CIVIL SERVICE RULES

COUNTY OF SOLANO

DEPARTMENT OF
HUMAN RESOURCES

INCLUDING AMENDMENTS THROUGH FEBRUARY 2012

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SECTION I

GENERAL PROVISIONS

1.01 Authority

These rules are adopted under the authority of the Solano County Civil Service Ordinance which was adopted pursuant to the County Civil Service Enabling Act (Government Code Section 31 100 et seq.). Ref.: Ord. No. 632, as amended. (Note: all references are to Ord. No. 632, as amended, unless otherwise indicated.)

1.02 Intent

It is the intent of these rules that they be interpreted broadly on the basis of a reasonable approach to specific problems and situations, that they be considered as a total set of working regulations rather than each Section, Sub-section, sentence or phrase being interpreted in isolation and out of context, and that the following general principles will serve as a broad personnel policy within the County of Solano.

A. Promote and increase economy and efficiency in the conduct of County business;

B. Provide for equitable and uniform procedures for dealing with personnel matters;

C. Provide for the grouping of positions with comparable duties and responsibilities into appropriate classes;

D. Provide for appointment and promotion of employees based on merit as determined by competitive examination, thus assuring the recruitment and retention of well-qualified employees;

E. Assure that County employment is made a career by providing for tenure and advancement within the service whenever practicable;

F. Provide for tenure in Civil Service employment subject to good behavior and efficiency, and for the removal of those who are unqualified, inefficient or undesirable;

G. Provide for the right of employees to appeal from actions taken which affect them adversely and to be heard on all matters with which they are concerned;

H. Assure that every employee will be fully informed as to his duties and responsibilities;

I. Provide each employee with adequate administrative and supervisory direction and that among other things he/she will be informed periodically as to how well he/she is performing his duties and will be helped to improve his level of performance; that progressively improved work performance over an extended period will be recognized and rewarded.

1.03 Non-Discrimination

No person shall be discriminated against because of age, race, color, national origin, ancestry, religious belief or affiliation, political belief or affiliation, medical condition (cancer), physical or mental disability, sex, sexual orientation or marital status. The Civil Service Commission may provide for age limits for persons competing in examinations for classes involving public health or safety or having the powers and duties of a police officer. Positions reasonably requiring the services of a particular sex and fulfill the legal requirements of a bona fide occupational qualification (BFOQ) shall be reserved to that sex only. Employees of the County, including those who are serving their initial probationary period with the County, and those categorized as "Limited Term" or "Extra-Help", former County employees separated from the County because of dismissal, lay-off or resignation, or those who have applied for positions with the County, shall have the right to appeal any action taken which adversely affects them and is based upon such alleged discrimination. (Revised 6/8/94)

l.03l Procedures for Filing a Complaint of Alleged Discrimination

A. Any aggrieved person who is a current or former County employee, and who elects to register a complaint of alleged discrimination may:

1. File an informal or formal complaint at the departmental level or

2. Request conciliation through the Affirmative Action Officer or

3. File a request for a hearing before the Civil Service Commission; with the exception of harassment complaints which do not affect a tangible job benefit.

An aggrieved person may enter the process at any of the three levels, but may not file at two or more levels simultaneously or attempt to go to a lower level.

B. To file a formal complaint at the departmental level, to request conciliation through the Affirmative Action Officer or to request a hearing by the Civil Service Commission, a written complaint must be submitted. This must be done within thirty (30) calendar days following the date the alleged discriminatory activity occurred, or within thirty (30) calendar days after the day the person became aware of it or within ten (l0) calendar days of informal discussion with the appropriate departmental Affirmative Action Representative. The complaint shall be written on forms provided by the Affirmative Action Officer, and shall include but not be limited to:

1. The name, address, occupation of the complainant**.**

2. A specific designation of the person(s) or action(s) causing the alleged discrimination.

3. A clear and complete description of the specific act(s) or omission(s) which are alleged to be discriminatory**.**

4. A clear and complete statement of the relief or corrective action being sought.

5. The complainant may provide his/her own representative, beginning with this step of the complaint process, by indicating the name, address, and occupation of the representative.

C. A copy of the written complaint shall be provided to the respondent department head and the named respondent employee(s). The respondent department head and the named respondent employee(s) shall be given ten (10) calendar days to respond, in writing, to the allegations contained in the complaint.

l.032 Filing of Complaint/Departmental Level

A. Informal Process

l. If a complainant wishes to file a complaint at the departmental level, he/she should first request an informal discussion of the matter with the departmental Affirmative Action Representative of the department from which the complaint originated, or may submit a written complaint to the departmental Affirmative Action Representative. This must be done within thirty (30) calendar days following the date the alleged discriminatory activity occurred, or within thirty (30) calendar days after the date the complainant became aware of it.

2. The departmental Affirmative Action Representative shall hear the complaint; explain the aggrieved person's rights and responsibilities; and complete whatever inquiry may be necessary to resolve the matter for the complainant. The name of the aggrieved person shall remain confidential unless he/she waives confidentiality in writing. Any inquiry at this stage will be necessarily limited by the constraints of confidentiality if confidentiality is not waived.

3. The departmental Affirmative Action Representative shall, within ten (10) calendar days from the first contact with the aggrieved person, attempt to resolve the matter.

B. Formal Process

l. If the employee is not satisfied with the informal resolution process or elects to go directly through the formal process, the employee may file a written formal complaint with the appointing authority through the departmental Affirmative Action Representative of the department from which the complaint originated within five (5) calendar days of the final attempt to resolve the matter informally or within thirty (30) calendar days following the date the alleged discriminatory activity occurred, or within thirty (30) calendar days after the date the complainant became aware of it. Copies of the written formal complaint shall also be sent to the Director of Human Resources and the Affirmative Action Officer.

2. The appointing authority with the assistance of the Affirmative Action Representative shall make whatever investigation he/she deems necessary to allow fair consideration of the situation and shall present a written reply to the employee within fifteen (l5) calendar days. The response shall include a statement informing the complainant of the opportunity to request conciliation through the Affirmative Action Officer or to request a hearing before the Civil Service Commission through the Director of Human Resources. The written reply shall be hand delivered or mailed to the complainant with copies to the Director of Human Resources and the Affirmative Action Officer.

l.033 Request for Conciliation/Affirmative Action Officer

A. A complainant who is not satisfied with the appointing authority's final disposition, may appeal the disposition by submitting the written complaint to the Affirmative Action Officer, within ten (l0) calendar days of receipt of the appointing authority's final disposition. An employee may also choose to go directly to the conciliation process without filing a complaint with the departmental appointing authority. The complaint must be in writing and within the thirty (30) calendar day timeframe as described under Section 1.031 B. The Affirmative Action Officer shall have the option of waiving the timeframes to reasonably reflect the statutes of limitation provided in state and federal equal employment laws.

B. This request for conciliation by the Affirmation Action Officer shall be deemed to be a waiver of any further right to confidentiality and shall be waived in writing on complaint forms provided.

C. The Affirmative Action Officer, or designated representative, may conduct whatever investigation deemed necessary. The investigation shall be completed within twenty (20) calendar days from the date the complaint was received by the Affirmative Action Officer. The findings resulting from the investigation are solely for the purposes of conciliation.

D. Following investigation of the complaint by the Affirmative Action Office, the Affirmative Action Officer will attempt to conciliate the complaint between the employee and the appointing authority, or the appropriate designee. The conciliation effort will take place within ten (l0) calendar days of completion of the investigation.

E. Within forty-five (45) calendar days of the receipt of the complaint by the Affirmative Action Office, the Affirmative Action Officer will issue a letter to the complainant with copies to the Director of Human Resources and the department head regarding the results of the conciliation process. If conciliation is unsuccessful, the Affirmative Action Officer will indicate in the letter the employee's right to request a hearing before the Civil Service Commission.

l.034 <u>Civil Service Commission Hearing (Final Administrative Review Level)</u>

A. The complainant may appeal alleged discrimination to the County Civil Service Commission by filing a request for a hearing with the Director of Human Resources within thirty (30) days following the date the alleged discriminatory activity occurred, or within (30) calendar days after the person became aware of it or within ten (l0) days of discussing the matter with the departmental Affirmative Action Representative or within ten (l0) calendar days of receiving a response from the appointing authority or within ten (l0) calendar days of the issuance of the Affirmative Action Officer's letter regarding results of conciliation.

B. Hearing by the Civil Service Commission

l. Within thirty (30) calendar days of the receipt of the request for a hearing, the Civil Service Commission shall schedule a hearing.

2. The hearing shall be conducted in conformance with Section XIII of these rules.

3. The Civil Service Commission shall take all evidence and testimony into account prior to rendering a final disposition regarding the complaint. The Civil Service Commission shall then render a final disposition within ten (l0) calendar days.

C. <u>Hearing by a Hearing Officer</u>

l. In the alternative, if the Civil Service Commission determines it would be appropriate, it may delegate hearing responsibilities to a hearing officer appointed by the Civil Service Commission.

2. A hearing officer selected by the Commission shall meet the following minimum qualifications:

a. Shall be approved by the American Arbitration Association for employment law matters; or

b. Shall be an attorney with at least 5 years practice in the State of California with an emphasis in employment law.

3. The hearing officer will conduct a hearing in accordance with Section XIII of these rules.

4. The hearing officer shall prepare a recommended decision and forward it to the Civil Service Commission no later than thirty (30) days after the matter was taken under submission by the hearing officer. The recommended decision shall set forth whether the charges of discrimination are substantiated and the reasons therefore.

5. After receiving the recommendation of the hearing officer and reviewing the

written record, the Civil Service Commission may reject or modify the recommendation of the hearing officer. The Civil Service Commission shall render a final written disposition within ten (10) calendar days after taking the recommendation under consideration.

1.035 Complainants Who Are Applicants

A. Applicants for employment who elect to register a complaint of discrimination shall contact the Affirmative Action Officer or his/her designated representative to request a review of the matter. The Affirmative Action Officer shall forward a copy to the Director of Human Resources. This request must be made within thirty (30) calendar days following the date the alleged discriminatory activity occurred, or within thirty (30) calendar days after the date the person became aware of it.

The request shall be in writing and shall include, but not be limited to:

1. The name, address, occupation of the complainant.

2. A specific designation of the person(s) or action(s) causing the alleged discrimination.

3. A clear and complete description of the specific act(s) or omission(s) which are alleged to be discriminatory.

4. A clear and complete statement of the relief or corrective action being sought.

5. The complainant may provide his/her own representative, beginning with this step in the complaint process, by indicating the name, address, and occupation of the representative.

The filing of a complaint shall be deemed to be a waiver of any further right to confidentiality.

B. The County Affirmative Action Officer or designated representative shall, within twenty (20) calendar days, forward a written recommended disposition to the Director of Human Resources with a copy to the respondent.

C. The Director of Human Resources shall, within fifteen (15) calendar days of receipt of the report of findings by the Affirmative Action Officer, make a final disposition of the complaint, and hand deliver or mail such disposition to the complainant. The final disposition shall be delivered or mailed within, but not later than, sixty (60) calendar days after the date the complaint was received by the Affirmative Action Officer.

1.036 General Conditions

A. Failure to Act

If the finding or resolution of a complaint at any step of the procedure is not appealed within the prescribed time, said complaint shall be considered settled on the basis of the last answer provided, and there shall be no further review or appeal.

B. Extension and Curtailment of Time Limits

Any of the time limits set forth may be modified by mutual written agreement between the complainant and the appropriate representatives of the County.

