework for survivor benefits by explicitly acknowledging that certain family members have survivor benefit rights independent of beneficiary designations. This protects statutory beneficiaries and provides clearer guidance on benefit administration priorities.

#### **Health Reimbursement Arrangement Plan (previously Retiree Medical Grant Policy):**

##### Program Transition and Freezing of Legacy Benefits

- a. The revised policy establishes that the previous Retiree Medical Grant was frozen as of June 16, 2023, replacing it with a new arrangement.
- b. Impact: This creates a two-tier benefit structure where existing employees had the opportunity to choose between retaining frozen legacy benefits or transitioning to the new HRA. Effective on June 16, 2023, the HRA is available for current and future employees.

#### Introduction of Ongoing Employer Contributions

- a. The new policy establishes regular employer contributions of \$60 per pay period to the HRA, with automatic 2.5% annual increases beginning July 2024.
- b. Impact: This creates an ongoing financial obligation that differs significantly from the previous lump-sum grant calculation. The automatic escalation clause represents a multi-year budgetary commitment that could compound significantly over time.

**Modification of Service Credit Valuation**

- a. Under the Frozen Grant option, the monthly benefit calculation changed from a variable "base dollar amount" (subject to up to 3% annual adjustments) to a fixed \$25.37 per year of service.
- b. The Value of excess service years goes to the HRA as a one-time deposit at \$855 per year.
- c. Impact: This establishes concrete monetary values for service credits, providing cost predictability but eliminating the County's previous discretionary adjustment mechanism.

**Expanded Use of Benefits**

- a. The HRA allows reimbursement for "various health care costs" and "post-tax health plan premiums," whereas the previous grant was limited to County Health Plan and Medicare Part B premiums.
- b. Impact: This expansion provides greater flexibility for retirees but may increase administrative oversight requirements and compliance monitoring for eligible expenses.

## Chapter 6

**Payroll Practice Policy:****Addition of Definitions Section**

- a. The revised policy introduces a new "Definitions" section that provides formal definitions for "Annual Leave" and "PAN" (Personnel Action Notices).
- b. Impact: This addition enhances administrative consistency by providing clear definitions for key terms used throughout the policy. The formal definition of Annual Leave as "paid time-off earned by an employee under OCERS Annual Leave (Paid Time Off) Policy" creates clear linkage between policies and ensures consistent interpretation across departments.

**Management Authority Over Compensation**

- a. Section 1.b now includes new language: "Pursuant to OCERS Compensation Policy, the Chief Executive Officer will be responsible for managing employee salaries within the salary ranges approved by the Board of Retirement."
- b. Impact: This addition formally delegates salary management authority to the Chief Executive Officer within Board-approved parameters. It strengthens the administrative framework by clearly establishing the CEO's role in compensation decisions while maintaining Board oversight through the salary range approval process.

**Enhanced Absence Reporting Clarity**

- a. Section 3.a was modified to clarify that employees must report "their regular hours worked and absences from work" and moved the two-hour exception rule to this section with clearer language: "In instances where an absence occurs that is two (2) hours or less, such absence does not need to be reported."
- b. Impact: This reorganization provides clearer guidance on reporting requirements by consolidating absence reporting rules in one location. It reduces ambiguity about what constitutes reportable absences and streamlines the timesheet completion process.

### **Salary Basis Policy:**

#### **Addition of Definitions Section**

- a. The revised policy introduces a new "Definitions" section that provides formal definitions for:
  - i. Exempt Employees: "means employees who meet the exemption standards of FLSA. OCERS Direct Employees are Exempt Employees."
  - ii. FLSA: "means the United States Fair Labor Standards Act and the rules and regulations promulgated thereunder."
- b. Impact: This addition creates legal precision by formally defining key terms used throughout the policy. The explicit statement that "OCERS Direct Employees are Exempt Employees" provides clear classification guidance and eliminates ambiguity about which employees are covered by exempt status protections. The FLSA definition ensures consistent interpretation by referencing both the Act and its implementing regulations.

#### **Formal Declaration of Universal Exempt Status**

- a. Section 1 now includes the explicit statement: "All employees directly employed by OCERS are Exempt Employees; therefore, OCERS prohibits any improper deductions from the salaries of its employees."
- b. Impact: This represents a significant policy clarification that formally declares all OCERS direct employees as exempt from overtime requirements under FLSA. This statement provides legal certainty regarding employee classification and creates a clear foundation for salary basis protections. It eliminates potential confusion about mixed employee classifications and strengthens the organization's position in defending exempt status determinations.

### **Compensation Policy:**

#### **Complete Policy Framework Replacement**

- a. The entire policy framework has been replaced. The new policy serves as a high-level summary document referring employees to review the Board-approved OCERS Compensation Policy for full information regarding Annual Performance Reviews, Annual Salary Increases, Equity Adjustments and Incentive Pay, and the Certification Incentive Program.
- b. Impact: This change transforms this policy from an operational handbook into a summary document. The new structure centralizes detailed compensation procedures in Board-approved policy documents housed on the OCERS website, rather than maintaining operational details within the employee handbook itself.

### **Incentive Compensation Plan – New Policy:**

#### **Overview**

- a. The new Incentive Compensation Plan that establishes a structured performance-based compensation program for eligible employees.
- b. Impact: This policy creates a formal framework for calculating and distributing incentive payments based on portfolio performance and individual employee performance metrics.



### Three-Component Performance Framework

- a. The Plan establishes three distinct performance components:
  - i. Total portfolio excess return (alpha) over benchmark
  - ii. Risk-adjusted return (Sharpe Ratio) performance
  - iii. Individual employee performance based on annual reviews
- b. Impact: This multi-faceted approach balances portfolio performance with risk management and individual contribution, creating comprehensive performance evaluation criteria that align employee compensation with organizational investment objectives.

### **Lump Sum Bonus Policy – New Policy:**

#### New Policy Overview

- a. The new Lump Sum Bonus Policy establishes a framework for OCERS to award discretionary bonuses to employees for exceptional achievements, service, or to further significant agency goals.
- b. Impact: This policy provides the organization with a structured tool for employee recognition and incentivization while maintaining operational flexibility and cost control.

