

Civil Service Commission

1055 MONTEREY STREET, SUITE D250 • SAN LUIS OBISPO, CALIFORNIA 93408 • 805.781.5959

San Luis Obispo County Civil Service Commission
Regular Session Meeting
Wednesday, September 28, 2011 @ 9:00 A.M.
1055 Monterey Street, Suite D-271 San Luis Obispo, CA



MEMBERS OF THE COMMISSION
Jeannie Nix, President
Bill Tappan, Vice President
Robert Bergman
Jay Salter
Arthur Chapman

AGENDA

1. **Call to Order / Flag Salute / Roll Call**
2. **Public Comment Period**
Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual.
3. **Reports**
 - a) Commission President
 - i) Commission Representatives for RFP Panel
 - b) Commission Subcommittees
 - c) Commission Counsel
 - d) Commission Secretary
 - i) Commission Calendar
4. **Previously Approved Specifications - Information Only**
 - a) Health Education Specialist
5. **Job Class Specifications – Revised**
 - a) Computer Systems Technician Aide, I, II, III
 - b) Senior Computer Systems Technician
6. **Public Hearing to Ratify CSC Rules as Amended**
 - a) Draft Memorandum of Understanding
 - b) CSC Rules showing proposed changes
7. **Closed Session (per Government Code Section 54957.6):** Conference with Civil Service Commission rules negotiator (Shane Stark) regarding 2010-2011 Civil Service Commission rules update.
8. **Adjournment**

Civil Service Commission

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Notice of Public Hearing

Please take notice that at 9:00 a.m. on Wednesday, September 28, 2011, the San Luis Obispo County Civil Service Commission will conduct, at its regular session meeting, a public hearing to ratify changes to the Civil Service Rules. Said public hearing is being held pursuant to Civil Service Commission Procedural Guidelines, Section VII(B)(4). This matter is posted as Agenda Item No. 6 on the Civil Service Commission's regular agenda for September 28, 2011.

Civil Service Commission Meetings 2011

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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February

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Special Session Meetings

April

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Regular Meetings

July

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August

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28	29	Aug. 10, 17, 24 Briefing Deadlines				

September

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Holidays

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1 **HUMAN RESOURCES DEPARTMENT**

2 ***San Luis Obispo County***

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HEALTH EDUCATION SPECIALIST

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6 DEFINITION:

7 Under general supervision, develops and implements community health education
8 activities and related general health education programs for individuals and/or groups;
9 cooperates with other departments and community organizations to carry out health-
10 related community awareness campaigns, educational programs and promotional
11 activities; and does other related work as required.

12

13 REPRESENTATIVE DUTIES:

14 (Not in order of importance)

- 15 • Prepares, obtains and disseminates health information through individual client
16 contacts and/or workshops, seminars, reports, bulletins, pamphlets, posters,
17 exhibits, news releases, radio scripts and other communication methods.
- 18 • Collects, tracks, and analyzes data; participates in evaluating the effectiveness of
19 program materials and methods.
- 20 • Provides liaison and networking among departmental staff and other public and
21 private agencies, community organizations and professional groups, including, but
22 not limited to, medical, nutrition, physical activity, school and child care
23 organizations, clientele and policy makers for developing effective health awareness
24 campaigns, educational programs and policies.
- 25 • Plans, organizes and participates in health information and educational programs,
26 conferences and meetings.
- 27 • Makes presentations and provides health information and guidance to individuals
28 and community groups.
- 29 • Implements community needs assessment surveys and outreach plans.
- 30 • Researches and develops policies and procedures.
- 31 • Assists in preparing health plans.
- 32 • Writes or assists in writing grant proposals.
- 33 • Participates in staff development activities.
- 34 • Prepares a variety of reports and correspondence.

35

36 EMPLOYMENT STANDARDS:

37 Knowledge of:

- 38 • The principles, methods and practices of health information, promotion, education
39 and information dissemination
- 40 • Training needs assessment and evaluation techniques
- 41 • Community organizations and resources related to the health and education fields
- 42 • Countywide health functions, programs and objectives of the department

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- 43 • Communication techniques and media relations for print, voice, video, internet and
- 44 any other communication medium.
- 45 • Interpersonal skills using tact, patience, and courtesy

46

47 Ability to:

- 48 • ~~Develop and maintain public support and the cooperation of public officials,~~
- 49 ~~community groups and agencies relative to community health concerns~~
- 50 • Communicate effectively both verbally and in writing
- 51 • Formulate, promote and implement a variety of information and educational
- 52 programs
- 53 • Establish and maintain effective working relationships with public officials,
- 54 community groups, agencies, local media, county employees and/or clientele
- 55 • Conduct training and make public presentations
- 56 • Proofread and edit written copy
- 57 • Communicate effectively with people of diverse socio-economic backgrounds, age,
- 58 gender and temperaments
- 59 • Maintain confidentiality of information
- 60 • Operate a variety of audiovisual and computer presentation equipment
- 61 • Use basic and advanced computer software to conduct business and communicate
- 62 with others
- 63 • Support and follow the Health Agencies policies, goals, guiding principles, and
- 64 Mission – Vision – Values Statement
- 65 • Foster a spirit of teamwork and support when interacting with staff and others
- 66 • Maintain a safe and orderly work area

67

68 EDUCATION/EXPERIENCE:

69 Graduation from an accredited four-year college or university with a bachelor's degree in
70 human services, public administration or other health-related field is required. (Job
71 related experience may be substituted for the required education on a year-for-year
72 basis.)