C. Written Records of Complaints

All documents, communications, and records dealing with the processing of a complaint shall be filed in a separate complaint file, and shall not become a part of the personal history file of any County employee.

D. Freedom from Reprisal

An employee or applicant filing a complaint in conformity with this policy shall have freedom from reprisal.

E. County Time

Necessary and reasonable County time for County employees processing a complaint shall be authorized.

F. Valid Appointments

Valid appointments from an eligible list shall not be affected by any subsequent action by the Commission, appointing authority, or Director of Human Resources.

G. Concurrent Filing

Complaints filed and processed through this procedure shall not be filed or processed through any other existing procedure contained within these or other rules, regulations, resolutions, ordinances or Memoranda of Understanding. However, filing of a complaint with state or federal agencies shall not terminate the process provided for in these rules, but the Affirmative Action Officer shall communicate regarding the complaint with the representative of the appropriate agency rather than the employee.

1.04 Validity

If for any reason, any section, sub-section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses or phrases of this ordinance. It is hereby declared that these Civil Service Rules would have been passed and that each section, sub-section, sentence, clause and phrase thereof would have been included irrespective of the fact that any one or more sections, sub-sections, sentences clauses or phrases be declared unconstitutional.

1.05 Amendment of Rules

These rules may be amended or added to by the Civil Service Commission in open hearing following seven days public notice on the Commission Bulletin Board.

SECTION II

DEFINITIONS

The words and terms used in these rules shall have the meaning indicated as follows unless the context clearly indicates otherwise:

2.01 Aggrieved Person:

An employee or applicant for employment who alleges discrimination on the basis of age, race, color, national origin, ancestry, religious belief or affiliation, political belief or affiliation, medical conditions, handicap, sex or marital status in regard to recruitment, appointment, training, promotion, retention, discipline or other aspect of employment. (Rev. 5/77)

2.02 Allocation:

The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibility exercised.

2.03 Applicant:

A person who, according to the rules, has made written application for employment. This does not include so-called interest or registration cards.

2.04 Appointing Authority:

The Board, Commissions, person or groups of persons having lawful authority to appoint or to remove persons from positions in the county service, or persons designated by such appointing authority to perform those duties which legally may be delegated.

2.05 Appointment:

The offer to and acceptance by a person of a position in the County service in accordance with the provisions of the Personnel and Salary Ordinance and these rules.

2.06 Board:

The Board of Supervisors of Solano County

2.07 Certification:

The submission of names of eligibles from an employment list to an appointing authority by the Personnel Director.

2.08 Class:

A position or group of positions established under these rules sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, capacity, knowledge, efficiency, ability and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same schedule of compensation can be made to apply with equity.

2.09 Classification Plan:

The arrangements of positions into the classes together with specifications describing each class.

2.10 Commission:

Shall mean the Civil Service Commission of the County of Solano.

2.11 Complaint:

An aggrieved person who has filed a formal complaint of discrimination(Rev. 5/77)

2.12 Coordinator:

The County Affirmative Action Coordinator as designated by the Director of Personnel. (Rev. 5/77)

2.13 County:

Shall mean the County of Solano and special districts governed by the Board of Supervisors.

2.14 Demotion:

The movement of an employee from one class to another class having a lower maximum rate of pay, excluding reclassification.

2.15 Departmental Affirmative Action Representative:

An employee assigned to a County department trained in equal employment opportunity procedures and counseling techniques and officially designated by the appointing authority to provide informal counseling on matters pertaining to discrimination. (Rev. 5/77)

2.16 Director:

The Director of Personnel of the County of Solano. (Rev. 5/77)

2.17 Discrimination:

Refers to any act which constitutes different, non-job-related treatment in regard to recruitment, appointment, training, promotion, retention, discipline, or other aspects of employment because of age, race, color, national origin, ancestry, religious belief or affiliation, political belief or affiliation, medical condition, handicap, sex or marital status. (Rev. 5/77)

2.18 Dismissal:

An involuntary separation of an employee from County service by an appointing authority for disciplinary.

2.19 Eligible:

A person who has successfully passed all publicly announced competition (including examinations) for a class and whose name is placed on an employment list or maintained in an eligible list.

2.20 Employee:

Means a person who is legally an incumbent of a position in the non-exempt or exempt service, or who is on an authorized leave of absence; any elected official or his exempt appointees; any regular employee who temporarily accepts appointment to an exempt position in the County service.

2.21 Employee Representative:

An individual designated in writing by a complainant as a lawful spokesperson having full and complete authority to effect final resolution of all issues on behalf of the complainant except at the informal inquiry stage in the discrimination complaint procedure. (Revised 5/77)

2.22 Employment List:

A list in rank order of those qualified for employment in a class. There are three types of employment lists: re-employment, promotional and open.

2.23 Examination:

A. Assembled Examination: A test or tests conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.

B. Unassembled Examinations: A test or tests consisting of an appraisal of training, experience, work history, or any other means of evaluating the relative qualifications of applicants.

C. Open Competitive Examination: An examination in which both employees and the

general public may compete, provided all competitors meet the announced requirements.

D. **Promotional Examination:** An examination in which regular employees may compete, provided they meet the announced requirements. Competition may be departmental or County-wide.

2.24 Exempt Positions:

Positions to which appointment may be made directly. Incumbents serve at the pleasure of the appointing authority.

2.25 Extra Help Employee:

A person who is employed for the purpose of relieving or augmenting regular staff in the accomplishment of work. Extra help employees shall not be used to circumvent filling of regularly allocated positions except on a temporary basis and cannot work more than 999 hours in a fiscal year. Extra help employees shall be excluded from civil service and shall not have the property rights to regular or continued employment. Time spent in such an appointment shall not constitute a part of the probationary period.
(Revised 11/08/95)

2.27 Formal Complaint:

A written complaint by an aggrieved person which states clearly the basis for an allegation of discrimination, its cause or result and the relief sought. (Revised 5/77)

2.28 Grievance:

An issue raised by an employee relating to his employment status, rights, benefits or conditions of employment.

2.29 Handicapped Individual:

Any person who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (b) has a record of such impairment; or (c) is regarded as having such an impairment. (Revised 1/14/81)

2.290 Interested Eligible:

Any candidate currently available and interested in appointment to a position for which they have been certified. (Revised 6/11/80; to be effective 8/14/80)

2.30 Layoff:

Termination of service without fault on the part of the employee, because of lack of work, lack of funds, or other problems unrelated to the employee's job performance.

2.31 Limited Term Position - Regular:

A position established on a full-time or part-time basis, but with an understood termination date. Position allocated as limited term-regular shall accrue all benefits of the class including seniority under Section 7.100 of Civil Service Rules.
(Revised 2/11/87)

2.31.1 Limited Term Position - Project:

A position established only for the duration of a specific project. The incumbent employee does not accrue seniority nor have bumping rights under Section 7.100 of Civil Service Rules. The employee terminates at the predetermined end of the project. Project employees shall be entitled to same benefits as limited term regular. (Revised 2/11/87)

2.32 Medical Conditions:

Any health impairment related to, or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical advice.
(Revised 5/77)

2.33 Personnel and Salary Ordinance:

The Personnel and Salary Ordinance prescribes the conditions of employment, benefits, and salary plan administration for all officers, employees and other persons employed by the County of Solano.

2.34 Position:

A group of current duties and responsibilities assigned by competent authority requiring the full-time or part-time employment of one person.

2.35 Probationary Employee:

An employee who is serving a probation period and is employed in either a regular full-time or regular part-time or regular part-time intermittent position. (Revised 11/08/95)

2.36 Promotion:

The movement of an employee from one class to another class having a higher maximum rate of pay.

2.37 Promotional List:

A list of names of County employees who have passed a promotional examination for a class in the classified service and ranked in the order of score earned.

2.38 Provisional Appointment:

An appointment made in the absence of an appropriate employment list as provided for in these rules. Only the Personnel Director may authorize a provisional appointment. An appointment in this status is limited to 60 days, (30 days after June 30, 1968) after the establishment of a new eligible list or a maximum of 6 months, whichever shall occur sooner.

2.39 Provisional Employee:

An employee holding a position under provisional appointment, pending a competitive examination for the class.

2.40 Rank:

A score obtained by one or more individuals on an eligible list.

2.41 Reclassification:

A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty, and/or responsibility of duties performed in such position.

2.42 Regular Employee:

An employee who is not on probation and is employed in either a regular full-time or regular part-time position.

2.43 Regular Full-Time Position:

A position established on a permanent year around basis requiring work on a regular schedule of at least 40 hours per week.

2.44 Regular Part-Time Position:

A position established on a permanent year around basis requiring work on a regular schedule of less than 40 hours per week.

2.45 Regular Part-Time Intermittent Employee:

An employee who is not on probation and is employed in a regular part-time intermittent position. (Established 11/08/95)

2.46 Regular Part-Time Intermittent Position:

A position established on a permanent year round basis requiring work on an on-call or irregular basis averaging 20 or more per week, but less than 40 hours per week or 80 hours a pay period. Employees who fill these positions augment regular staff when there is a need to maintain adequate work coverage. Non-salary related benefits would be based upon allocation of the position. (Established 11/08/95)

2.47 Reinstatement:

The reappointment of a former employee within one year after separation.

2.48 Reprimand:

A statement to an employee by an appointing authority for disciplinary purposes. A reprimand is formal if it is in writing and filed with the Personnel Director.

2.49 Requested Resignation:

A resignation requested by an appointing authority.

2.50 Resignation:

The voluntary action of an employee which separates him from his position. Once submitted to an appointing authority, a resignation may not be withdrawn without the concurrence of the appointing authority. (Unless it was given be reason of fraud, undue influence or pressure.)

2.51 Separation:

Any termination of employment. Termination may include death, discharge, layoff, resignation, retirement or work completion

2.52 Series:

Means two or more classes of positions with duties substantially similar in nature and character, but differing in level of difficulty, responsibility, and perhaps supervisor.

2.53 Suspension:

An involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

2.54 Transfer:

This term may have either of two meetings:

A. The movement of an employee from one department to another, and maintaining the employee's same classification. (Revised 11/12/80)

B. The movement of an employee from a position in one classification to a position in another, comparable classification. (Revised 11/12/80)

2.55 Types of Service:

Service refers to the number of hours an employee works and to the regularity with which he works. Service does not refer to an employee's employment status - i.e., permanent, probationary, provisional.

There are four basic types of service:

A. **Regular full-time:** A regular full-time employee works the normal number of working hours as defined in the Personnel and Salary Ordinance.

B. **Regular part-time:** A regular part-time employee works a fraction of the work month, but normally follows a predetermined fixed pattern of working hours.

C. **Extra Help:** An extra help employee may work a normal work day or a fraction thereof, but such work is done at department peak load periods or under urgent conditions which last a limited period of time and may not have a set pattern.

D. **Limited Term:** A limited term employee works on a full-time basis but with an understood termination date.

2.56 Types of Status

There are three types of status. They are acquired as follows:

A. **Permanent:** Acquired by an employee who has been lawfully retained in his position after the completion of the probationary period as provided in the Personnel and Salary Ordinance.

B. **Probationary:** Acquired by an employee who has been certified and appointed, but who has not completed the probationary period as provided in the Personnel and Salary Ordinance.

C. **Provisional:** Acquired by an employee who possesses the minimum qualifications established for the class and who has been appointed to fill a position for which no eligibles are available.

2.57 Waiver:

Waiver means the voluntary relinquishment by a candidate of his standing on an employment register for one or more certifications, or for a specified or unspecified period of time.