#### Transparency and Framework

- a. The stated purpose is to "establish a transparent framework for awarding discretionary lump sum bonuses to employees."
- b. Impact: This commitment to transparency supports good governance practices and employee relations by providing clear guidance on bonus criteria and decision-making processes (CEO's sole discretionary authority).

### **Compensatory Time Off Policy:**

#### Addition of Comprehensive Definitions Section

- a. The revised policy introduces a new "Definitions" section that provides formal definitions for eight key terms:
  - i. Comp Time
  - ii. Exempt Employees (with clarification that OCERS direct employees are exempt)
  - iii. FLSA
  - iv. Full-Time Employee
  - v. Non-Exempt Employees (with clarification that OCERS County employees are non-exempt)
  - vi. PAN (Personnel Action Notices)
  - vii. Part-Time Employee
  - viii. Pay Period
  - ix. Pay Status
- b. Impact: This addition creates legal precision and administrative clarity by formally defining all key terms used throughout the policy. The distinction between OCERS direct employees (exempt) and OCERS County employees (non-exempt) provides important classification guidance and eliminates potential confusion about which employees are covered by specific provisions.

### **Terms and Conditions of Employment for Executive Employees Policy:**

#### Enhanced Definitional Framework

- a. The revised policy adds a comprehensive "Definitions" section that formally defines key terms including "Annual Leave," "At-Will," "Executive Employees," and "Non-CEO Executive Employees."
- b. Impact: This addition provides legal clarity and precision to policy interpretation, particularly the formal definition of "At-Will" employment status, which reinforces the organization's employment framework and reduces potential ambiguity in employment relationships.

#### Clarification of Benefits Eligibility

- a. The revised policy adds the qualifier "eligible" before "dependent coverage" and "dependents" in multiple insurance benefit sections.
- b. Impact: This clarification ensures that dependent benefits are limited to those who meet eligibility criteria, providing cost control and compliance with insurance plan requirements.

## **Chapter 7**

### **Workplace Safety and Violence Prevention Policy:**

#### Integration of Comprehensive Safety Manual Framework

- a. Addition of Safety Manual Reference and Components: The revised policy introduces reference to the "OCERS Safety Manual" which includes a Facility Emergency Plan, Fire Prevention Plan, Hazardous Chemical Communication Program, Injury and Illness Prevention Program, Workplace Violence Prevention Plan, and COVID-19 Prevention Plan.
- b. Impact: This change transforms the policy from a standalone document into part of a comprehensive safety framework, ensuring employees have access to detailed procedural guidance and enhancing regulatory compliance across multiple safety domains.

#### Enhanced Definitional Framework

- a. The revised policy adds definitions for "Emergency" and "Workplace Violence," providing specific criteria for identifying life-threatening situations and comprehensive parameters for workplace violence incidents.
- b. Impact: These definitions provide legal clarity and operational guidance for employees and management in identifying and responding to safety incidents, reducing ambiguity in emergency response and disciplinary actions.

#### Mandatory Training Requirements

- a. The revised policy adds a new provision requiring OCERS to "offer and provide mandatory and optional training to employees on topics related to workplace safety."
- b. Impact: This addition creates a formal training obligation for the organization, enhancing employee preparedness and potentially reducing liability exposure through documented safety education programs.

#### Expanded Employee Obligations and Safety Manual Compliance

- a. The revised policy requires employees to "review and abide by the procedures contained in the OCERS Safety Manual" and specifies that the Safety Manual and related documents may be requested from Human Resources.
- b. Impact: This creates a mandatory compliance framework that extends beyond the policy itself, ensuring employees are bound by comprehensive safety procedures and establishing clear accountability for safety protocol adherence.

#### Comprehensive Emergency Response Procedures

- a. The revised policy introduces detailed emergency response procedures, including workplace violence prevention, emergency evacuation, fire prevention safety committee, injury and illness prevention, and transportation to seek medical care.
- b. Impact: This establishes a formal emergency communication framework and crisis response structure, ensuring coordinated organizational response to emergencies and providing employees with clear guidance during critical situations.

#### **Employee Assistance Program Policy:**

##### Addition of Definitions Section

- a. The revised policy introduces a "Definitions" section that formally defines "Employee Assistance Program (EAP)" and "Unpaid Leave of Absence" with specific parameters and cross-references to related policies.
- b. Impact: This addition provides legal clarity and precision in policy interpretation, particularly the formal definition of EAP as providing "short-term counseling, assessments, referrals, and follow-up services," which establishes clear service boundaries and expectations for the program.

#### Accommodation Framework for Rehabilitation Leave

- a. The revised policy adds the language "OCERS will reasonably accommodate such requests unless doing so would cause an undue hardship" regarding unpaid leave requests for rehabilitation programs.
- b. Impact: This addition establishes a formal accommodation framework that aligns with disability accommodation laws and provides legal protection for the organization while demonstrating commitment to supporting employee recovery efforts.

#### **Tobacco and Smoke-Free Workplace Policy:**

##### Comprehensive Expansion of Prohibited Tobacco Products

- a. The revised policy expands the scope of prohibited products to include "all tobacco products, including combustible, smokeless, and electronic nicotine delivery systems (ENDS), such as e-cigarettes, vapes, and heated tobacco products."
- b. Impact: This significant expansion modernizes the policy to address contemporary tobacco alternatives and emerging products, ensuring comprehensive workplace protection and reducing potential loopholes that employees might exploit with newer nicotine delivery systems.

#### **Workplace Injuries and Workers' Compensation Policy:**

#### Addition of Definitions Section

- a. The revised policy introduces a new "Definition" section that defines key terms including Interactive Process, Maximum Medical Improvement, Reasonable Accommodation, Workers' Compensation, and Workers' Compensation Leave.
- b. Impact: This addition provides legal clarity and ensures consistent understanding of critical terms throughout the policy, particularly for accommodation processes and disability determinations.