73

74 LICENSES:

75 A valid driver's license is required at the time of application. A valid CALIFORNIA
76 driver's license is required at the time of appointment and must be maintained
77 throughout employment.

78

79 This class specification generally describes the duties and responsibilities characteristic
80 of the position(s) within this class. The duties of a particular position within a multi-
81 position class may vary from the duties of other positions within the class. Accordingly,
82 the essential duties of a particular position (whether it be a multi-position class or a
83 single-position class) will be identified and used by medical examiners and hiring
84 authorities in the selection process. This information will also be made available for

4a(2)

85 review at the time of any recruitment for that position and at such other times as
86 reasonably required.

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Adopted: 01-28-98

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Revised: 07-27-07

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Revised: 08-24-11

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Human Resources Department

SAN LUIS OBISPO COUNTY

Tami Douglas-Schatz, Director

County Government Center, 1055 Monterey Street • Ste. D-250, San Luis Obispo, CA 93408

• Telephone 805.781.5959 • Fax 805.781.1044 • Email: hr@co.slo.ca.us

To: Civil Service Commission

From: Mark McKibben, Personnel Analyst

Date: September 28, 2011

Subject: Revised Specifications:
Computer Systems Technician Aide, I, II, III
Senior Computer Systems Technician

Recommendation:

That the Commission approve the revised job specifications as presented.

Discussion:

The General Services Agency (GSA) includes five Divisions: Airports, Finance & Administration, General Services, Information Technology and Parks. The Computer Systems Technician Aide, I, II, III (CST) and Senior Computer Systems Technician (SrCST) classifications are allocated to the Information Technology Division (ITD).

These specifications are being presented to your Commission in anticipation of a vacancy in one of the four CST-Confidential allocations in ITD. Upon becoming vacant, this position will be reallocated to the CST (non-confidential) classification. The change in classification is being made in accordance with the administrative authority granted to the Human Resources department by the Board of Supervisors in 2005. It is anticipated that the remaining CST-Confidential and SrCST-Confidential positions will be reallocated to the respective non-confidential counterparts as the positions become vacant.

The CST and SrCST job specifications were previously approved by your Commission in July 2004. However, they have never been utilized because the incumbents have occupied their respective confidential positions since at least 1994. Each job specification has been updated to include standardized, contemporary language and is presented in the current specification format for your review.

The Administrative Office, Human Resources Department and San Luis Obispo County Employee Association all support the adoption of these specifications as proposed.

Attachments:

General Services Agency –Functional Organizational Chart
Information Technology - Infrastructure Organizational Chart

Revised Computer Systems Technician Aide, I, II, III (track changes)
Proposed Computer Systems Technician Aide, I, II, III (track changes – accepted)

Revised Senior Computer Systems Technician (track changes)
Proposed Senior Computer Systems Technician (track changes – accepted)

1 | **HUMAN RESOURCES DEPARTMENT**

2 | ***San Luis Obispo County***

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4 |
5 | **COMPUTER SYSTEMS TECHNICIAN AIDE, I, II AND III**
6 | **(Career Series)**
7 |

8 | **DEFINITION:**

9 |
10 | The classes in this series perform a variety of technical duties in support of the
11 | ~~operation of the~~County's mainframe computer systems and their related technical
12 | facilities; processes mainframe job orders and large reports; assist in systems
13 | development tasks; and ~~do perform~~ other related work duties as required.
14 |

15 |
16 | **DISTINGUISHING CHARACTERISTICS:**
17 |

18 |
19 | **The Computer Systems Technician Aide** ~~classification this~~ is the ~~entry trainee~~-level
20 | position in the series. Incumbents work Under ~~under~~ close supervision, ~~performs~~
21 | performing ~~highly~~-routine tasks such as operating forms equipment, moving boxes and
22 | other manual work.
23 |

24 | **The Computer Systems Technician I** ~~classification this~~ is the ~~apprentice entry~~-level
25 | position in ~~this the~~ series. Incumbents work Under ~~under~~ supervision, ~~operates~~
26 | operating data entry devices, computers and computer peripheral units; provides
27 | quality control and clerical support; with assistance, learns computer console
28 | operations, documentation procedures and; job control language operations.
29 |

30 | **The Computer Systems Technician II** ~~classification this~~ is the journey-worker
31 | level position in the series. Incumbents work Under ~~under~~ general supervision,

32 ~~operates~~ operating computer system consoles and peripheral units; ~~provides job~~
33 ~~orientation; provides scheduling, dispatching~~ processes, schedules and dispatches job
34 orders, and provides operations documentation support; assists customers by ~~manning~~
35 ~~the Data Center Help Desk~~ answering Service Desk phone calls when other staff is
36 unavailable.