2.58 Veteran:

Any person who has served at least 181 consecutive days of active duty in the armed forces of the United States, who has received an honorable discharge or a general discharge under honorable conditions. (Approved 5/20/87)

2.59 Disabled Veteran:

Any veteran as defined herein who has a service connected disability rated at not less than 30 percent by an authorized agency of the United States government. (Approved 5/20/87)

SECTION III

ADMINISTRATION

3.01 Meetings of the Civil Service Commission

A. The Civil Service Commission shall meet at least monthly, normally on the second Wednesday of the month, at the hour and place designated by the President. It may meet at other times at the call of the President or of a quorum of the Commission, (providing four days notice is given).Ref.: Ord. No. 632, Sec II.

B. Except for matters of internal administration of the Commission which relates to personnel, all meetings of the Commission shall be open to the public.

C. Three members of the Commission constitute a quorum and it shall take three affirmative votes to make any action effective.

D. The agenda for meetings of the Commission shall be prepared by the Personnel Director. Emergency matters not on the agenda may be considered with the consent of a majority of members present.

E. All matters presented to the Commission shall be agendized. The agenda shall be submitted in advance with all appropriate documentation submitted to the Commission prior to the meeting. In the event additional documentation; i.e., correspondence, memos, reports, etc. is submitted during consideration of any matter before the Commission, the Commission reserves the right to hold the matter over so that the new material may be properly reviewed. (Approved 6/10/87)

F. The Personnel Director shall conspicuously post a copy of the agenda at least 4 days prior to each meeting of the Commission. The deadline for inclusion of items on the Commission agenda shall be 5 days prior to the meeting date. For regular Wednesday meetings, the agenda cut-off is close of business on the preceding Friday. A copy of the agenda shall be sent to each Commission member, to the County Administrator and to the recognized employee organizations at least 4 days prior to each meeting. The Personnel Director may make such other distribution as he considers appropriate. Ref.: Ord. No. 632, Sec V (t).

G. At the first meeting during each calendar year, one member shall be elected President and one member shall be elected as Vice President. The President shall preside at meetings of the Commission and shall represent it as required. The Vice President shall preside in the absence of the President.

3.02 Personnel Director

A. The Personnel Director shall be the Executive Officer and the Secretary of the Civil Service Commission. The Personnel Director shall attend all meetings of the commission. He shall also perform all duties, powers, purposes and functions of the Commission except those expressly reserved to the Commission by statute, ordinance or these rules. Ref.:Ord. No. 632, Sec. III.

B. The Personnel Director may further delegate duties to members of his staff as appropriate.

C. In order to provide for an effective personnel program for the County the Personnel Director shall meet and confer with the County Administrator and the various County officers and department heads as needed. He shall assist them as far as possible in the implementation of their personnel programs.

D. In order to maintain an effective program of employee relations the Personnel Director shall meet and confer with the recognized employee organizations. He shall attempt to maintain their cooperation in the development and extension of an effective personnel program.

3.03 Personnel Records

A. The Personnel Director shall maintain a file of the proceedings of the Civil Service Commission and of its activities. He shall obtain from appointing authorities necessary records concerning individual employees and shall maintain them in a central location. Ref.: Ord. No. 632 Sec.V (a) and (u).

B. Except for his name, current classification and department, dates of employment, and salary, the personnel records of each individual employee are confidential. Other personnel records shall be made available only to the employee, to a person specifically authorized by the employee or to an appointing authority or his representative for an official purpose.

3.04 Annual Report

Each year, on or before February 15, a report shall be prepared and submitted to the Board of Supervisors. The report shall contain information and statistical data relating to the County employment, the personnel program and the activities of the Civil Service Commission. The report may contain recommendations for action by the Board for improvement of the County's personnel program. The Personnel Director shall prepare a draft of the annual report and place it on the agenda for consideration by the Commission. The Commission shall make such changes as are appropriate and submit the report to the Board of Supervisors. Ref.: Ord. No. 632, Sec. V (b).

3.05 Contracts for Personnel Services

When a need for the conduct of personnel administration services has been identified, the Personnel Director shall report this to the Civil Service Commission. He shall describe the nature and extent of the Services needed and shall recommend appropriate action. The Commission shall report such need to the Board of Supervisors for action. Ref.:Ord. No. 632, Sec. VII.

SECTION IV

RECRUITMENT AND APPLICATIONS

(Revised 1/8/97)

4.01 Advertising of Examinations

Public announcement of all open competitive examinations shall be posted in the office of the Human Resources Department for at least 5 working days. Announcements may be posted elsewhere, copies mailed to interested applicants, or other forms of public notice may be used to attract qualified applicants.

Announcements shall include:

A. The class title

B. The compensation for the classification

C. A statement of duties and responsibilities

D. The time and last date on which applications may be filed

E. The location where completed applications must be returned

F. The qualification guidelines for the class

G. A statement explaining the examination/selection process

H. The notice that a minimum exam score of 70% is required to pass

I. Such other information as will help applicants understand the nature of the employment and the procedure for participating in the examination.

4.02 Method of Recruitment

The Director of Human Resources shall determine the recruiting plan that in his/her judgment will result in the most successful recruitment possible within practical limitations of budget, time, and needs of the County departments.

4.03 Continuous Recruitment

For classifications with high turnover, or classifications that are difficult to fill with qualified candidates, the Director may establish a continuous recruitment process and accept applications for such classes at any time during the year. Applications may be acted upon when received, or when the operating department requests that a position(s) be filled.

4.04 Application Form

Official County application forms shall be provided by the Department of Human Resources and shall be filled out completely and signed by each applicant. Applicants applying for more than one recruitment shall file an application for each.

4.05 Filing Deadline

Applications must be received by the Department of Human Resources not later than 5:00 p.m. of the last day for filing.

4.06 Change of Address

Applicants are responsible for the timely notification in writing to the Department of Human Resources of a change in address.

4.07 General Qualifications

In addition to those otherwise stated, all applicants must possess the following qualifications:

A. United States Citizenship or status as a legal resident alien eligible for employment under the provisions of the Immigration Reform and Control Act of 1986.

B. Integrity, honesty, moderate temperament, strong work ethics and ability to perform the essential elements of the position with or without accommodation.

4.08 Oath

Every applicant selected for County employment shall take an oath, or affirmation if his/her religious beliefs do not condone oaths, to uphold the Constitution of the United States and of the State of California.

4.09 Notice of Action on Application/Right of Appeal

All applicants will be notified of the acceptance or rejection of their application. Applicants who fail to meet the qualification guidelines may file their appeal in writing with the Director of Human Resources whose decision shall be final.

A. Applications found incomplete or deficient must be corrected by the final filing date.

B. Requirements of minimum qualifications must be satisfied no later than the final filing date.

4.10 Evidence of Qualifications

A. Applicants for positions which are scientific, professional, or technical, or the duties of which require special qualifications may be required to provide documentary evidence of the required level of education, training and/or experience.

B. Applicants for positions requiring college graduation may be required to furnish a transcript of their college course work as well as a copy of their diploma.

C. Whenever college training is allowed to substitute for work experience, such education may be required to be documented with an official transcript indicating successful completion of the necessary course work.

D. When an applicant is not a high school graduate, but such graduation is a requirement, 15 completed semester units (or the equivalent quarter units) from an accredited college may be accepted in lieu of the high school diploma.

4.11 Applications Not Returned

Applications whether accepted or rejected shall not be returned.

4.12 Applications Confidential

Names of applicants for County positions are confidential information and shall not be made public, unless authorized by the applicant or compelled by legal process.

4.13 Disqualification of Applicants or Candidates

The Director of Human Resources may refuse to examine an applicant or after examination may disqualify a candidate, or remove the name from the eligible list for any of the following reasons: Any person

A. Who is found to lack any of the requirements or qualifications established for the examination.

B. Who is physically unfit to perform the duties of the class.

C. Who is addicted to illegal drugs or the habitual use of alcohol to excess and is not entitled to the protections of the Americans with Disabilities Act.

D. Who presents evidence of immoral, infamous, or disgraceful conduct.

E. Who has been convicted of or pled nolo contendere to a felony or misdemeanor if the Director determines that there is a rational relationship between the felony or misdemeanor and the position for which application is made. In making the determination, the Director shall consider the duties and responsibilities of the position, the nature of the felony or misdemeanor, the length of time since the conviction/plea, and the circumstances surrounding the conviction/plea and the individual's subsequent record. In the case of an applicant or eligible for peace officer as defined in Government Code Section 830 et seq., a felony conviction shall automatically disqualify the individual.

F. Who has been discharged from the Armed Forces under conditions other than honorable.

G. Who has submitted a false, incomplete, misleading or late application.

H. Who has been approved by the Director of Human Resources to be removed for job related reasons upon the written request of the appointment authority.

I. Who has been previously dismissed from public or private employment or has resigned to avoid such dismissal for any of the reasons listed in this section.

A disqualified applicant, candidate, or eligible shall be promptly notified of such action. Individuals electing to appeal any phase of the examination or selection process shall file their appeal following the procedure set forth in Section 4.12 or 5.29 of these rules. Persons alleging discrimination may elect to have their complaints processed through the discrimination complaint procedure in accordance with Section 1.03, but shall not file under both sections.

4.14 Penalty for Fraud

A County employee who has made a false statement of material fact or has practiced any deception, fraud, or misconduct in connection with his/her application may be subject to disciplinary action up to and including discharge.

SECTION V
EXAMINATIONS

(Revised 1/8/97)

5.01 Establishing Selection Procedure

The Director of Human Resources has the authority to establish examinations and examination selection procedure when in his/her discretion and judgment such procedures are called for. The Director shall make the final decision as to whether an open or promotional examination will best serve the interests of the County.

5.02 Scheduling Examinations

The Director of Human Resources shall schedule examinations as the current and anticipated needs of the County require with due consideration to current departmental workload. Scheduled examinations may be postponed or cancelled by the Director by notifying all persons affected and posting public notice.

5.03 Types of Examinations

All examinations shall be competitive in nature, but may consist on one or more of the following forms of examination:

A. Written tests;

B. Oral interview appraisal;

C. Evaluation of education and experience;

D. Performance of tasks required; and

E. Other recognized objective methods of determining proficiency.

5.04 Competitive Examinations

Except as provided in Item 5.11 of this Rule, all examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when a single applicant's score is compared to a set standard score.

5.05 Preference Points for Competitive Open Examinations

Applicants for competitive open examinations may qualify for one of the following types of preference points. Only one type of preference point may be applied in any particular recruitment.

A. Promotional Preference for Competitive Open Examinations

Regular County employees receiving a passing score in an open competitive examination shall receive five (5) percentage points added to their combined score providing:

1. they have satisfactorily completed their initial probationary period, and

2. they have the equivalent of at least one year of continuous full time County employment by the date of the exam.

In the event that an eligible separates from County service, such promotional preference points shall be subtracted from the total score, and a new position on the eligible list established as of the day following the effective date of separation.

B. Veteran's Preference for Competitive Open Examination

Veteran applicants for employment with an honorable or general under honorable conditions discharge shall have five (5) points added to their combined score. Disabled veterans (rated at not less than 30 percent disability) shall have ten (10) points added to their combined score. Veterans Preference points will only be added to passing scores in competitive open examinations.

5.06 Promotional Examinations/Promotional Preference Points

As the needs of the County may require, promotional examinations may be conducted from time to time. In the event an examination is limited to a Department, the class involved must also be limited to that Department. County wide promotional examinations shall be conducted when the class involved is allocated to more than one department; however, eligibles shall be certified in accordance with Section 7.01 (b) of these rules.