#### Physician Predesignation Process

- a. Section 4.a.ii now includes: "Employees may predesignate a personal physician prior to injury in accordance with Labor Code § 4600 and should submit the appropriate form to Human Resources annually."
- b. Impact: This addition ensures compliance with California Labor Code provisions allowing employees to select their preferred physician before injury occurs, potentially improving employee satisfaction and medical care coordination.

#### Enhanced Legal Compliance and Consultation Requirements

- a. New Section 7.b states: "All decisions to terminate or separate employees in connection with a disability or injury will be made in consultation with Human Resources and the Legal Division to ensure compliance with applicable law."
- b. Impact: This provision creates a mandatory consultation process that provides additional legal safeguards against potential discrimination claims and ensures compliance with disability and workers' compensation laws before taking adverse employment actions.

### **Visitor Safety and Security Policy – New Policy**

#### New Policy Overview

- a. Visitor Safety and Security Policy that establishes comprehensive protocols for managing visitor access to OCERS premises.
- b. Impact: This policy creates a formal framework for ensuring workplace safety, security, and confidentiality while accommodating necessary business visitors and personal guests.

#### Comprehensive Visitor Definition and Coverage

- a. The policy defines "Visitor" as any person who is not a current employee (including full-time, part-time, OCERS Direct or County employee), Extra Help employee, intern, or volunteer working for OCERS.
- b. Coverage specifically includes independent contractors, personal guests of employees (family members, friends), and former employees visiting OCERS premises.
- c. Impact: This broad definition ensures consistent security protocols apply to all non-employee individuals, eliminating potential gaps in access control and maintaining comprehensive premises security.

## **Chapter 8**

### **Reimbursement Programs Policy:**

#### Complete Restructuring of Mileage Reimbursement to Travel Reimbursement

- a. The revised policy eliminates the "Mileage Reimbursement" section and replaces it with a comprehensive "Travel Reimbursement" provision.
- b. Impact: This represents a fundamental shift from specific mileage calculations to a broader travel policy framework. The new provision references the separate "OCERS Employee Travel Policy" and establishes that travel reimbursements are governed by that dedicated policy rather than being detailed within this general reimbursement policy.

#### Introduction of Travel Policy Governance Structure

- a. Section 1 now establishes: "The Employee Travel Policy is reviewed by the Governance Committee of the Board every 3 years and may be amended by the Board at any time."
- b. Impact: This creates a formal governance structure for travel policy oversight, ensuring regular review and providing flexibility for policy updates while maintaining Board control over travel-related expenditures.

#### CEO Pre-Approval Requirement for Travel Policy Exceptions

- a. The new policy states: "Exceptions to any provision of the Employee Travel Policy by an employee require the CEO's pre-approval."
- b. Impact: This establishes a clear approval hierarchy for travel policy deviations, ensuring executive oversight of exceptions while providing flexibility for unusual circumstances. This creates accountability and cost control mechanisms for travel-related expenses.

#### **Religious Accommodation Policy:**

##### Centralized Request Process Through Human Resources

- a. Section 2 now requires employees to "submit a written request to Human Resources" rather than to their "immediate supervisor."
- b. Impact: This change centralizes the accommodation request process, ensuring consistent handling, proper documentation, and specialized expertise in evaluating religious accommodation requests. It also reduces the burden on supervisors who may lack training in religious accommodation law.

##### Formal Interactive Process Requirement

- a. New Section 3 establishes: "Upon receipt of a religious accommodation request, OCERS will engage in an interactive process with the employee to assess whether reasonable accommodation can be provided."
- b. Impact: This creates a formal interactive process similar to disability accommodation requirements, ensuring compliance with legal obligations and providing a structured approach to accommodation discussions. This helps document good faith efforts and reduces legal exposure.



Personnel  
Committee

# OCERS Employee Handbook Update

Cynthia Hockless, Director of Human Resources  
Manuel D. Serpa, General Counsel  
December 03, 2025

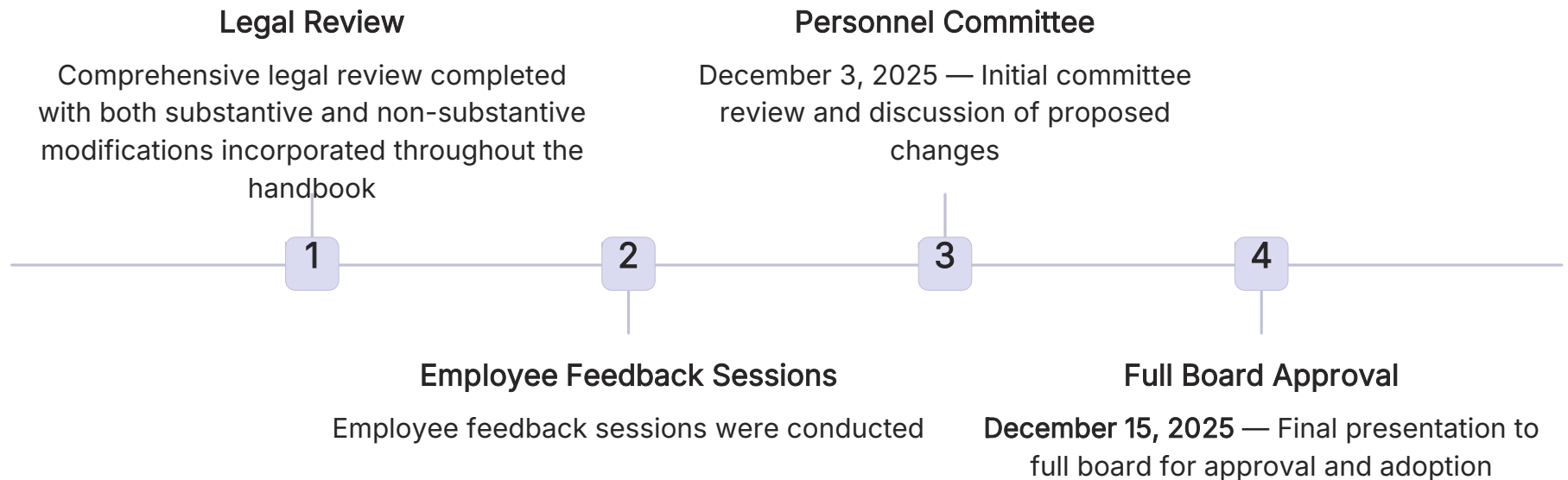


## Handbook Update Overview

The employee handbook has undergone a comprehensive review by our **Legal team** to ensure all policies are current, compliant, and aligned with best practices. Every policy was carefully examined and edited to clarify language, improve understanding, and reflect any necessary updates. The revisions include both substantive and non-substantive changes.