37
38 **The Computer Systems Technician III** ~~classification~~ this is the advanced-journey
39 level ~~lead worker~~ in the series. ~~Under direction,~~ develops Incumbents work under
40 general supervision, developing procedures, trainings subordinate staff and ~~is-are~~ able
41 to fully operate any functional station within the ~~Operations section of the~~ Data Center.

42 43 44 **REPRESENTATIVE DUTIES:**

45 **(Not in order of importance)**

- 46
- 47 • Sets up, operates, and controls a variety of data entry, ~~mini~~-computer and Local
48 Area Network (LAN) equipment; operates computer central processing and
49 peripheral units in accordance with standard operating procedures; operates
50 computer output ~~microfiche~~ equipment, forms handling equipment, and magnetic
51 tape devices.
 - 52
53 • Monitors computer system(s) and determines points of equipment malfunction;
54 assists with technical support by helping user departments with
55 telecommunication, terminal, printer and related information processing
56 problems; confers with programming and technical support personnel in the
57 event of errors.
 - 58
59 • Keeps logs of machine activity; develops machine procedures; performs
60 mathematical calculations and other clerical procedures; prepares proper
61 documentation; may perform quality control and schedule function.
- 62

- 63 • Assists in the proper storage and identification of all information processing
64 equipment and supplies; moves boxes and performs related manual work as
65 required.

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67

68 **EMPLOYMENT STANDARDS:**

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70 **Knowledge of:**

71

- 72 • ~~Basic mathematics~~ Modern, modern office methods and information processing
73 techniques
- 74 • Current computer applications, printers and standard office equipment
- 75 • Data storage media
- 76 • Basic recordkeeping techniques
- 77 • Basic mathematics
- 78 • Graphic presentation techniques

79

80 **Ability to:**

81

- 82 • Reason logically and learn and comprehend methods of logical thinking
- 83 • Perform mathematical computations
- 84 • Function with general mechanical aptitude, coordination, spatial perception, and
85 dexterity
- 86 • Speak and write effectively
- 87 • Complete activity reports and job order processing logs
- 88 • Work cooperatively with others
- 89 • Follow oral and written instructions
- 90 • Operate ~~mechanical devices~~ equipment normally found in a computer center
- 91 • Operate computer keyboard, mouse and other standard computer input devices
- 92 • Maintain a safe and productive work environment

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EDUCATION/EXPERIENCE:

Computer Systems Aide: Possession of a high school diploma or a GED certificate. No experience is required.

Computer Systems Technician I: Possession of a high school diploma or a GED certificate AND: ~~The same as above plus:~~ Either A: One year of computer operations experience in a large mainframe computer facility. Or B: One year as a Computer Systems Technician-Aide or its equivalent; Or C: ~~—~~ Graduation from a recognized business school in information processing; Or D: Successful completion of two years of college which included courses in information processing and/or computer science.

Computer Systems Technician II: Possession of a high school diploma or a GED certificate AND: ~~The same as above plus:~~ Either A: Two years of computer operations experience in a large mainframe computer facility; Or B: One year as a Computer Systems Technician I.

Computer Systems Technician III: Possession of a high school diploma or a GED certificate AND: ~~The same as above plus:~~ Either A: Three years of computer operations experience in a large mainframe computer facility; Or B: One year as a Computer Systems Technician II.

OTHER CONDITIONS OF EMPLOYMENT:

Employees in this series may be required to work holidays, weekends, and irregular hours; may be required to work a standby schedule.

This class specification generally describes the duties and responsibilities characteristic of the position(s) within this class. The duties of a particular position within a multi-position class may vary from the duties of other positions within the class. Accordingly, the essential duties of a particular position (whether it be a multi-position class or a single-position class) will be identified and used by medical examiners and hiring authorities in the selection process.

126 This information will also be made available for review at the time of any recruitment for that position and at such
127 other times as reasonably required.

128
129 Adopted: 11-21-73
130 Revised: 6-16-99
131 Revised: 7-28-04
132

1 **HUMAN RESOURCES DEPARTMENT**

2 *San Luis Obispo County*

3
4 **COMPUTER SYSTEMS TECHNICIAN AIDE, I, II AND III**
5 **(Career Series)**
6

7 **DEFINITION:**

8 The classes in this series perform a variety of technical duties in support of the County's
9 mainframe computer systems and their related technical facilities; processes mainframe
10 job orders and large reports; assist in systems development tasks; and perform other
11 related duties as required.
12

13 **DISTINGUISHING CHARACTERISTICS:**

14 **The Computer Systems Technician Aide** this is the trainee-level position in the
15 series. Incumbents work under close supervision performing routine tasks such as
16 operating forms equipment, moving boxes and other manual work.
17

18 **The Computer Systems Technician I** this is the entry-level position in the series.
19 Incumbents work under supervision, operating data entry devices, computers and
20 computer peripheral units; provides quality control and clerical support; with assistance,
21 learns computer console operations, documentation procedures and job control
22 language operations.
23

24 **The Computer Systems Technician II** this is the journey-worker level position in
25 the series. Incumbents work under general supervision, operating computer system
26 consoles and peripheral units; processes, schedules and dispatches job orders, and
27 provides operations documentation support; assists customers by answering Service
28 Desk phone calls when other staff is unavailable.
29

30 **The Computer Systems Technician III** this is the advanced-journey level in the
31 series. Incumbents work under general supervision, developing procedures, training

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32 subordinate staff and are able to fully operate any functional station within the Data
33 Center.