A. Eligibility

Candidates for promotional examinations must be County employees at the time of application for the exam and must possess the minimum qualifications as set forth in the promotional exam announcement.

1. An employee on probation may compete in a promotional exam.

2. An extra-help employee appointed from an employment list may compete in a promotional exam.

3. When a person separates from County employment, his/her name will be removed from any and all promotional employment lists.

B. Preference Points

County employees receiving a passing score in a promotional examination shall have five (5) percentage points added to their final score, providing:

1. They have satisfactorily completed their initial probationary period, and

2. They have the equivalent of at least one year of full time County employment by the date of the exam.

5.07 Examination Policy for Flexibly Staffed Classes

All limited term or regular employees of the County may be promoted from the training or entry level to the working or journey level without further examination in flexibly-staffed classes if approved by the Director of Human Resources.

5.08 Examinations for Continuous Recruitments

As periodic examinations are given for continuous recruitments, the names of all applicants who qualify in the examinations are placed on a single eligibility list for that class. The scores of the successful candidates are merged with those already on the list. After one year on the list, a candidate's name will be automatically removed from such list but the remainder of the list will continue as new additions occur.

5.09 Application Appraisal

A competitive rating may be given on the basis of education, training, and experience where the announcement of examination provides notice of such evaluation and the applicants are given the opportunity to file statements of their qualifications. The top rated applicants may be required to compete in further tests.

5.10 Reasonable Minimum for Examination

When an examination procedure has been publicly announced and the number of candidates obtained is seven or less, the Director of Human Resources may at his/her discretion, either:

A. Consider the recruitment closed as scheduled. Conduct a formal appraisal of applications to rank the acceptable candidates for submission to the appointing authority.

or

B. Revise the examination process to meet the practical considerations presented by the specific circumstances.

5.11 Notice of Examination

Each applicant accepted for examination shall be notified in writing of the date, time and place of the examination.

5.12 Inability to Appear for Written Examination

In the event an applicant is unable to appear at the designated time and place for a written examination, s/he must forego the competition on that examination unless s/he submits in writing one of the following reasons for inability to appear:

A. S/He is a member of a religious group which observes the designated testing day.

B. Through an oversight on the part of the Department of Human Resources, the candidate was given no notice or insufficient notice to appear.

C. S/He is a student at an institution of higher learning and is involved in final examinations at the designated testing time.

D. A County employee who is required on an emergency assignment may be examined at another time.

E. A member of an active reserve unit who will be on active duty on the test date may be examined on the working day immediately before the scheduled test date, or the working day immediately following the test date.

5.13 Admittance to Examination/Late Arrivals

A. Applicants invited to the examination shall be admitted to the exam upon acceptable proof of identity. Such proof shall mean an official picture identification card.

B. The chief proctor of an examination shall decide whether an applicant arriving late for an examination shall be admitted to the examination based on when the applicant arrives, and any extenuating circumstances.

5.14 Collusion or Cheating

The proctor of an examination may warn a candidate whom he suspects of cheating. If such candidate persists in suspicious conduct, the proctor shall gather the test material from the candidate and refuse to allow him/her to continue and request that they leave the test site.

5.15 Right to Challenge Test Questions

A candidate who finds an ambiguous or doubtful question or item upon an examination must call it to the attention of the proctor either during or immediately after the examination. The proctor will then record the nature of the doubt and notify the Department of Human Resources. The Department of Human Resources will establish from competent authority that the item is proper or eliminate the item if it proves to be improper.

5.16 Oral Interview Board

A. An examination may include an interview for the purpose of appraising personal fitness of candidates.

B. Interview boards shall be appointed by the Personnel Director or his delegate. Names of potential oral board members may be suggested by the operating departments for consideration by the Personnel Director.

C. Interviewer board members shall score each candidate on the forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewer's scores shall be in numerical form based on percentage with 70% as the minimum passing grade and 100% as the maximum score. Candidates who are deemed unacceptable shall receive a score of 65. Each board member rating a candidate as unacceptable will note the reasons on the interviewing rating form.

D. Departmental representatives shall not be permitted as observers in the oral interview room during candidate interviews.

5.17 Interview Board Majority Governs

In the event that certain members of the oral board give the candidate ratings of 70 or higher while other members give the same candidate ratings below 70, the majority rating will govern regardless of what the average rating may be. Thus if there are three members on the rating board and their ratings are respectively 70, 65 and 70, the candidate would be considered as passing despite the fact that the single arithmetic average is below 70. Where the normal arithmetic average is "forced" in this fashion below or to 70, then the average will be considered to be 65 or 70 depending upon whether it is a "forced" failing or passing rating. When the numerical average of these scores is above 70 the candidate shall receive the higher score even though one rate failed the candidate (i.e. 65, 75, and 85 = 75). When the oral board is composed of two members, both must pass or fail the candidate; otherwise, he is given a "forced" 70 and passed.

5.18 Departmental Representative on Interview Board

Whenever an interview board convenes for the purpose of appraising the qualifications of candidates, the Director of Human Resources may authorize one representative of the department for which the examines are being rated to appear and act as a rating member of the interview panel provided that the person representing the department on this panel must not be the same person who will participate in the departmental employment interview.

5.19 Oral Examinations

Failure to appear for an oral examination shall void the whole application. If the candidate wishes to compete on a subsequent examination, s/he must reapply and take any tests involved in the examination process.

5.20 Use of Whole Numbers

In the marking of examination papers and in computing scores for each candidate, all figures shall be rounded to the nearest whole number.

5.21 Weighing Sub-Tests

In examinations composed of several tests which are scored independently, weights may be

assigned to each test representing the relative value in ascertaining the score of the applicant. This weight shall be multiplied by the candidate's score in that test; the sum of the resulting products shall be the final examination score of the candidate.

5.22 Qualifying Score or Rating

In all examinations the minimum score or standing for which eligibility may be earned shall be based upon all competitive factors in the examination. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination or as disqualified for subsequent parts of the examination.

A. Unless otherwise provided in the examination announcement, applicants shall be required to attain a score of not less than 70%, in each part of the examination.

B. In examinations the 70% used to represent the minimum score need not be the arithmetic 70% of the total possible score, but may be an adjusted score based on a consideration of the difficulty of the tests, the quality of competition, the needs of the service, and other pertinent factors.

5.23 Examination Results Notice

As soon as the rating of an examination has been completed and the eligible list established, each candidate shall be notified by mail of the result of the examination, and if successful, of his/her examination final score.

A. Any candidate may, within ten days after the date upon which the notices of the written examination results were mailed request to review his/her answer sheet and compare it with a “key” answer sheet to determine the accuracy of his/her score. Exam questions will not be available. For those exams obtained from professional psychometric organizations, a request can be made to have that organization double check his/her score.

B. The application and examination records of applicants are confidential records which may be reviewed by appropriate appointing authorities in accordance with procedures established by the Director of Human Resources.

C. Candidates may not view the examination rating forms or the written comments of the oral board raters.

5.24 Appeals from Disqualification in Further Examinations and Selection

A. Individuals electing to appeal their disqualifications in any phase of the examination or selection process, except those provided for in Section 4.12 of these rules, shall, within five (5) working days of the receipt of the action, but in any event no later than the next scheduled examination date, file a written statement with the Director of Human Resources setting forth:

1. The action being appealed

2. The specific basis for the appeal

3. The relief sought

B. Within five (5) working days from the receipt of a timely appeal, the Director of Human Resources shall complete an investigation. The individual shall be promptly notified of the results of the investigation and advised of any rights and responsibilities for further appeal.

C. An individual may appeal the decision of the Director of Human Resources to the Civil Service Commission by filing a written request to do so with the Director of Human Resources within five (5) working days following the written notification of results by the Director of Human Resources.

D. Scheduling of a hearing date will be placed on the agenda of the next regular meeting of the Civil Service Commission.

E. When the Commission grants an appeal from disqualification by an oral board, the candidate shall be given a minimum rating as given for the oral interview phase of the examination, which shall be combined with the score from any other phase of the examination to constitute the candidate's total score. The applicant's name shall then be placed on the eligible list in the order which his/her total combined score provides.

F. Valid appointments from an eligible list shall not be affected by any subsequent action by the Commission which affects the eligible list.

SECTION VI

EMPLOYMENT LISTS

6.01 Establishment of Employment Lists

As soon as possible after the conclusion of an examination the Personnel Director shall prepare and keep available an employment list consisting of the names of persons successfully passing the examination, arranged in order of final ratings earned, from the highest score down to the lowest passing grade. The final rating shall be determined by the total of the scores earned by each applicant for each part of the examination, based upon the relative value assigned to each part of the examination before the examinations are given.

6.02 Change of Address

Applicants whose names are placed upon an eligible list shall notify the Personnel Department of any change of address while their names remain on such list or while they are employed by the County.

6.03 Effective Date of Eligible List

An eligible list shall be in effect from the date on which it is approved by the Personnel Director.

6.04 Duration of Eligible List

An eligible list normally expires after one year unless extended by the Director of Personnel. An eligible list may be abolished soon when fewer than five names remain or when the Director of Personnel determines it to be in the County's best interest. (Rev. 6/11/80; to be eff. 8/14/80)

6.05 Use of Eligible List

The appointing authority shall have authority to appoint any eligible certified to him by the Personnel Department.

6.06 Removal of an Eligible from an Employment List

An eligible shall be removed from the employment list after being certified for the same classification five times without being appointed.

6.07 Duration of Performance Test Eligibility

The maximum period of eligibility resulting from a successfully passed performance test shall be:

A. In the case of an employee, they will be valid so long as the employee remains in a classification requiring the appropriate skills. When the employee vacates a classification requiring performance skills for more than one year he will be required to retake the appropriate test in order to be eligible for classifications requiring these skills again.

B. One year from the date of the test for an applicant who has never worked for the County.

C. One year from the termination date in the case of a former County employee who left in good standing providing the former employee is hired in a class requiring the same or lower skills.

D. If the employee is being considered for promotion in another department and performance eligibility was determined over one year ago, the employee may be required to take the performance test again so that the interviewing department may compare current skills of all candidates. This performance result shall in no way affect the employee's current status.

6.08 Waiver Privileges

Only eligibles who present satisfactory reasons for being unavailable at the time of a certification may request retention of their name upon the eligible list. Determinations as to whether the reasons for waiving are considered satisfactory will be made at the discretion of the Director of Personnel. Eligibles may indicate availability after a future date or for the next employment interview. Failure to respond to an employment interview notice within the specified time will be interpreted as current disinterest in the position, and the application will be placed in the inactive file. The name will be removed from the eligible list. An eligible's name shall be automatically removed from the eligible list when a maximum of three satisfactory waivers of any full time certification have been accepted. (Revised 6/8/77)

6.09 Alternate Eligible List

Where no eligible list is in existence for a classification, certification may be made from a list created for another class of the same or higher rank in the same or in a related series, if the duties of the class for which the examination was given include substantially all of the duties of the position to be filled; provided that the Personnel Director finds that the use of the list is in the best interest of the County and that the necessary skills and knowledge were adequately tested in the examination.

A. When a vacancy exists in a position authorized on the Position Allocation List, an appointing authority, in lieu of filling the vacancy in the class authorized, may, with the approval of the Director of Personnel, fill the position at a lower related class level, provided:

1. There is no current appropriate eligible list for the higher class, and such a

list exists for the lower class.

2. The typical tasks, duties and responsibilities required of the higher class include those of the related lower class.

The appointing authority may subsequently fill such position at the class level established in the Position Allocation List, provided such action does not displace an incumbent with permanent status.