The **Orange County Employees Association (OCEA)** and the **County of Orange** were given the opportunity to review the handbook and provide feedback.

## Review and Approval Timeline





# Policies Applicable to All OCERS (including County) Employees



Social Media Policy



Electronic Resources Policy



Remote Work Policy



Visitor Safety and Security Policy



Outside Employment Policy



Reimbursement Programs Policy



Parenthood Leave Policy



Copyright Compliance Policy



Professional Business Attire Policy



Workplace Relationships Policy



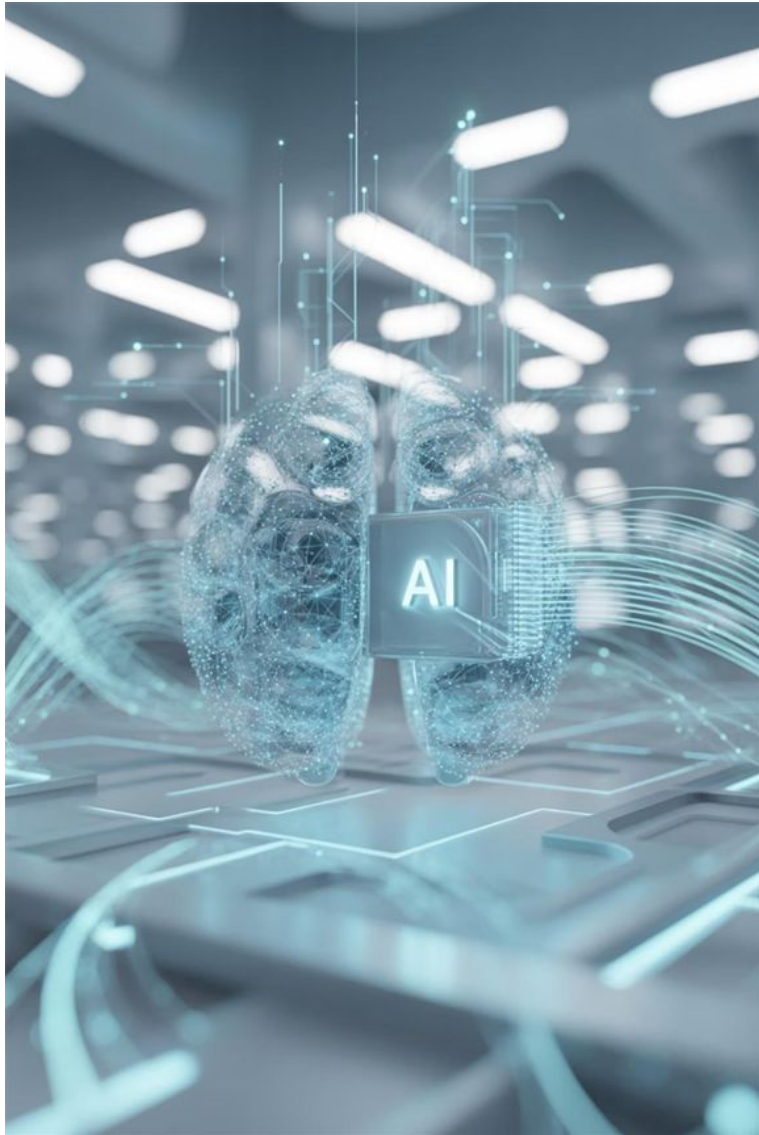
Employment of Relatives Policy



Lactation Policy



Artificial Intelligence Policy



## Spotlight: New Artificial Intelligence Policy

### Policy Location

Pages 30-34 of the updated handbook contain the Artificial Intelligence Policy, establishing clear guidelines for AI tool usage within OCERS operations.

# OCERS Compensation Policies Definitions

## **Certification Incentive Program**

A program that provides a 5.5% salary increase to eligible employees who hold specific professional certifications that support the agency's operational goals.

## **Incentive Compensation Plan**

A performance-based bonus for the Investments Team, with payouts determined by 3 key factors: the total portfolio's excess return (alpha) relative to its benchmark, the risk-adjusted performance, and the performance of each employee.

## **Lump Sum Bonus Policy**

Discretionary, non-recurring lump sum bonuses to employees tied to measurable achievements or the advancement of significant agency goals, in compliance with applicable laws and within the agency's fiscal constraints.



## Lump Sum Bonus Policy - Details

- Lump sum bonuses may be awarded at the sole discretion of the Chief Executive Officer (CEO).
- CEO will provide an annual summary report to the Board detailing the number, amount, justification, and approval.
- Employee must be in good standing.
- Amount can not exceed ten percent (10%) of the employee's base salary.
- During any single calendar year, the CEO may award lump sum bonuses ***totaling no more than one percent (1%) of regular salaries.***
- Require written supportive documentation.
- Bonuses are non-recurring.



## Recommendation:

**Staff recommends that the Personnel Committee recommend that the Board approve the updated OCERS Employee Handbook as presented.**

The revised handbook strengthens compliance, modernizes policy language, and supports consistent application of HR practices across the organization.



## Memorandum

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**DATE:** December 3, 2025  
**TO:** Members of the Personnel Committee  
**FROM:** Darren Dang, Chief Technology Officer  
**SUBJECT:** ADOPTION OF THE CHIEF TECHNOLOGY OFFICER (CTO) CHARTER

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### Recommendation

Approve and recommend that the Board adopt the Chief Technology Officer (CTO) Charter, formalizing the executive position approved by the Board on October 21, 2024.