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36 **REPRESENTATIVE DUTIES:**

37 **(Not in order of importance)**

38

39 • Sets up, operates, and controls a variety of data entry, computer and Local Area
40 Network (LAN) equipment; operates computer central processing and peripheral
41 units in accordance with standard operating procedures; operates computer
42 output equipment, forms handling equipment, and magnetic tape devices.

43

44 • Monitors computer system(s) and determines points of equipment malfunction;
45 assists with technical support by helping user departments with
46 telecommunication, terminal, printer and related information processing
47 problems; confers with programming and technical support personnel in the
48 event of errors.

49

50 • Keeps logs of machine activity; develops machine procedures; performs
51 mathematical calculations and other clerical procedures; prepares proper
52 documentation; may perform quality control and schedule function.

53

54 • Assists in the proper storage and identification of all information processing
55 equipment and supplies; moves boxes and performs related manual work as
56 required.

57

58

59 **EMPLOYMENT STANDARDS:**

60 **Knowledge of:**

- 61 • Modern office methods and information processing techniques
62 • Current computer applications, printers and standard office equipment

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- 63 • Data storage media
- 64 • Basic recordkeeping techniques
- 65 • Basic mathematics
- 66 • Graphic presentation techniques

67

68 **Ability to:**

- 69 • Reason logically and learn and comprehend methods of logical thinking
- 70 • Perform mathematical computations
- 71 • Function with general mechanical aptitude, coordination, spatial perception, and
- 72 dexterity
- 73 • Speak and write effectively
- 74 • Complete activity reports and job order processing logs
- 75 • Work cooperatively with others
- 76 • Follow oral and written instructions
- 77 • Operate equipment normally found in a computer center
- 78 • Operate computer keyboard, mouse and other standard computer input devices
- 79 • Maintain a safe and productive work environment

80

81 **EDUCATION/EXPERIENCE:**

82 **Computer Systems Aide:** Possession of a high school diploma or a GED certificate.

83 No experience is required.

84

85 **Computer Systems Technician I:** Possession of a high school diploma or a GED
86 certificate AND: Either A: One year of computer operations experience in a large
87 mainframe computer facility. Or B: One year as a Computer Systems Technician-Aide
88 or its equivalent; Or C: Graduation from a recognized business school in information
89 processing; Or D: Successful completion of two years of college which included courses
90 in information processing and/or computer science.

91

92 **Computer Systems Technician II:** Possession of a high school diploma or a GED
93 certificate AND: Either A: Two years of computer operations experience in a large
94 mainframe computer facility; Or B: One year as a Computer Systems Technician I.

95
96 **Computer Systems Technician III:** Possession of a high school diploma or a GED
97 certificate AND: Either A: Three years of computer operations experience in a large
98 mainframe computer facility; Or B: One year as a Computer Systems Technician II.

99
100 **OTHER CONDITIONS OF EMPLOYMENT:**
101 Employees in this series may be required to work holidays, weekends, and irregular
102 hours; may be required to work a standby schedule.

103
104 This class specification generally describes the duties and responsibilities characteristic of the position(s) within this
105 class. The duties of a particular position within a multi-position class may vary from the duties of other positions
106 within the class. Accordingly, the essential duties of a particular position (whether it be a multi-position class or a
107 single-position class) will be identified and used by medical examiners and hiring authorities in the selection process.
108 This information will also be made available for review at the time of any recruitment for that position and at such
109 other times as reasonably required.

110
111 Adopted: 11-21-73
112 Revised: 6-16-99
113 Revised: 7-28-04
114

1 **HUMAN RESOURCES DEPARTMENT**

2 ***San Luis Obispo County***

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4 **SENIOR COMPUTER SYSTEMS TECHNICIAN**

5
6 **DEFINITION:**

7
8 Under direction, incumbents ~~provides general supervision to lead~~ a small group of
9 Computer Systems Technicians; assigns work to subordinate staff, schedules computer
10 production jobs in a multiprocessing mode; performs systems testing; learns the
11 principles of systems design and analysis or operation management; ~~and does~~
12 performs other related ~~work duties~~ as required.