6.10 Order of Lists

If more than one employment list exists for a class, the list shall be certified in the following order: re-employment lists, promotional employment lists, reinstatement employment lists and open employment lists. Re-employment lists shall have the names certified one at a time. (Ref. Ord. No. 632, Sec. V (k, n, o).

SECTION VII
CERTIFICATION, APPOINTMENTS & STATUS

7.01 Certification

A. The appointing authority shall be entitled to certification of the top three (3) ranks from the employment list for any number of openings. Additional ranks may be certified only when the certification to a particular opening would contain less than four (4) more names than the number of openings; or when the number of interested certified eligibles is less than four (4) more than the number of openings, or the Director of Human Resources has determined it is appropriate for the following classes: Correctional Officer (Entry), Correctional Officer, Deputy Probation Officer (Entry), Deputy Sheriff (Entry), Deputy Sheriff, Group Counselor (Entry), Public Safety Dispatcher (Entry), Sheriff's Services Technician, and Sheriff's Security Officer. (Rev. 3/12/08) An eligible may not be certified to the same department more than two times unless specifically requested by the department head. Certification to the same department the second time will constitute a waiver of future openings in a given department for the life of the specific employment list.

B. In the case of certification from an eligible list promulgated on a continuous open basis, or from County-wide promotional only competition, an appointing authority shall have the option to request certification of eligibles in rank order in accordance with (a) above: or may request certification of those eligibles on the list who are current employees in the appointing authority's department in accordance with their order on the list.

If fewer than the required number of ranks from the appointing authority's department are on the list, additional ranks shall be certified from the top of the list in accordance with (a) above. If more than the required number of ranks from the appointing authority's department are on the list, only the required number will be certified in rank order. (Revised 7/21/76)

7.02 Appointments by Authority

A. All appointments to positions in the classified service shall be made by the head of the department. Department heads shall appoint only from among those persons who are certified to them by the Personnel Department as being eligible for the particular classification. If a position in the same class in the same department becomes vacant within 6 months of the original certification, the department may appoint from a recertification without re-interviewing the original eligibles certified. In exercising this option, the department will notify the certified eligibles of their right to waive the interview and still be considered for the position. The department will interview those certified eligibles who wish to be interviewed. (Revised 9/10/86)

B The Director of Personnel may authorize the appointment of an extra-help employee to a vacant regular position provided:

1. The department head has requested the appointment on the approved requisition;

2. The eligible list from which the employee was appointed extra-help is still current;

3. The regular position is in the same classification and department as the extra-help position;

4. The extra-help employee was among the highest ranks available and certified to the extra-help position;

5. The employee must pass a County physical examination; and

6. The employee must have been in the extra-help position for at least three (3) months.

7.03 Appointment Procedure

The appointing authority shall not make his appointment prior to either interviewing all candidates certified or until the candidate response time has elapsed.

A. The appointing authority shall be permitted to examine applications and any reports of investigation of the eligible certified.

B. Upon determination of his selection, the appointing authority shall notify the successful candidate in writing and shall notify the Personnel Department by telephone so that the candidates may be certified to other openings.

C. After confirming his selection with the successful candidate, the appointing authority shall notify other certified candidates that a selection has been made.

Nothing in this rule is intended to bar the appointing authority from further investigating any candidate as long as the candidate's present employment is not jeopardized.

7.04 Provisional Appointment

A. Requests for provisional appointments must be submitted in writing to and approved by the Personnel Director. Appropriate justification must be included. An appointment in this status is limited to 60 days (30 days after June 30, 1968) after establishment of a new eligible list; or a maximum of six months in any twelve consecutive months when there is no employment list available.

B. All persons appointed on a provisional basis must possess the minimum qualifications for the position.

C. Rule 7.02 shall apply even though the provisional appointee passes the required examination and gains a position on the eligible list.

7.05 Extra-help Appointment

An employee appointed to an extra-help position must meet all the requirements of the corresponding regular position.

It shall be the appointing authority's responsibility to inform extra-help employees of the expected duration of employment and that time spent working extra-help shall not be credited to the probationary period or used for computing employee benefits accruing under regular County employment, except as provided under Division III, Section 10 of the Personnel and Salary Resolution.

7.06 Extra-help Conversion

Extra-help conversion is the changing of status of the position and incumbent employee from extra-help to regular.

An employee certified and appointed to an extra-help position from an appropriate eligible list may retain such position if it later becomes an allocated regular position, and the incumbent passes a County physical examination. Minimum duration of extra-help appointment shall be three (3) months.

If an extra-help employee was appointed from an eligible list which has since expired, the employee remains eligible for regular appointment if that employee's extra-help position later becomes an allocated regular position. In this case, the extra-help employee's eligibility for certification to the newly allocated regular position shall supersede new eligible lists provided the initial extra-help appointment was made in accordance with normal procedures for hiring permanent employees. (Revised 11/4/81)

7.07 Extra-help Separation and Referral

Referral or appointment of an extra-help employee (currently working) to other positions within the County service shall be conditional upon the written approval and performance evaluation of the department in which he/she is currently employed.

7.08 Fingerprint Investigation

Each eligible appointed to County service shall be finger printed and photographed. Such fingerprint records will be filed in the Personnel Department after the County Sheriff's Department checks the record with the California Identification and Investigation Agency and the Federal Bureau of Investigation.

7.09 Reinstatement

Within one year after separation in good standing from County service, an appointing authority may appoint a former employee to a position in the class from which he separated. An employee who separates in good standing may be reemployed in the same class, or in the absence of an eligible list, in a lower class in the same occupational series without written examination if he is appointed within one year after terminating service and if he meets the current minimum qualifications. All such reinstated employees shall serve a 6-month probation period. Such appointments shall be made at the recruiting step of the salary range, unless otherwise requested by the appointing authority and approved by the Director as permitted by the Personnel and Salary Ordinance, VI B 1. Ref.: Ord. No 632, Sec. V (q).

Reinstatement lists shall have priority just after promotional employment lists. If more than three eligible former employees in the same classification are interested in reinstatement they shall be certified on the basis of two more names than the number of openings. Order of names on the list shall be determined by the date of formal application for reinstatement. (Adopted by Civil Service Commission 7/8/68) (Revised July 21, 1976)

Former employees reemployed under the provision of Section 395.3 of the California Military and Veterans' Code or Title 38 of the U.S. Code, Chapter 43 (Veterans' Reemployment Right) shall be reinstated in accordance with the provisions of Division III, Section 7 of the Personnel and Salary Resolution rather than this Section. (Revised January 10, 1979, eff. 12/21/78)

7.10 Limitation on Rehiring Employee Discharged for Cause

A. When, following dismissal or discharge, the employee concerned prosecutes an appeal therefrom, as authorized by the Civil Service Ordinance, his right to reemployment in County service shall be as granted by the Civil Service Commission.

B. When, following dismissal or discharge, the employee concerned does not prosecute an appeal, his right to reemployment in County service shall be as follows:

1. If the basis for such dismissal or discharge is the elimination of the position, he shall be placed on a reemployment eligible list in an appropriate classification for which he may be qualified.

2. If the basis for such dismissal or discharge is failure to conform to rules and regulations, breach of good behavior or ethics, falsification of employment application, or other reasonable cause, except as provided in subsection (3) of this rule, he shall not be eligible for reemployment for a period of two years from and after the date of such dismissal or discharge.

3. If the basis for such dismissal or discharge is failure or inability to properly perform the duties of the position, he shall not be eligible for reemployment in the same class of positions or other positions requiring the same, similar or greater skills of the same nature, for a period of one year from and after the date of such dismissal or discharge, provided, however, that such employee shall be eligible for immediate reemployment in any other class for which he may possess the required qualifications.

7.11 Separation Through Lay-off (Revised 5/9/79)

A. This section deals with the authority of the Board of Supervisors to abolish classes, order of layoff, and the computation of seniority. This section does not cover displacement rights (bumping) following layoff which may be found in 7.101.

B. **Abolishment of Classes and Positions**

Employees having permanent status in a position in the classified service shall be subject to layoff by the Board of Supervisors because of the temporary or permanent abolishment of classes and/or positions because of a lack of work or funds, as expressed by Board of Supervisors' minute order. Such layoffs shall occur after:

1. Employees occupying CETA funded positions at the time of layoff are released in accordance with Department of Labor regulations. (CETA participants may not be employed in particular positions where regular employees are on layoff from the same or substantially equivalent jobs in the same department.)

2. Extra-help employees may not remain working in a department if the same or substantially equivalent regular position is affected by a layoff in the same department.

C. Prior to Board action, the County shall invite the appropriate employee organization(s) to meet with County representatives to discuss the tentative date of layoff, the number of employees anticipated to be affected and the classes/departments anticipated to be affected.

D. **Employees Exempt from Civil Service**

An Exempt and Municipal Court employee shall not have displacement rights, be on any re-employment eligibility list or be subject to displacement by other employees, but shall be retained, reassigned or laid off at the sole discretion of the appropriate appointing authority. Exempt employees are those employees as listed in Section 20.4 of the County Code. Municipal Court employees are those employees who are incumbent in those positions listed in the official County Allocation List under "Municipal Court - Vallejo/Benicia - #2050" and "Northern Solano Judicial District - #2100".

E. **Status of Employees on Vacation, Sick Leave, Leave of Absence (without pay), Compensatory Time Off, Other Authorized Absences**

If the allocated position of an employee on leave status is abolished, the employee will be advised of such abolishment and will be laid off in accordance with Section 7.100. Such leave status will be considered revoked and such employee may exercise any displacement rights afforded by Section 7.101.

If an employee is on leave and displaced by another employee with longer service, the leave will be considered revoked on the date of displacement and such employee may exercise rights under Section 7.101.

F. Length of Service Defined (Seniority)

For purposes of layoff, length of service will be computed from the most recent date of the employees' appointment into regular County Civil Service. Length of service, for purposes of layoff, for the classifications of Deputy Sheriff (Entry)/Deputy Sheriff, Sergeant-Sheriff, Lieutenant-Sheriff and Captain-Sheriff, Correctional-Officer (Entry)/Correctional-Officer, Sergeant-Corrections, Lieutenant-Corrections, Welfare Fraud Investigator I, Welfare Fraud Investigator II, and Supervising Welfare Fraud Investigator only, shall be computed from the most recent date of appointment to that class. See also, continuous service, Division I, Personnel and Salary Resolution. (Revised 6/11/03; 6/8/11)

1. Regular Part-time Service

Part-time service shall be calculated in proportion to the relationship the employee's formal workweek equates to forty(40) hours. Formal workweek shall mean that percentage indicated on the employee's Notice of Personnel Action for the type of appointment made (e.g., an employee with a regular part-time appointment of 80% indicated on the Notice would receive a maximum of 20.8 pay periods of service credit for 26 pay periods of part-time service).

2. Transfer of Function to Another Department or Assumption by County of Functions and Personnel of Another Governmental Agency

In situations where the County assumes the functions and personnel of another Governmental agency, the service of the affected employees shall be equivalent to that which they would have had, had they been a member of the current department during the term of their employment. (Division V, Section 10)

Example: The County Library assumed the City of Vallejo Library. The service of the assumed employees will include the service of the City of Vallejo.

G. Seniority lists for classes in departments anticipated for lay-off will be published as soon as possible, but no later than twenty (20) calendar days prior to anticipated layoff dates.

H. Within ten (10) calendar days employees may appeal their relative position on the Seniority List(s) to the Director of Personnel or his designated representative, who shall respond in writing to the employee. The employee has ten (10) calendar days from receipt of the Personnel Director's decision to file an appeal with the Civil Service Commission. The filing of such appeal shall not delay the layoff process.