### Background

At the October 21, 2024 Board meeting (Item 1C), the Board approved adding a CTO position to the Executive Department. This decision was driven by OCERS' Vision 2030 goals, which include fully automating retirement benefit calculations and leveraging emerging technologies such as AI, machine learning, and advanced analytics.

While the current Director of Information Technology effectively manages day-to-day operations, the Board recognized the need for a strategic technology leader to:

- Shape OCERS' long-term technology roadmap.
- Drive innovation and integration of new technologies across all departments.
- Ensure technology investments align with organizational growth and member service objectives.

The CTO will complement the IT Director and Chief Information Security Officer (CISO) by focusing on strategy, innovation, and governance, enabling OCERS to remain competitive and secure in a rapidly evolving technology landscape.



## Memorandum

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### Proposed Charter Highlights

- Responsibilities: Develop and execute OCERS' technology strategy; lead major initiatives (e.g., next-gen Pension Administration System, AI Ethics & Governance Framework, enterprise data governance); oversee the Technology & Security Division.
- Independence: Report directly to the CEO; maintain access to the Board and committees for transparency and risk oversight.
- Authority: Approve technology contracts within Board policy; manage Division structure and personnel; access systems/data for risk and opportunity analysis.
- Monitoring & Reporting: Provide monthly updates to the CEO; maintain dashboards for performance, security, and compliance.
- Review: Charter to be reviewed at least every three years.

The newly established Chief Technology Officer (CTO) Charter includes sections that were previously part of the Assistant CEO, Finance and Internal Operations Charter.

### Attachments

1. Chief Technology Officer (CTO) Charter

### Submitted by:



Darren Dang  
Chief Technology Officer





# Chief Technology Officer Charter

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## Introduction

In accordance with the authority given to the Chief Executive Officer (CEO) by the Orange County Employees Retirement System (OCERS) Board of Retirement (Board), as outlined in the CEO Charter, the CEO hereby delegates to the Chief Technology Officer (CTO) the power to act and make final decisions on all matters listed below. The CTO's actions under this Charter shall be carried out in accordance with applicable laws and Board policies. Unless the CEO has asked the CTO to act personally, the CTO may, as deemed appropriate by the CTO, delegate any authority granted to the CTO under this Charter.

## General Authority

1. Guide the strategic direction of OCERS' Information Technology and Security Division (hereinto referred to as "Division"), including enterprise applications (e.g., Pension Administration System), data and analytics, information security, infrastructure and cloud platforms, enterprise architecture, digital experience, and technology governance.
2. Conduct and oversee the administration of all functions within the Division.
3. Provide leadership for Division staff by implementing and overseeing programs necessary to achieve the mission, goals, and objectives established by the CEO; and by organizing teams to align technologists with business value and deliver predictable outcomes.
4. Manage the day-to-day affairs of employees who report directly to the CTO, in accordance with policies established by the CEO.
5. Report to the CEO, on at least a monthly basis, all significant actions the CTO has taken under this Charter.
6. Conduct and approve the internal organizational structure of the Division in a manner consistent with this Charter and applicable Board policies.
7. Approve all personnel decisions concerning Division staff, subject to final approval of the CEO.
8. Assist in the development and implementation of OCERS' Strategic Plan and Annual Business Plan, ensuring technology initiatives are aligned with Vision 2030 and the Strategic Plan.
9. Oversee the development of the Division budget; monitor and approve expenditures and authorize the transfer of budgeted amounts within Board-approved categories in the Division's budget as necessary.
10. Represent OCERS and communicate the Board's technology policies and positions before outside parties and organizations; maintain effective working relationships with the County, other employers, and stakeholder groups.
11. Advise the CEO on all matters relating to technology strategy, risk, investment, operations, and service delivery, and act in the CEO's absence when designated.

## Contract Authority

In accordance with the Board's Procurement and Contracting Policy:





## Chief Technology Officer Charter

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12. Approve the solicitation and negotiation of contracts and agreements for all contractors, vendors, consultants, and advisors necessary for Division operations, within resources and fiscal limits set by the Board.
13. Except for Named Service Providers as defined in the Procurement and Contracting Policy, approve and execute contracts, agreements, purchase orders, and amendments for technology vendors, cloud services, software licensing and maintenance, cybersecurity services, and related professional services.

### *Additional Specific Authority*

14. **Pension Administration System (PAS) Modernization:** Co-lead selection, implementation, and lifecycle management of the PAS to achieve high accuracy, resiliency, and member-centric capabilities. Ensure modular, API-first architecture and cloud-ready design aligned with Vision 2030.
15. **Enterprise Data Management & Governance:** Establish and oversee the organization's enterprise data management program, ensuring the integrity, availability, and strategic use of data as a core asset. Define and enforce data governance standards, policies, and frameworks that support data quality, stewardship, lifecycle management, and compliance across all business systems and platforms.
16. **AI Governance & Responsible Use:** Develop and implement an AI Ethics & Governance framework for supervised to autonomous use cases (e.g., benefit calculations, member service automation, document processing), with transparency, fairness, security, and auditability.
17. **Cybersecurity Leadership:** Drive "secure-by-design" principles, identity and access management, zero-trust controls, post-quantum-resilient cryptography readiness. Oversee incident response planning and execution to safeguard organizational assets.
18. **Resilience and Continuity:** Ensure robust disaster recovery and business continuity strategies for all OCERS systems and data.
19. **Enterprise Architecture & Platforms:** Define standards and reference architectures; oversee cloud adoption, platform operations, DevSecOps practices, and observability. Maintain service level objectives for availability, performance, and reliability.
20. **Automation & Process Orchestration:** Leverage advanced automation and robotic process orchestration to optimize workflows, reduce manual effort, and enhance efficiency across all OCERS business units—while maintaining human oversight for critical decisions.
21. **Risk Management:** Identify, assess, and mitigate technology, data, cyber, and vendor risks. Recommend strategies including insurance, controls, and avoidance measures in coordination with Compliance.
22. **Technology Talent Management:** Oversee recruitment, upskilling, and performance management of technology staff. Establish career tracks in technology, data/AI, architecture, and security while fostering a culture of innovation and continuous learning.
23. **Technology Facilities & Equipment:** Ensure the availability and readiness of technology infrastructure, facilities, and equipment to support OCERS operations within Board-approved resources and fiscal limits.