13
14 **REPRESENTATIVE DUTIES:**

15 (Not in order of importance)

- 16
17 • Schedules, leads and reviews the production work of the operations staff;
18 provides technical instruction and training to subordinate personnel.
- 19
20 • Participates in ~~department data center~~ planning, equipment evaluation and
21 ~~equipment~~ selection; performs a variety of computer operation tasks ~~including~~
22 ~~the construction of automated voice response data systems~~.
- 23
24 • Prepares data center operation reports as directed; maintains computer
25 utilization statistics; designs electronic forms and custom laser forms.
- 26
27 • Keeps supervisor appraised of data center activities, staffing and resource needs;
28 distributes work assignments; provide input on staff performance.
- 29

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EMPLOYMENT STANDARDS:

Knowledge of:

- The methods and problems of operating ~~mini~~-computer, Local Area Network (LAN) and mainframe computer processing equipment
- Capabilities and interrelated uses of data processing equipment
- Principles of scheduling a large computer system for maximum utilization
- Current computer equipment, printers and standard office equipment
- Accepted methods of employee training, supervision and work planning

Ability to:

- Review the work of others
- Schedule and coordinate work flow
- Operate ~~digital~~ computers and peripheral equipment
- Diagnose machine malfunctions
- Establish and maintain cooperative working relationships
- Provide effective feedback on employee performance to staff and supervisors
- Maintain a safe and productive work environment
- Communicate effectively verbally and in writing

EDUCATION / EXPERIENCE:

Possession of a high school diploma or a GED certificate. In addition: *Either A:* Three years of increasingly responsible computer operations experience in a large mainframe computer facility; *Or B:* One year as a Computer Systems Technician III, or its equivalent; *Or C:* Two years as a Computer Systems Technician II, or its equivalent.

OTHER CONDITIONS OF EMPLOYMENT:

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61 | Employees in this classification may be required to work holidays, weekends, and
62 | irregular hours; work a standby schedule; ~~respond~~; respond to emergency calls at any
63 | time.

64 |
65 |
66 | This class specification generally describes the duties and responsibilities characteristic
67 | of the position(s) within this class. The duties of a particular position within a multi-
68 | position class may vary from the duties of other positions within the class. Accordingly,
69 | the essential duties of a particular position (whether it be a multi-position class or a
70 | single-position class) will be identified and used by medical examiners and hiring
71 | authorities in the selection process. This information will also be made available for
72 | review at the time of any recruitment for that position and at such other times as
73 | reasonably required.

74 |
75 | Adopted: 7-25-79
76 | Revised: 6-16-99
77 | Revised: 7-28-04

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1 **HUMAN RESOURCES DEPARTMENT**

2 *San Luis Obispo County*

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4 **SENIOR COMPUTER SYSTEMS TECHNICIAN**

5

6 **DEFINITION:**

7 Under direction, incumbents lead a small group of Computer Systems Technicians;
8 assigns work to subordinate staff, schedules computer production jobs; performs
9 systems testing; learns the principles of systems design and analysis or operation
10 management and performs other related duties as required.

11

12 **REPRESENTATIVE DUTIES:**

13 (Not in order of importance)

14

15 • Schedules, leads and reviews the production work of the operations staff;
16 provides technical instruction and training to subordinate personnel.

17

18 • Participates in data center planning, equipment evaluation and selection;
19 performs a variety of computer operation tasks.

20

21 • Prepares data center operation reports as directed; maintains computer
22 utilization statistics; designs electronic forms and custom laser forms.

23

24 • Keeps supervisor appraised of data center activities, staffing and resource needs;
25 distributes work assignments; provide input on staff performance.

26

27

28 **EMPLOYMENT STANDARDS:**

29 **Knowledge of:**

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- 30 • The methods and problems of operating computer, Local Area Network (LAN)
- 31 and mainframe computer processing equipment
- 32 • Capabilities and interrelated uses of data processing equipment
- 33 • Principles of scheduling a large computer system for maximum utilization
- 34 • Current computer equipment, printers and standard office equipment
- 35 • Accepted methods of employee training, supervision and work planning

36

37 **Ability to:**

- 38 • Review the work of others
- 39 • Schedule and coordinate work flow
- 40 • Operate computers and peripheral equipment
- 41 • Diagnose machine malfunctions
- 42 • Establish and maintain cooperative working relationships
- 43 • Provide effective feedback on employee performance to staff and supervisors
- 44 • Maintain a safe and productive work environment
- 45 • Communicate effectively verbally and in writing

46

47

48 **EDUCATION/EXPERIENCE:**

49 Possession of a high school diploma or a GED certificate. In addition: *Either A:* Three
50 years of increasingly responsible computer operations experience in a large mainframe
51 computer facility; *Or B:* One year as a Computer Systems Technician III, or its
52 equivalent; *Or C:* Two years as a Computer Systems Technician II, or its equivalent.

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55 **OTHER CONDITIONS OF EMPLOYMENT:**

56 Employees in this classification may be required to work holidays, weekends, and
57 irregular hours; work a standby schedule; respond to emergency calls at any time.

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5 b(5)

59 This class specification generally describes the duties and responsibilities characteristic
60 of the position(s) within this class. The duties of a particular position within a multi-
61 position class may vary from the duties of other positions within the class. Accordingly,
62 the essential duties of a particular position (whether it be a multi-position class or a
63 single-position class) will be identified and used by medical examiners and hiring
64 authorities in the selection process. This information will also be made available for
65 review at the time of any recruitment for that position and at such other times as
66 reasonably required.