I. Employees shall receive written notice of lay off at least fourteen (14) calendar days prior to the date of lay off.

J. Order of Layoff and Displacement

1. A reduction in allocated positions in a particular department and

classification shall not affect the same classification in any other department.

2. Employees occupying allocated positions in the affected class and department with the shortest length of service will be laid off or displaced first.

3. In the event two or more employees with the same length of service occupy allocated positions in the same class in a department, the employee with the most recent date of appointment to the class will be laid off or displaced first.

4. If a tie still exists, the employee having no extra-help service or the most recent date of hire as extra-help shall be laid off first.

5. If a tie still exists, the determination of the order of layoff or displacement will be made by lot.

a. The Director of Personnel or his designated representative, shall develop and distribute a list of ties to the recognized employee organizations and notify them of the time and place for the tie breaking activity. Each employee organization shall have the right to have a representative present.

b. The Director or his designated representative shall determine the order of layoff or displacement by selecting cards at random from a deck of standard playing cards.

c. The person in the tied group of employees receiving the smallest denomination of playing card shall be laid off or displaced first, the person receiving the next smallest card shall be laid off or displaced next, etc.

7.111 A. **Displacing in a Lower Class**

Displacement rights are restricted to displacing to a lower class only in an employee's current department. If an employee who is laid off had permanent status in a lower class in the department in which the layoff occurs, he may displace an employee of the department having less seniority in that class. In the same manner, the employee thus displaced may likewise displace another employee. Should an employee have the right to displace in more than one class, he shall displace first in the highest class in which he has rights.

B. **Status of Employee Upon Displacing**

Employees displacing other employees must accept the salary, hours and working conditions of the lower position to which assigned.

1. An employee displacing another employee in a lower class shall receive the highest salary in the new range that does not exceed the displacing employee's rate of pay immediately prior to displacing. The displacing employee shall also retain the merit increase eligibility date to which he or she was entitled prior to displacing.

2. Employees in full-time positions who displace employees in part-time positions shall cease to be full-time employees and become part-time employees receiving the compensation and benefits of part-time employees.

3. Employees who are being laid off or displaced and are eligible to displace another employee may waive the right to displace into that position by so stating in writing to the appointing authority within five (5) calendar days after the employee's first notice of layoff.

Employees who waive displacement rights within the time limits shall not be considered to have resigned nor lose current position on the layoff eligibility list. Employees waiving displacement rights shall be laid off as scheduled and may not displace employees from positions in the class of the positions waived.

C. Lower Class Defined

For purposes of this section, "lower class" shall mean any other allocated full or part-time position in the department which is in a class that has a current 5th step salary not greater than the 5th step salary of the displacing employee's present class.

7.112 Recalling Employees Separated or Displaced to Another Class Through Layoff (For purposes of this section, layoff eligible list shall be called Recall List)

A. Recall of employees will be in the reverse order of layoff. Employees separated or displaced through layoff will be certified to positions in the class in which they were separated on a one-for-one basis if the opening occurs in the department in which the layoff occurred. Certifications in this manner will be made from the layoff eligible list in the reverse order in which the employees were laid off, the last to be laid off or displaced being the first to be certified.

B. Certification to Other Departments

Employees on a layoff eligible list who are not working for the County may request to be certified to openings in that class in departments other than the department from which they were laid off. Certification in this manner will be at least two more names than the number of openings. In the event only one laid off employee is certified to a department, the Department Head shall provide written reason for refusing re-employment to that employee.

C. Single Layoff Eligibility List for Each Class

One layoff eligible list will be established for each class in the department from which layoff occurred. Names on such lists will be in reverse order in which employees vacated the class. This includes both separation from service and displacement to a lower class.

D. Layoff Eligible List Exhausted

1. A laid off employee shall remain on the layoff eligibility list until that

employee refuses an offer of re-employment in a like certified position to that held prior to layoff in the class and department from which originally laid off or until twenty-four (24) full calendar months have elapsed from the date of that employee's original layoff, whichever occurs first.

2. Laid off employees shall inform the County Personnel Department in writing of any change in their mailing address or phone number.

E. Order of Eligible Lists

Layoff eligible lists take precedence over any other lists (promotional list, reinstatement list, open list) until the list is exhausted or abolished.

F. Refusal of Employment

1. Laid off employees whose names appear on a valid layoff eligibility list shall have their names removed from that list whenever:

a. An employee refuses an offer of re-employment at the same hours and in a class and department from which he or she was laid off, or;

b. An employee fails to respond to a written notice of recall to work within fifteen (15) calendar days after the written notice was sent by registered mail.

2. The laid off employee shall be mailed written notification of name removal within five (5) calendar days of the removal. Such notification shall include the basis for removal.

3. The removal of an employee's name from a layoff eligible list shall not constitute disciplinary action. It may be appealed to the Director of Personnel. Final appeal shall be made to the Civil Service Commission.

4. Laid off employees either not responding to an offer of re-employment or refusing an offer of re-employment for reasons acceptable to the Director of Personnel shall have their names restored to the former places on the layoff eligible lists affected and shall lose only the then available appointment opportunity. The appointing authority must give written reason for removal of any eligible's name from the recall list.

G. Notification to Employee Representatives

The Director of Personnel shall notify, in writing, within five (5) calendar days, the appropriate employee representative of either an employee's recall or removal from the layoff eligibility list. Such notification shall include the basis for action.

7.113 Transfer of Employees in Anticipation

In the event layoffs are anticipated, employees scheduled to be laid off shall receive preferential certification to any vacant regular positions in the same class or a comparable class, in other operating departments not affected by layoff. Eligibles from regular eligible

lists will not be certified.

7.12 Transfers (Revised 11/13/96)

Any employee who has completed initial County probation may, with the permission of the Director of Human Resources and the appointing authority(s) involved, transfer to the same or comparable classification in the same or another department without further examination.

"Comparable classification" in this context shall mean a classification:

-With a maximum salary step at, or not more than five (5) percent more than the requesting employee's current maximum salary step and,

-In the same job family as the employee's current classification, and,

-For which the employee meets the minimum qualifications.

A. If an eligible list exists for that class, the names of those requesting transfer will be included along with the band certified to the appointing authority.

B. A department head may request that a specific transferee's name be included with the certification. Such request must accompany the Personnel Requisition.

C. Any employee weighing to transfer into a sworn Peace Officer classification shall be required to meet all POST requirements for the position and pass all psychological, physical and other tests administered to all other individuals being newly hired into these classifications.

NOTE:

The movement of an employee from one position to another both of which are in the same department and classification is a reassignment, not a transfer, and may be accomplished at the discretion of the appointing authority. (Revised 11/12/80)

7.13 Personal Relationships *(Revised September 14, 1994, to be effective November 1, 1994)*

A. It is the intent of the Board of Supervisors of Solano County to provide a workplace as free as possible from real or perceived bias or acts of favoritism due to personal relationships. It is inappropriate for an employee to use his/her personal power or influence to aid or hinder another in the employment setting because of a personal relationship.

B. No one involved in a personal relationship with an elected or appointed County official or employee may serve in or be appointed, promoted, demoted or transferred to a position which involves a direct supervisor-subordinate relationship or a work situation described below. For purposes of this rule, the department head, the assistant department head or chief deputy or deputy department head are considered in the direct line of supervision of all employees in that department.

1. Direct line of supervision, as defined for purposes of this rule, includes any situation in which the official or employee would be in a

position to effect the terms and condition of another's employment, including making decisions about work assignments, compensation, grievances, disciplinary action, advancement or performance evaluation.

2. Work situations which should also be avoided by individuals who have a personal relationship are **a)** working in a small unit in close association with each other; or **b)** working for the same supervisor; or **c)** having an indirect supervisor/subordinate relationship; or **d)** auditing the work or exercising fiscal control over a person with whom they have a personal relationship, regardless of organizational separation; or **e)** participating in the development and/or administration of an examination or a hiring interview of a person with whom they have a personal relationship.

3. Personal relationships include, but are not limited to, associations with individuals by blood, adoption, foster arrangement, any current or previous marriage (including in-laws) and/or living in the same household and any business or financial relationships which involve amounts in excess of $10,000 per employee.

C. Employees who become involved in a personal relationship, after the effective date of this rule and work in a direct supervisor-subordinate relationship or a work situation described above shall be subject to this rule. It is the responsibility of the employees involved in the relationship to bring this situation to the attention of their appointing authority who will then bring it to the attention of the Director of Human Resources. In the absence of an "appointing authority" an elected official involved in a personal relationship shall bring this situation directly to the attention of the Director of Human Resources. Failure to report a personal relationship by a party may result in disciplinary action with the employee with the higher level of authority being held most accountable.

1. In applying this paragraph, the County will initially allow the affected employees to determine which employee will remain in his or her current position. The County will make reasonable efforts to transfer one employee to a position where no such potential conflict would exist.

2. In the event such a transfer is not feasible, the employees shall be given the opportunity to make the decision as to which one shall resign.

3. In the event neither employee resigns, the least senior (as defined under rules dealing with layoff) employee shall be laid off with reinstatement rights to a position of the same or similar salary/qualifications.

4. The County Administrator shall be the final determining authority in all such matters.

D. Requests to deviate from the provision of this section due to unusual circumstances, shall be submitted in writing by the department head to the Director of Human

Resources and shall include the following information:

1. **a.** The name and addresses of the persons concerned
b. Their class title, division, section and work units
c. Work location, including city and building
d. The names of immediate supervisors and subordinates

2. The Director of Human Resources shall review the request and make a recommendation to the County Administrator. Primary considerations will be to minimize problems of supervision, safety, security or morale. Consideration will also be given to such relevant factors such as recruiting difficulty, agency reporting relationships, work location, function of the work process, and any other factors having a valid bearing on the accomplishment of the program goals and/or a potential job performance of current employees and the persons involved.

3. The County Administrator will make a final decision to approve or disapprove the request based on the Director of Human Resources recommendation and in the best interests of Solano County.

E. The provisions of this section shall not apply to those employees who at the date of adoption of this rule are in violation of the provisions outlined in this section provided appropriate written declarations are filed with the Director of Human Resources prior to the effective date of this section. Any report of a pre-existing situation will be maintained confidentially, to the extent possible, and used only for the purpose of verifying the existence of a pre-existing situation if this situation subsequently becomes an issue. However, the provisions shall be applied in all subsequent cases involving the appointment or promotion of county employees and in cases involving marriage of a county employee or other change resulting in county employees becoming related under the definition of personal relationships.

7.14 Work-Related Injury or Illness

A. With the approval of the Director of Personnel, an employee may be certified to another vacant County position without further examination provided that:

1. The County Health Director has certified that the employee is physically unable to perform the duties of the position presently held;

2. The reason for the employee's physical incapacity was because of a County work-related injury or illness;

3. The employee meets the minimum qualifications and makes application for the class of the other position as determined by the Director of Personnel;

4. The County Health Director certifies that the employee is physically competent to perform the duties of the other position;

5. The other position is in a class with a maximum salary which is not more than 2.5% higher than the maximum salary for the class of the employee's

present position;

6. The affected appointing authority approves of the appointment; and

7. There is no layoff eligible list for the class and department.

B. Whenever a valid eligible list exists for the class of the position for which application is made, eligibles from any promotional, reinstatement or other open employment list will not be certified, unless and until either the department head provides written reason for not appointing the disabled employee that is acceptable to the Director of Personnel or the certification is canceled.