## Chief Technology Officer Charter

24. **Inter-Agency & Industry Collaboration:** Represent OCERS in multi-employer working groups and public-private partnerships to share best practices and accelerate safe, efficient adoption of emerging capabilities.

### *Monitoring and Reporting*

25. Direct the monitoring of technology operating and capital budgets to ensure compliance with fiscal policies; provide budget-to-actuals reporting to the CEO and, as appropriate, the Board.
26. Direct the monitoring and reporting of compliance with Board policies assigned to the CTO, including information security, data governance, procurement, and AI governance; maintain dashboards of availability, performance, security posture, and delivery progress.
27. Report to the CEO, on at least a monthly basis, all significant actions the CTO has taken under this delegation of authority.
28. Promptly report to the CEO and the Audit Committee significant cybersecurity breaches.

## Charter Review

The CEO will review this Charter at least once every three (3) years and make any amendments as may be necessary to ensure the Charter remains relevant and appropriate.

Steve Delaney, Chief Executive Officer

Date

I understand and accept the authority delegated by this Charter.

Darren Dang, Chief Technology Officer

Date



## Memorandum

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**DATE:** December 3, 2025  
**TO:** Members of the Personnel Committee  
**FROM:** Mark Adviento, Director of Member Services, and  
David Kim, Assistant CEO, External Operations  
**SUBJECT:** **UPDATE ON OUTREACH REGARDING EMPLOYER DATA**

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### Background/Discussion

This item provides an update on OCERS' continued efforts to obtain complete and accurate data from Employers, as directed by the Board of Retirement.

This memo provides an update on OCERS' continued efforts to obtain complete and accurate data from employers, as directed by the Board of Retirement.

On November 18, 2025, OCERS hosted a **Quarterly All Employer Meeting** to present updates to the Employer Handbook, which supports the broader Data Policy. The meeting also introduced enhancements to payroll transmittals, focusing on the reporting of pensionable paid time off and pensionable holiday compensation. These improvements are designed to support both interim benefit calculations and future automation under the new Pension Administration System, V3locity.

The aim of these changes is to reduce manual benefit processing and improve long-term operational efficiency. The meeting also included updates on the development of enhanced payroll exception monitoring reports for employers and communicated that the Board of Retirement has selected V3locity as OCERS' new Pension Administration System.

OCERS continues to emphasize the administrative and financial impact of incomplete data, and these conversations have helped increase employer awareness and engagement.

Since our last update to the Committee in August 2025, the Employer Payroll team has conducted individual meetings with the following employers:

- City of San Juan Capistrano, September 17
- Orange County Fire Authority, September 22
- Orange County Cemetery District, October 15
- Children and Families Commission, October 22
- Orange County Law Library, October 29
- Orange County Sanitation District, November 5
- In-Home Support Services Public Authority, November 19

Each meeting included an assessment tailored to the employer and provided technical guidance to improve payroll transmittal processes in preparation for the transition to PAS.

Additional meetings, already completed or scheduled, have included collaboration between OCERS and the County of Orange IT teams. These sessions focus on data sharing, system integration, and similar coordination efforts with other employers.

All one-on-one meetings with employers planned for 2025 have been completed.

**Submitted by:**



**MA - Approved**

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Mark Adviento  
Director of Member Services



**DK - Approved**

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David Kim  
Assistant CEO, External Operations



## Memorandum

**DATE:** December 03, 2025  
**TO:** Members of the Personnel Committee  
**FROM:** Cynthia Hockless, Director of Human Resources  
**SUBJECT:** UPDATE ON THE COUNTY'S CLASSIFICATION MAINTENANCE STUDY PROCESS

### Information Only

The OCERS Board approved the review of County Job classifications located at OCERS using the County of Orange's Classification Maintenance study process. The final approval of group one is expected to take place in June 2026, by the Orange County Board of Supervisors.

The Classification Maintenance Study Process consists of five structured steps designed to ensure job classifications, compensation structures, and staffing levels align with current organizational needs, market conditions, and Board-approved policies.

The process will be conducted by taking a group of classifications at a time. The first group consists of the following five classifications:

1. Retirement Benefits Technician
2. Retirement Program Specialist
3. Senior Retirement Program Specialist
4. Retirement Benefits Program Supervisor
5. Disability Investigator

OCERS is currently progressing through **Step 1: Study Initiation** of the Classification Maintenance Study in collaboration with HRS Classification & Compensation. Initial meetings are underway, timelines have been established, and OCERS is in the process of finalizing and submitting the PDQs/PCIQs to the County's Classification and Compensation team.

Once Step 1 is complete, OCERS will transition into **Step 2: Job Analysis**, during which the County will review the submitted questionnaires, conduct initial classification assessments, and analyze staffing levels and duty alignment.

Below is a summary of the five steps of the process:

#### Step 1: Study Initiation

- Conducting a kickoff meeting with County Human Resource Services (HRS) Classification & Compensation, OCERS HR, and Subject Matter Experts.
- Establishing timelines, methodology, and process expectations.
- Identifying and assigning employees and supervisors to complete Position Description Questionnaires (PDQs) and Position Classification Information Questionnaires (PCIQs).

#### Step 2: Job Analysis



## Memorandum

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- Reviewing the completed PDQs and PCIQs.
- Evaluating classification structure and staffing levels.
- Reviewing historical and current data related to vacancy rates, retention, and recruitment trends.
- Developing proposed updates to class specifications and classification structure.

### Step 3: Market Study

- Researching comparable public agencies to identify appropriate benchmarks.
- Reviewing pay ranges, premium pays, and MOU-approved increases.
- Summarizing market and recruitment data to propose updated compensation recommendations.