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Adopted: 7-25-79
Revised: 6-16-99
Revised: 7-28-04

5b(6)



General Services Agency

Organizational Chart
(Agency Overview)

July 1, 2011

County of San Luis Obispo

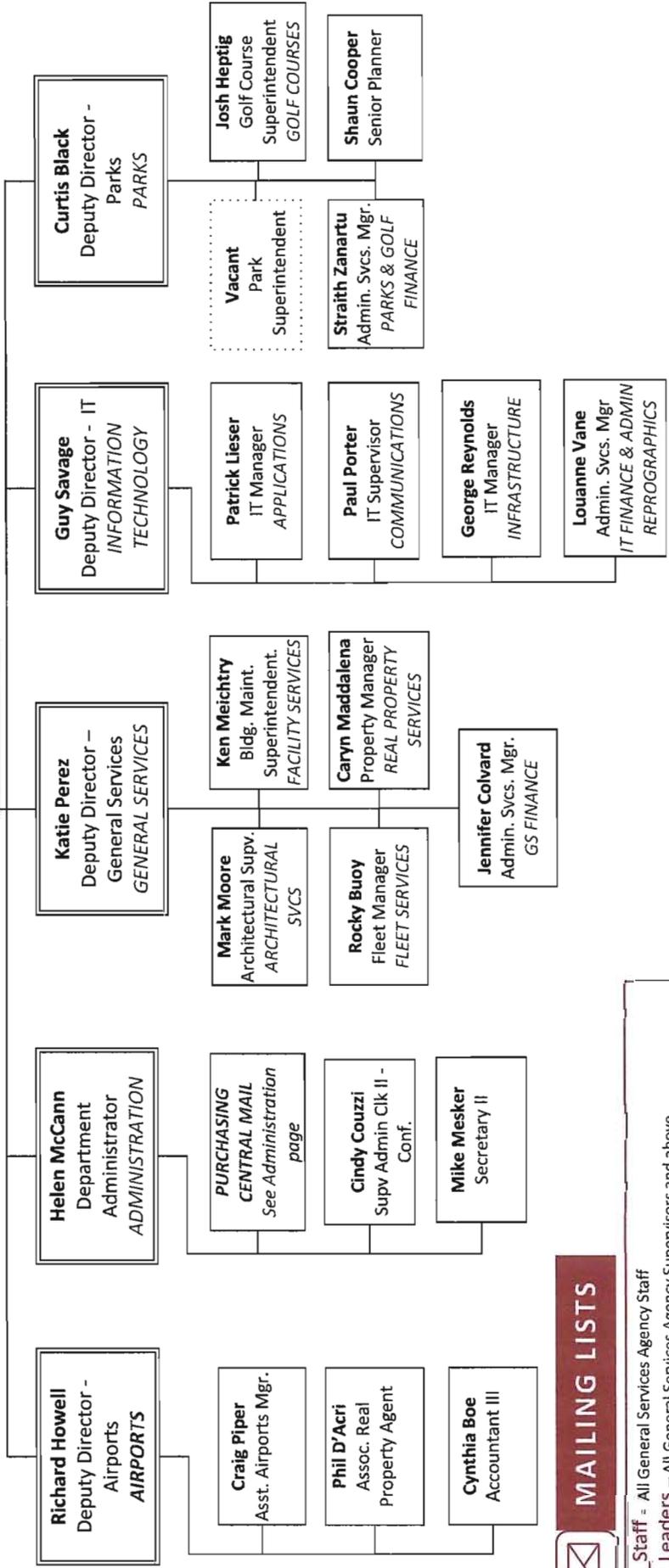


= eMail Groupname

FTE Summary

113 = 88.0 GS
 114 = 76.25 IT
 305 = 39.0 Parks
 406 = 3.0 Repr
 407 = 13.0 Fleet
 425 = 14.0 Airports
 427 = 13.0 Golf
 Total 246.25

Janette Pell
 General Services Agency
 Director
 1.0 [113]



MAILING LISTS

- GSA_Staff - All General Services Agency Staff
- GSA_Leaders - All General Services Agency Supervisors and above
- GS_Staff - All General Services, Airports and Parks Staff
- GS_Super - All General Services, Airports and Parks Supervisors and above
- IT_Staff - All Information Technology Staff
- IT_SUPS - All Information Technology Supervisors and above
- GS_Office - All Staff at the 1097 Santa Rosa Location

56(7)

STEPHEN SHANE STARK
ATTORNEY AT LAW
336 MOHAWK ROAD
SANTA BARBARA, CALIFORNIA 93109
(805) 966-3985
SSTARK336@GMAIL.COM

July 7, 2011

To: Representatives of Employee Organizations, Unrepresented officers and employees, County Administrator, Human Resources Director

Re: Memorandum of Understanding and Public Hearing on Rules Amendments

Gentlepersons:

This letter reports on the proposed amendments to the San Luis Obispo County Civil Service Commission Rules. The Commission met in closed session on May 25, 2011. It considered the comments from the latest meeting between representatives of the groups and the Commission.

The Commission believes that our meet and confer process for the rules amendments meets legal requirements, that it has considered and responded in good faith to comments and requests by interested parties, and that a public hearing to consider final action on proposed rules amendments is now appropriate.