C. The disabled employee will begin a non-conflicting limited-term appointment period upon appointment to the position.

SECTION VIII

CLASSIFICATIONS

8.01 Authority

Under authority of the Civil Service Ordinance 632, Section I C and Section V d, the Civil Service Commission has the responsibility to:

A. Provide for the grouping of positions with comparable duties and responsibilities into appropriate classes.

B. Prepare class specifications which include a descriptive title, a definition, typical tasks, minimum qualifications of education and experience, and certificates or licenses required and for the adoption of such specifications by the Commission.

8.02 Classification Plan

The arrangement of positions into classes together with the specifications describing each class as adopted by the Civil Service Commission shall be known as the official classification plan of the County of Solano.

8.03 Administration of Position Classification

A. **Position Studies:** The Director of Personnel, or his designee, shall be responsible for making classification studies of proposed additional or presently authorized positions in the classified service when:

1. Upon written referral, authorization for a new position is indicated.

2. A written request establishing a need for a classification review of an existing position is made by an appointing authority, the incumbent of the position, or his authorized representative.

3. Periodically, or when circumstances dictate, the Director of Personnel identifies the need for a review of an existing position or group of positions in a department or groups of departments. In this connection, the Commission may, at anytime, secure from an appointing authority, department heads, or employees involved, new statements of the duties and responsibilities of the position or positions under consideration. The classification plan shall be amended from time to time as needed. New classes may be added and existing classes may be divided, combined, altered, or abolished.

B. **Department Head Responsibilities:** Department heads shall request a classification study when a significant modification of a position's duties is made on a permanent basis. The request shall be in writing and shall include the date on which the change took place and a specific description of the nature of the change in duties.

C. **Class Specifications -- New and Revised:** When a position study determines the

need for a new class of position, the Director of Personnel shall be responsible for recommending to the Commission a new class title and the development of the class specification covering the proposed class. Periodically, or as circumstances require, the Director of Personnel shall be responsible for the review of existing class specifications and make recommendations concerning appropriate revisions.

D. When the Commission reallocates a position to a different classification the Board of Supervisors will be notified in order that the official allocation list of the concerned department may be amended. If the reallocation is to a higher class the Board will also approve or disapprove the increase in salary expenditure.

8.04 Status of Incumbents in Reallocated Positions

The Commission shall determine whether the reclassification of a position constitutes for salary purposes, a demotion, promotion or is at the same level as the position was prior to its reallocation. The following action shall prevail with each of the following changes:

A. **Demotion:** If the reclassification would result in the "Y" rating of the incumbent in accordance with the Personnel and Salary Resolution, the incumbent, with the approval of the appointing authority, shall be given the choice of reassignment to another position (if available) in the same department having the same classification; or to accept the lower classification with the salary being set by the "Y" rate schedule in the Personnel and Salary Resolution. The approval of the appointing authority must be granted on or before the effective date of the reclassification. If approval is not granted or no position is available, the incumbent whose salary has been "Y" rated may make a written request to the Personnel Department to be considered for a position in his former class. Such request must be received by the Personnel Department no later than thirty (30) calendar days after the effective date of the reclassification. If such a request is made, the incumbent's name shall be placed on an appropriate, existing eligible list and certified along with the regular number of names from that list for any vacant positions in the same department. In absence of an eligible list, an appointing authority shall have the option to request certification of all employees who have followed the above procedures, or may request the Personnel Department to schedule a competitive examination.

This procedure will be followed until the incumbent is no longer subject to the "Y" rate, or until he is returned to a position in his former class, whichever occurs first. Incumbents wishing to be considered for positions in other departments having the same classification as that from which they were demoted must follow normal competitive procedures. (Rev. 8/10/77)

B. **Promotion:** If the incumbent has occupied the subject position for a period of one year and his last merit rating was satisfactory or above he shall be granted promotional probationary status in the new class. If his last merit rating is less than satisfactory or he has less than one year of service in the class at the time the reallocation is effective, he shall be required to serve until his rating is satisfactory or better or until he has been in the position for at least one year. The reclassification shall be effective immediately, but the Director shall immediately authorize a temporary lowering of the incumbent's class until he either has a satisfactory rating or until he completes a year in the position.

C. **Same Level:** The incumbent shall be granted the same status in the new class which he held in the former class.

8.05 Appeal Procedure for the County-Wide Classification Study

Appeals of recommended allocations may be filed by incumbents in allocated positions through the appointing authority. The burden of proof on any classification appeal rests with the appellant to establish why the recommended allocation is not on appropriate allocation. The content of and decision on classification appeals shall be restricted to consideration of the recommended and the requested classification. All classification appeals shall be limited to consideration of duties and responsibilities performed at the time the position was studied.

Appeals shall be conducted in accordance with rules of procedure to be adopted by the Civil Service Commission. (Adopted 5/14/86)

SECTION IX

DISCIPLINE, SEPARATION AND APPEALS

9.01 Discipline Defined

Discipline means dismissal, demotion, suspension, reduction of salary within grade, or a formal written reprimand which is filed in the employee's personal history file in the Personnel Department.

9.02 Grounds for Discipline

The tenure of each employee who has permanent status shall be subject to his good behavior and the rendering by him of efficient service. He may be disciplined for other reasonable causes such as, but not limited to, the following:

A. Fraud in securing appointment

B. Incompetency

C. Inefficiency

D. Unauthorized absence

E. Inexcusable neglect of duty

F. Insubordination

G. Dishonesty

H. Intoxication while on duty or public intoxication while on duty

I. Conviction (including conviction after a plea of nolo contendere) of a felony or of a misdemeanor involving moral turpitude

J. Disorderly or immoral conduct

K. Negligence or willful damage to public property or waste of public supplies or equipment

L. Discourteous treatment of the public or of other employees

M. Willful violation of any of the provisions of the Civil Service Ordinance, Civil Service Rules, or of the Personnel and Salary Resolution.

9.03 Disciplinary Action

Disciplinary action is taken by an appointing authority under provisions of Ordinance No. 649. Any disciplinary action taken shall be by written order specifying:

A. A description of the action taken and its effective date or dates;

B. a clear and concise statement of the reasons for such action, including the acts or omissions on which the disciplinary action is based;

C. a statement that a copy of the materials upon which the action is based are attached or available for inspection by the employee or by the employee's representative;

D. a statement advising the employee of the right to respond either verbally or in writing to the appointing authority proposing the action prior to its effective date, including the time within which such response must be made and;

E. a statement advising the employee of the right to appeal to the County Civil Service Commission and the time within which the appeal must be made.

Such written notice shall be served on the employee at least seven (7) calendar days prior to the effective date of any disciplinary action against an employee, and shall be filed with the Director of Personnel.

9.04 Appeals

A. Appeals Prior to the Effective Date of the Action

An employee is entitled to seven (7) calendar days within which to respond to the written disciplinary order. This seven (7) calendar day response period begins the day following the date of service of the written order. If the notice is personal served on the employee, the effective date of service is the day that it is given to the employee. If service on the employee is made through the mail, service is effective on the date of mailing as determined by the postmark.

The employee may respond orally or in writing to the appointing authority. The employee is entitled to a reasonable amount of County time to prepare a response to the charges. The employee is not entitled to a formal hearing with examination of witnesses at this stage of the proceedings. However, the employee may be represented by another in presenting a response. The appointing authority may amend, modify or revoke any or all of the charges contained in the written order.

After hearing and considering the response of the employee, the appointing authority shall issue a brief statement indicating:

1. The original action is affirmed; or

2. The original action is affirmed as modified by the appointing authority; or

3. The original action is revoked and the charges against the employee are dismissed.

B. Appeals from Decisions of the Appointing Authority

The employee may appeal the decision of the appointing authority to the Civil Service Commission through the County Personnel Director. The employee may appeal the original disciplinary action or any modification or amendment thereto by the appointing authority. Such appeal shall be made within seven (7) calendar days of the decision of the appointing authority, made pursuant to 9.04 (a) above, and shall be in writing. Upon receipt of the appeal, the County Personnel Director shall notify the Civil Service Commission to set a hearing date and shall send the order and appeal to the Commission. The appeal procedures herein set forth in 9.04 (a) and 9.04 (b) shall be applicable to all those forms of discipline as defined in 9.01, except for a formal written reprimand. (Revised 1/13/82)

C. Appeals from Formal Written Reprimands

When an employee receives a formal written reprimand from an appointing authority, the employee has seven (7) calendar days after receipt of the letter to file a written or oral response to the letter. (Public safety officers shall have thirty (30) days in accordance with Section 3306 of the government code.). The appointing authority may then modify, amend or revoke any part of the formal written reprimand. Unless revoked completely, the formal written reprimand as amended or modified by the appointing authority, along with any written responses, shall be placed in the employee's personal history file in the Personnel Department. The written reprimand and response shall remain in the employee's personal history file for a period not to exceed three (3) years from the date the final reprimand was issued. (Rev. 1/11/78)

9.05 Immediate Suspension of an Employee

In the event that an employee's behavior while on duty threatens the health and safety of any person; causes serious damage to public property, or is in violation of Section 9.02 (j) of these rules, the Director of Personnel or the appointing authority may, immediately suspend the employee from his duties and give notice to him of his suspension. The notice of suspension shall be in writing and delivered to the employee at the earliest possible time considering circumstances.

Upon such suspension, the suspended employee may, within seven (7) days of the suspension, request the County Personnel Director to schedule a hearing before the Civil Service Commission. The employee shall be given at least seven (7) days advance notice of the hearing which shall be conducted in accordance with Section XIII of these rules.

The suspended employee shall not receive his regular salary during the period of his suspension. The Civil Service Commission in affirming, modifying, or revoking the order in accordance with Section XIII, shall make specific disposition of salary. (Rev. 1/11/78)

SECTION X

GENERAL INFORMATION

10.01 Number and Classification of Authorized Positions in Various County Departments and Offices

The number of regular authorized positions shall be as designated by Board order. No department head shall hire employees in excess of the positions actually authorized by the Board.

10.02 The Director may authorize a change of classification from a classification authorized by the Commission and a change, at a later date, back to the original classification authorized by the commission, provided:

A. That the new classification is in the same occupational field and at the same or a lower salary grade.

B. That as a result of such action there is no increase in the total number of positions authorized by the Board for the classes involved.

10.03 The Director may authorize that a full-time position may be used as apart-time position

10.04 A department head may, upon the approval of the County Administrator, employ extra help in any classification authorized by the Director. Such extra help employee shall be paid the recruiting step hourly equivalent rate of pay for the classification.

10.05 In order to reduce delays in personnel actions, the Director of Personnel may authorize classification actions such as specification adoption/revision, pending Commission approval. (Effective 4/8/81)

10.06 The Director of Personnel may temporarily establish new classes of positions and respective salaries without further approval of the Commission when the following conditions exist:

A. The purpose of the new class and salary is to rehabilitate an employee (1) whose physical capacity has been reduced because of a county work-related injury or illness; (2) who is no longer able to competently perform all of his former duties; and (3) who has been directed by County Health Officer to limited physical activities.