### Step 4: Recommendation & Approval

- Submitting final class specifications, market study findings, and cost impacts to Department HR for review.
- Coordinating with labor organizations for concurrence.
- Presenting recommended changes to the Board for approval.

### Step 5: Communication & Implementation

- Finalizing and processing updated class specifications, pay ranges, and position changes.
- Communicating approved changes to impacted employees.
- Supporting departments during implementation.

Further updates will be provided to the Personnel Committee as OCERS advances through each phase of the study.

### Attachments

1. Classification Maintenance Study Process Workflow

### Submitted by:



Cynthia Hockless  
Director of Human Resources





# Classification Maintenance Study Process

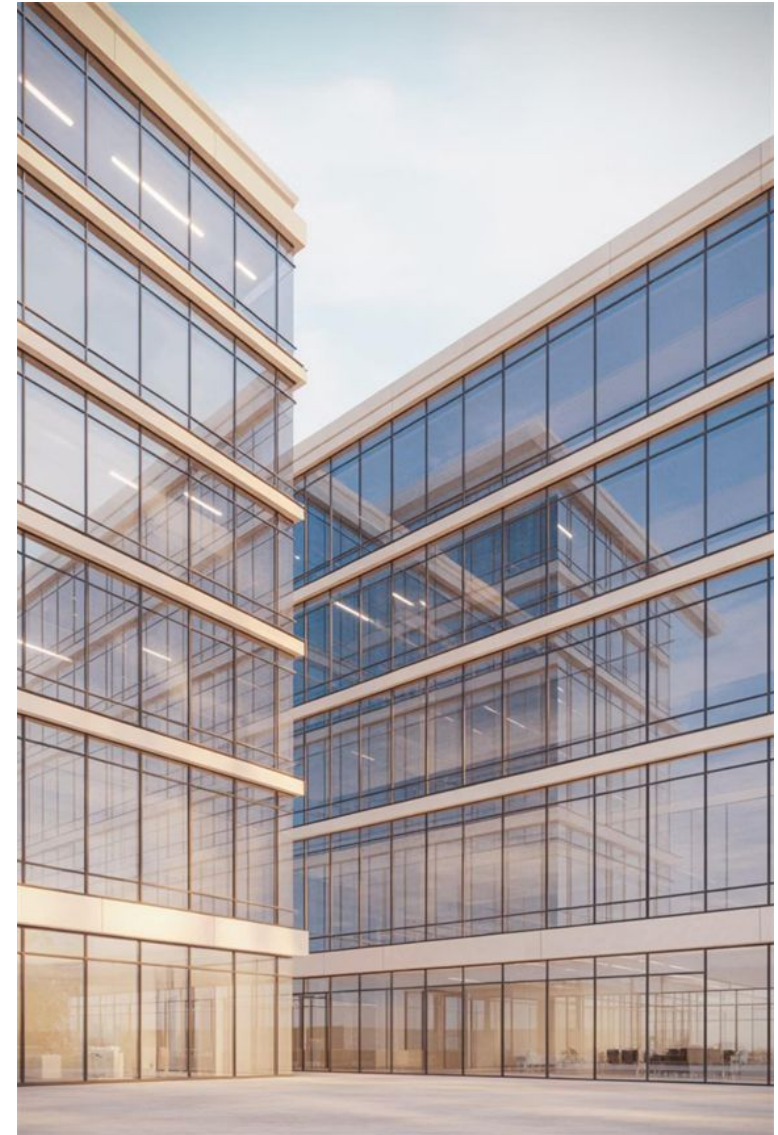
Human Resource Services, Classification & Compensation



# Update on The County's Classification Maintenance Study Process

## Personnel Committee Meeting

Cynthia Hockless, Director of Human Resources  
December 03, 2025





## Five-Step Classification Maintenance Study

**01**

### Study Initiation

Kickoff meetings, timeline establishment, PDQ assignment

**02**

### Job Analysis

Questionnaire review, classification evaluation, staffing assessment, data analysis

**03**

### Market Study

Benchmark research, compensation analysis, market data review

**04**

### Recommendation & Approval

Specification finalization, labor concurrence, Board of Supervisors presentation June 2026

**05**

### Communication & Implementation

Change processing, employee notification, implementation support

## GROUP ONE: Five County Classifications Under Review



### Retirement Benefits Technician

Front-line benefits processing and member support



### Retirement Program Specialist

Complex benefits administration and analysis



### Senior Retirement Program Specialist

Advanced program oversight and specialized guidance



### Retirement Benefits Program Supervisor

Team leadership and program management



### Disability Investigator

Disability claim analysis and investigation



## Study Progress and Key Updates

- Regular updates will be provided to the Personnel Committee as the study progresses through each phase
- County's Class and Comp team is running their established process
- County Board of Supervisors approval required
- Salary changes may be absorbed in the current budget



## Memorandum

**DATE:** December 3, 2025  
**TO:** Members of the Personnel Committee  
**FROM:** Cynthia Hockless, Director of Human Resources  
**SUBJECT:** OCERS DIRECT COMPENSATION STUDY

### Information Only

The OCERS Compensation Policy requires the CEO to ensure that Board-approved salary ranges are reviewed at least every three years to maintain market competitiveness and to promptly report the results of each review to the Board. The CEO is authorized to retain an external compensation consultant to conduct this review when appropriate. If the CEO determines that salary range adjustments are warranted, recommendations must be presented to the Board for approval.

As part of this triennial requirement, an internal analysis was conducted to determine whether a broader, agency-wide compensation study would be necessary. The internal review examined six classifications across seven peer retirement systems. Salary data was obtained for positions comparable to OCERS classifications. The analysis found that OCERS salary ranges remain generally competitive within the peer group. In most areas, OCERS falls within the mid-to-upper range of the market, often exceeding statewide systems such as CalPERS and CalSTRS, while remaining slightly below the highest-paying agencies, including LAFPP, LACERA, and SBCERA.

The review also noted that seven of the systems surveyed offer two deferred compensation plans, whereas OCERS currently offers one. This difference may have a modest impact on overall benefits competitiveness.