The Commission requests interested parties to sign a Memorandum of Understanding (MOU) that: (1) Transmits proposed Rules amendments as modified in the meet and confer process; (2) Initiates public notice and public hearing for final action on rules amendments for the Commission's regular meeting in September, 2011; and (3) Indicates the Commission will consider specific proposals to allow organizations to appeal or grieve as representatives of affected groups or vulnerable persons if submitted 10 days before the hearing date.

An MOU is attached. It is intended to be straightforward, procedural and simple. Please let me know if you have any questions or comments. We have compiled a revised final draft Rules Amendments that incorporates the changes accepted for the Commission during the meet and confer process and is Attachment A to the MOU.

I have signed the MOU on behalf of the Commission. Please sign and date it on behalf of the party you represent and return it to the Commission Secretary at your earliest convenience, but no later than September 16, 2011 at 9:00 A.M. We will then begin the public notice process. Please contact me if you have questions.

The Commission directed that the records of the meet and confer process, including the minutes of the meetings, the parties' requests and comments on proposed changes, and the Commission's responses, be in the public record and available before the hearing.

Please accept the Commission's and my thanks for your participation and professionalism in what we think has been a constructive effort that has improved the proposed Rules. I look forward to the public hearing and final Commission action.

Stephen Shane Stark
Rules Negotiator

Cc: Human Resources Director. Members of the Civil Service Commission

6A(1)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the San Luis Obispo County Civil Service Commission ("Commission") and parties interested in the proposed amendments to the Commission's Rules, including representatives of recognized employee organizations and county management (collectively "Parties").

RECITALS

1. Civil Service Commission Procedural Guidelines Part VIII establishes procedures for meeting and conferring in good faith with recognized employee organizations regarding changes to the Commission's Rules.
2. The Commission, in consultation with interested persons, issued a set of proposed amendments to the Rules and sent a draft to representatives of recognized organizations on November 4, 2010.
3. The Commission's designated representative met with representatives of interested parties to discuss the proposed amendments on December 1, 2010 and December 15, 2010. The Commission considered the comments and suggestions of the parties and responded in writing on March 28, 2011. The Commission approved certain changes to proposed Rules and declined to make other suggested changes.
4. The Commission's representative met with the groups on April 15, 2011 and discussed the Commission's response. The Commission responded in writing to comments and requests on April 28, 2011; it agreed to some further changes to draft Rules and declined to make other changes.
5. The attached proposed Civil Service Rules reflects the changes the Commission authorized its representative to accept in light of the comments and requests made by employee representatives and Human Resources Department.
6. Employee representatives request that recognized organizations be able to appeal on behalf of their members in cases with issues common to groups or where employees are reluctant to come forward. Human Resources advocates keeping the requirement that appeals be by persons. The Commission declines to change the draft Rules, pending public hearing and final decision.
7. The Commission requested written comments and suggested text from interested parties on January 31, February 25, March 28, and April 28, 2011. The only response received was from Human Resources, opposing representative appeals.

UNDERSTANDING

1. The Commission will give notice of proposed amendments to the San Luis Obispo County Civil Service Rules in the form of Attachment "A" and schedule a public hearing at its regular meeting in September 2011 for final action per Commission Rule 3.12 and County Code § 2.40.080(18).

2. The Commission will consider at the public hearing proposals to allow recognized organizations to file appeals or grievances on behalf of members or groups of members, provided that specific language and statement of reasons are filed with the Commission Clerk no later than close of business ten (10) days before the hearing date.
3. The Commission, through its representative, and the undersigned representatives of recognized employee organizations, unrepresented officers and employees, and Human Resources Department, agree that the Commission has met and conferred in good faith concerning the proposed amendments to the Civil Service Rules and that the Commission may proceed to consider and take final action on amendments at its public hearing.
4. This agreement may be executed in counterparts.

Understood and agreed to as of the date indicated below:

For the Commission:

Stephen Shane Stark Date: 7 July 2011
 Stephen Shane Stark

For Interested Party management

[Signature] Date: 9/9/11

**ATTACHMENT A – Proposed Draft Civil Service Commission Rules.
 EXHIBITS**

1. Minutes of Meetings
 - a. December 1, 2010
 - b. December 15, 2010
 - c. April 13, 2011
2. Civil Service Commission Response to Comments on Rules Amendments
 - a. March 28, 2011
 - b. April 28, 2011
3. Correspondence
 - a. Letter of Introduction (November 4, 2010) and related E-mails
 - b. Status Report on Rules Negotiations January 31, 2011
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Stephen Shane Stark
Rules Negotiator

Cc: Human Resources Director. Members of the Civil Service Commission

6A(4)

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4. This agreement may be executed in counterparts.