B. The employee can be productively employed in necessary services.

C. The temporary class shall be established for a period not to exceed eighteen (18) pay periods.

SECTION XI
EMPLOYEE RELATIONS

(Repealed January 15, 1976)
(See Employer-Employee Relations Rules & Regulations of Solano County, effective January 15, 1976)

SECTION XII

EMPLOYEE PERFORMANCE EVALUATION

(Revised 6/8/88)

12.01 Rating Period and Forms

Department heads are responsible for the evaluation of each employee in their department as follows:

REQUIRED EVALUATION REPORTS*

Six Month Probation	Employees serving a six month probationary period shall be evaluated at three (3) and six (6) months during their probationary period.
One Year Probation	Employees serving a one year probationary period shall be evaluated at six (6) and twelve (12) months during their probationary period.
Permanent Employees/ Limited Term/Extra Help	All permanent employees shall be evaluated just prior to their date of eligibility for a merit salary increase, or for those at the top step of the salary range, on the anniversary of their attainment of that top step.
Civil Service Exempt Employees	Employees in positions which are exempt from Civil Service should be evaluated on the same cycle that exists for comparable classes within the Civil Service System.

Evaluation shall be on forms and under procedures prescribed by the Personnel Direction.

***Nothing in this section shall preclude the rater from evaluating the employee sooner than the time limits provided within this Section.**

12.02 Evaluation Methods and Reports

The evaluation methods shall be so devised as to gain significant facts concerning the details of the quality and quantity of work performed, and other factors having a bearing on his value to the service. Information may be reported by supervisory employees in accordance with an acceptable method of appraisal.

12.03 Use of Evaluation Results

The results of this evaluation shall be taken into account in the following ways:

A. In determining the advisability of granting permanent employee status.

B. In making salary adjustments between steps of a salary range.

C. A leave of absence may be granted only to an employee having a satisfactory record.

D. Eligibility to participate in any promotional examination shall be subject to an overall satisfactory rating on the employee's most recent performance evaluation.

E. The general record of service as well as specific and immediate charges will be taken into account when disciplinary action against an employee is proposed and the penalty, if any, is assessed.

12.04 Appeal from Evaluation Rating

Within ten (10) days after the employee receives a copy of the performance evaluation which indicates that an employee does not meet expectations or if the employee disagrees with the comments, the employee shall prepare a written request as follows to the Appointing Authority.

A. Identify the report by stating the date of the report, the name of the rater, and the date the report was received.

B. Specify the comments, which you believe should be made on the report.

C. State comments and/or the rating that you believe should be made on the report.

D. Give facts substantiating each change requested.

E. Keep a copy of his written request and send the original to the Appointing Authority.

Upon receiving the request, the appointing authority will have 20 days to meet with the employee and either sustain or change the employee's evaluation and notify the employee of the decision in writing. If the report is changed, a new original shall be submitted to the Appointing Authority.

SECTION XIII
CIVIL SERVICE COMMISSION HEARINGS
(Approved by Civil Service Commission 5/11/77)

13.01 Right to a Hearing

A. Any person who is entitled to a hearing before the commission, under authority of the Civil Service Rules, may request a hearing before the Commission.

B. When mutually agreeable by both parties, in lieu of a hearing, the matter may be submitted to the Commission for decision upon the written materials submitted by the parties.

13.02 Request for Hearing

A. A request for hearing shall be in writing, signed by the employee, stating employee's mailing address, the ruling or action being appealed and relief sought, and shall state in detail the facts and the reasons upon which the employee is basing his case.

B. A hearing on the merits of the appeal may be denied if the employee fails to state specific facts or reasons which, if true, would entitle the employee to relief. A general denial by the employee of the allegations of the appointing authority shall constitute the statement of reasons for section (a), above.

13.03 Time Within Which Hearing Must be Commenced

Within twenty (20) days of the receipt of the employee's request, the Commission shall commence a hearing.

13.04 Continuance Pending Termination of Criminal Proceedings

Where the employee is appealing from a ruling or order which resulted from alleged criminal activities of the employee, and criminal charges are pending against the employee in a court of competent jurisdiction because of such activities, the Commission may suspend all proceedings on appeal until the termination of such criminal proceedings in trial court. In the event of such suspension of proceedings, the Commission, at its first regular meeting after the termination of such criminal proceedings in the trial court, shall set the matter for hearing.

13.05 Notice of Hearing (Revised 4/11/90)

The employee shall be given not less than ten (10) days' notice, in writing, of the date and place of such hearing. In hearings in which the action of an appointing authority is at issue, the appointing authority shall be given not less than ten (10) days' notice, in writing, of the date and place of such hearing. The employee and the employee's representative shall be provided a copy of Civil Service Rules Section 13.16, Hearing Procedure and Order of Presentation. This section provides notice to the parties of the order of presentation and the burden of proof.

13.06 Parties to be Ready

On the date set for the hearing, the parties involved will be expected to be ready to proceed at the hour set, and any failure to be prepared to proceed at that time may be deemed by the Commission to be an admission by the unprepared party that the party's case is not meritorious, and that a decision should be rendered against that party. If the party against whom the decision was rendered offers, within thirty (30) days of the decision, an explanation satisfactory to the Commission, the Commission may set aside its decision and reschedule the hearing.

13.07 Rights of Employee

When a hearing is granted, the employee shall be entitled to:

A. Be represented by an attorney or by a representative of the employee's choice.

B. Testify under oath or affirmation

C. Subpoena witnesses on the employee's behalf.

D. Cross-examine all witnesses.

E. Present such affidavits, exhibits and other evidence as the Commission deems pertinent to the matter then before it, subject to the authority of the Commission to exclude irrelevant evidence.

F. Have a public hearing. The employee, employee's attorney or representative, may, in writing and at least five (5) days prior to the date of hearing, request that the hearing be a public meeting. If such request is served on the Director of Personnel, the hearing shall be open to the public. In all other cases, the hearing shall be closed to the public.

13.08 Rights of the Appointing Power and Others

The appointing authority, the Director of Personnel, or other members of the Commission staff, and any other person whom the Commission finds to be interested in the matter, shall be entitled to the same rights and be subject to the same limitations applicable to the employee.

13.09 Appearance of Employee

The appearance of the employee shall be required at all hearings, except as provided herein.

A. The appearance of the employee shall not be required where the Commission has determined that a decision will be made on the basis of written material submitted pursuant to section 13.01 (b) above.

B. The Commission shall have discretion to consent to the absence of the employee upon a showing of good cause.

13.10 Unexcused Absence of Employee

Unexcused absence of the employee at a hearing where his presence is required may be deemed by the Commission to be a withdrawal of the request and consent to the action or ruling from which the appeal was taken.

13.11 Assistance of Counsel

The Commission shall be entitled to have the legal advice and assistance of the County Counsel or his representative.

13.12 Evidence and Witnesses

Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil action. Hearsay evidence may be admitted for any purpose, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privileges and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant or repetitions evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

13.13 Subpoenas

The Director of Personnel shall sign subpoenas and subpoenas duces tecum for the appointing authority upon the request of that authority. The Director of Personnel shall also sign such subpoenas for the employee, upon written request of the employee or his attorney.

The Director of Personnel, on behalf of the Commission, may issue subpoenas for peace officers pursuant to Government Code Sections 68097.1 through 68097.2, and pursuant to Government code Section 31110.2 as to all other witnesses.

13.14 Exclusion of Witnesses

The Commission may exclude witnesses not under examination, except the Director of Personnel, the legal adviser to the Commission, the employees, the employee's attorney or representative, the appointing authority, and counsel for the appointing authority.

13.15 Testimony of Employee

The employee shall not be required to testify, but may be cross-examined as to any matter relevant to the hearing if he takes the stand voluntarily. If the employee does not testify in his or her own behalf, the employee may be called by the Commission and examined by the Commission as if under cross-examination. (Rev 5/77)

13.16 Hearing Procedure and Order of Presentation (Revised 4/11/90)

A. The President presides over the hearing. To establish a proper administrative record, the hearing shall be commenced by the President, establishing the following:

1. The presence of the employee, and if represented, by whom.

2. The presence of the appointing authority and, if represented, by whom.

3. That both parties are prepared to proceed with the hearing.

4. That both parties have received a copy of this section of the Rules with their Notice of Hearing.

5. The charges or complaint and the appeal shall be read, unless their reading is waived by the parties.

B. The President will then indicate that the matter is ready to proceed to hearing.

The order of presentation of the appeal shall be as follows:

1. Where the appeal is based upon an action initiated by the appointing authority (termination, discipline, suspension),the appointing authority has the burden of proof and presents evidence first.

2. Where the appeal is based upon an action initiated by the employee (based on alleged discrimination, harassment, rules violation or discrimination as reason for discharge from probationary status), the employee has the burden of proof and presents evidence first.

3. The party having the burden of proof is the moving party. The other party is the responding party.

C. The hearing will be presented by the parties in the following manner:

1. The moving party may make or waive an opening statement.

2. The responding party may make or waive an opening statement.

3. All witnesses shall give testimony under oath or affirmation administered by the Commission Secretary.

4. The moving party shall present its case first. The case shall be presented through witnesses and/or documentary evidence.

5. The responding party may then present its case. If a case is presented, it shall be through witnesses and/or documentary evidence.

6. Each witness may be cross-examined by the other side and by the Commission members immediately after that witness's testimony.

7. The Commission may call witnesses, who will be subject to the Commission's direct examination and cross-examination by the parties.

8. Rebuttal evidence may be presented by the moving party, after the responding party is finished.

9. The moving party may make a closing argument.

10. The responding party may make a closing argument.

11. Time for closing argument shall be within the discretion of the Commission.

13.17 Findings and Decision

A. When submitted, the Commission should retire to a closed session to weight the evidence and discuss the merits, and make its decision. After making its decision, the President should reconvene the Commission in public session and announce its decision. This decision shall either uphold, modify, or set aside the action taken and appealed from. If the action taken is upheld, it shall be final as to the date it was taken. If the action is set aside, the employee will be entitled to have restored any rights or benefits or salary which have been denied as a result of the action appealed from. If the action taken is modified, the Commission shall issue such orders as are necessary to carry out the decision of the Commission.

B. The prevailing party will prepare proposed findings of fact and conclusions of law for adoption by the Commission. The opposing party will be provided with a copy of said proposed findings. Prior to the adoption of findings and conclusions, the opposing party, in writing, may oppose the proposed findings and/or submit its own proposed findings and conclusions of law, the Commission may adopt all or part of the findings and conclusions of either or both parties, or it may prepare its own findings and conclusions.

C. Within ten (10) days after the Commission has adopted Findings of Facts and Conclusions of Law, the Director of Personnel shall mail a copy of the findings and decision to the employee and the appointing authority. If either the employee or the appointing authority was represented by a counsel, a copy of the findings and decision shall be mailed to the counsel, which will constitute compliance with this provision.

13.18 Report of Hearings

Hearings on charges of discrimination, dismissals, demotions, or suspensions in excess of five (5) days shall be conducted with a stenographic reporter. The Commission may order that other hearings be reported by a stenographic reporter, or recorded by electronic means, if it deems such reporting or recording advisable or necessary. In any hearing where a stenographic reporter is not required, either party may arrange for a stenographic reporter to be present at his own cost.

13.19 Transcripts of Hearings

Any party may obtain a transcript or a copy of the recording of any hearing which has been reported or recorded by making independent arrangements with the reporter or recorder for the preparation thereof, and assuming the cost of such preparation.

13.20 Continuances

The Commission may grant a continuance of any hearings upon such terms and conditions as it may deem proper. Any request for a continuance made less than forty-eight (48) hours prior to the time set for the hearing shall be denied unless good cause is shown for the continuance. (Rev. 5/77)

13.21 Amendment of Charges

At any time, but not less than ten (10) days before the hearing, the appointing authority may serve on the employee and file with the Commission, an amended or supplemental statement of charges. If the amended or supplemental charges present new causes for disciplinary action, the employee shall be afforded a reasonable time in which to prepare his defense thereto and to file a further answer.