While the internal study provided valuable insights, it also showed varying levels of competitiveness across classifications. Based on these findings, a comprehensive, agency-wide compensation study has been deemed appropriate to ensure alignment with market conditions.

### Anticipated 2026 Timeline For OCERS Direct Compensation Study

- **Departmental Job Description Review:** All departments will review and update job descriptions to ensure accuracy for market benchmarking and alignment with current job duties.
- **Issuance of RFP:** An RFP for an HR Consultant will be released in the first quarter of 2026.
- **Consultant Project Launch:** Work with the selected consultant will begin in the second quarter of 2026.
- **Ongoing Updates:** Progress updates will be provided to the Personnel Committee throughout the study period.
- **Personnel Committee Review:** A comprehensive update will be prepared for review for Personnel Committee approval in August 2026.
- **Budget Integration:** Recommended salary adjustments will be incorporated into the FY 2027 budget.

An update on the process will be provided to the Personnel Committee on December 3, 2026.



## Memorandum

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**Submitted by:**



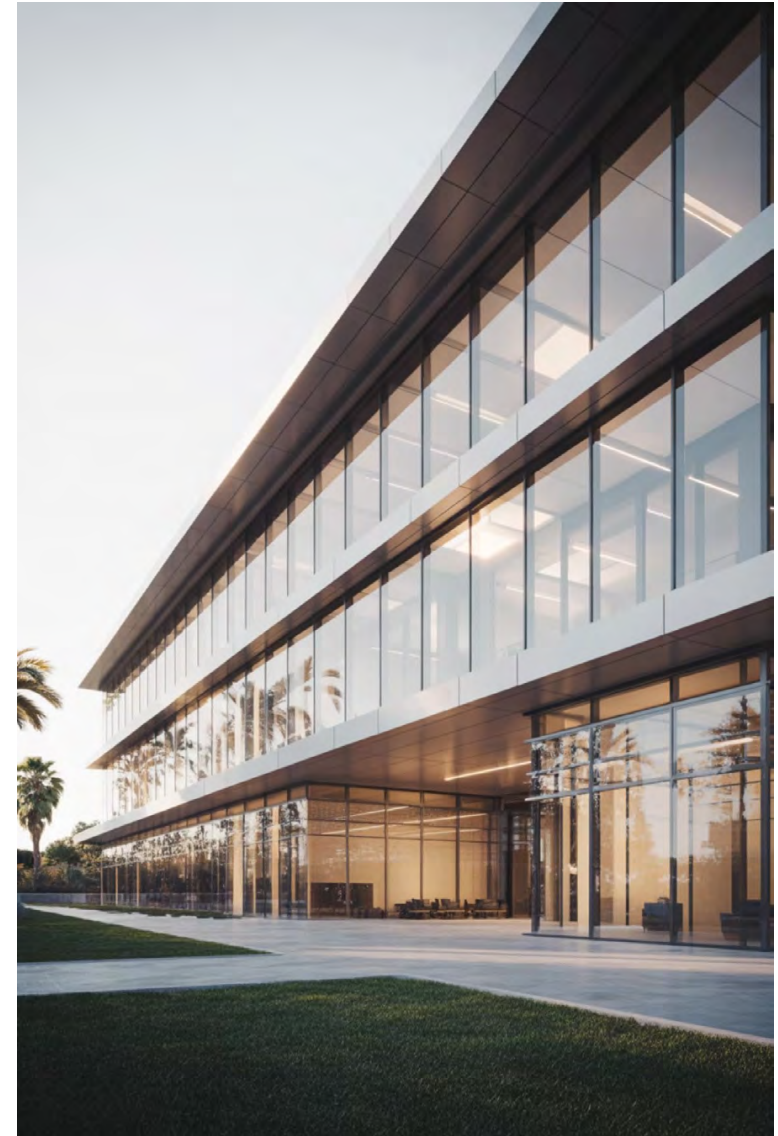
**CH - Approved**

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Cynthia Hockless  
Director of Human Resources

# OCERS Direct Compensation Study

Cynthia Hockless, Director of Human Resources  
Personnel Committee Meeting  
December 03, 2025





# OCERS Compensation Policy

## Triennial Review Requirement

Policy mandates salary range reviews every three years to maintain market competitiveness

## CEO Authority

CEO is authorized to retain external consultants and present adjustment recommendations to the Board for approval

# Why Conduct This Study?

## 1. Policy Compliance

Meeting triennial review  
requirement under OCERS  
Compensation Policy

## 2. Market Alignment

Ensure salary competitiveness  
across all classifications and peer  
systems

## 3. Strategic Insight

Internal analysis revealed varying  
competitiveness levels requiring  
comprehensive review



# Internal Analysis

01

## Classifications Reviewed

Six key OCERS positions examined

02

## Peer Systems Analyzed

Seven comparable retirement systems surveyed

03

## Market Comparison

Salary data benchmarked against peer agencies



## Key Findings: Market Position

## Generally Competitive

OCERS salary ranges fall within mid -to-upper range of peer group

## Above Statewide Systems

- CalPERS
- CalSTRS

### Below Highest -Paying Agencies

- LAFPP
- LACERA
- SBCERA



## Additional Findings

### Deferred Compensation Gap

Seven peer systems offer two deferred compensation plans

OCERS currently offers **one** plan

**Modest impact on overall benefits competitiveness**

### Varying Competitiveness

Internal analysis revealed inconsistent market alignment across different classifications

Comprehensive study warranted to address disparities

## 2026 Compensation Study Timeline



# Study Deliverables



## Market Benchmarking

Comprehensive salary comparison across all classifications and peer systems



## Competitiveness Analysis

Detailed assessment of OCERS position in regional and statewide market



## Adjustment Recommendations

Data-driven salary range proposals for Board consideration

## Next Steps

1

December 3, 2025

Process update to Personnel Committee

2

Q1-Q2 2026

RFP and consultant selection

3

Throughout 2026

Regular Personnel Committee progress reporting







# Questions