Understood and agreed to as of the date indicated below:

For the Commission:

Stephen Shane Stark Date: 7 July 2011
 Stephen Shane Stark

For Interested Party Human Resources

Tami Douglas Seletz Date: 9/15/11

ATTACHMENT A – Proposed Draft Civil Service Commission Rules.
 EXHIBITS

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 - d. Comment from Human Resources on Group Representation Issue

GA(6)

**CSC RULES UPDATE
PROCESS
SHOWING PROPOSED
CHANGES TRACKED**

lb

6-28-2011

RULE 1: AUTHORITY AND PURPOSE

1.01 AUTHORITY: Under the authority of Chapter 2, Part 1 of the San Luis Obispo County Code, the San Luis Obispo County Civil Service Commission does prescribe and adopt these Rules, which shall have the force and effect of law. [Ord. 2.40.070(a)]

1.02 PURPOSE: These Rules are prescribed for the purposes of implementing Chapter 2, Part 1 of the County Code, assuring the use of the merit principle in County employment, promoting efficiency in the conduct of County business, and assuring fair and impartial treatment to all employees and applicants for employment in the classified service. To these ends, the Rules shall be liberally construed. (03/17/05)

1.03 SEVERABILITY: If any Rule, section, paragraph, sentence, clause, or phrase of these Rules is declared unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portion of these Rules. The Commission hereby declares that it would have prescribed and adopted these Rules, and each Rule, section, paragraph, sentence, clause, and phrase hereof, irrespective of the fact that any one or more Rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional or void. [Ord. 2.40.070(a)]

RULE 2: DEFINITIONS

2.01 ALLOCATION: The act of assigning a position based on the nature of its duties, functions, and minimum qualifications to a class of positions.

2.02 ANNIVERSARY DATE: The date established for administering performance evaluations shall be consistent with County Code 2.48.030 and County Code 2.48.034, however such date shall be no longer than two thousand eighty hours of paid time after an employee's last performance evaluation or step increase.

2.0203 APPLICANT: A person who has filed an application for a position in accordance with Commission rules.

2.0304 APPOINTING AUTHORITY: The person, board, or commission having authority to make appointments to a position.

2.0405 APPOINTMENT: The offer to and acceptance by a person of a position either on a permanent, temporary, or provisional basis, including reemployment, reinstatement or restoration, to be effective on the execution of a Personnel Action Form by all parties. (9/28/88)

2.0506 BOARD OF SUPERVISORS: The Board of Supervisors of the County of San Luis Obispo.

2.0607 BREAK IN SERVICE: Any interruption in continuous service, except for absences on approved leave or absences to serve in the Armed Forces of the United States as provided for in the County Code and the California Military and Veterans Code. (9/28/88)(8/26/98) (03/17/05)

2.0708 CANDIDATE: A person whose application for employment has been accepted as meeting the established minimum qualifications for the class of position applied for. (03/17/05)

2.0809 CERTIFICATION: The submission to an **appointing authority** ~~Appointing Authority~~ in accordance with Rule 10 of the eligibles from which the ~~appointing authority~~ Appointing Authority shall make a selection to fill a position. (03/17/05)

2.0910 CLASS OR CLASS OF POSITIONS: A position or group of positions sufficiently similar with regard to duties and responsibilities that the same title may be used to designate each position allocated to the class. All

positions allocated to a class shall have the same minimum qualifications for employment. (9/28/88)(03/17/05)

2.4011 CLASS SPECIFICATION: A written description of a class which identifies the factors and conditions which are essential characteristics of the class, including the minimum qualifications, typical duties, responsibilities, and tasks. (03/17/05)

2.4112 CLASSIFICATION PLAN: The orderly scheme or arrangement of all classes in the classified service. (03/17/05)

2.4213 CLASSIFIED SERVICE: All positions in the Civil Service of the County of San Luis Obispo except those in the unclassified service as set forth in Section 2.40.060 of the County Code. (03/17/05)

2.4314 COMMISSION: The San Luis Obispo County Civil Service Commission. (03/17/05)

2.4415 CONTINUOUS SERVICE: Permanent employment without interruption, except for approved leaves or absence to serve in the Armed Forces of the United States. (9/28/88)(03/17/05)

2.4516 COUNTY: San Luis Obispo County. (03/17/05)

2.4617 COUNTY CODE OR CIVIL SERVICE ORDINANCE: Chapter 2.40 of the San Luis Obispo County Code. (03/17/05)

2.4718 DAYS (BUSINESS): Calendar days exclusive of Saturdays, Sundays, and legal holidays. (03/17/05)

2.4819 DEMOTION: Involuntary reduction, for disciplinary or medical reasons, of an employee who has permanent status in a position in the classified service to another position or class having a lower salary range. Demotion shall not include a reduction in rank or salary range resulting from layoff or downward reclassification. (9/28/88)(03/17/05)

2.4920 DISMISSAL: Separation of an employee from the classified service for cause. (03/17/05)

2.2021 ELIGIBLE: A person or the status of a person whose name appears on an eligible list for a class of positions within the classified service.

2.2122 ELIGIBLE LIST: The list of ranked eligibles for a given classification whose names have been placed on an appropriate list pursuant to Rule 9.

2.2223 EMPLOYEE: Any person holding a position in the classified service of the County of San Luis Obispo which has been duly established by ordinance or resolution of the Board of Supervisors.

2.2324 EXAMINATION: Any objective, well-defined, selection instrument, process or procedure that is formal, scored or quantified and used as a basis for any selection decision.

2.2425 HEARING: A procedure whereby the Commission elicits facts necessary for determination of an appeal. (03/17/05)

2.26 HIPAA Confidentiality regulations: The Federal regulations promulgated under section 264© of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033) and county requirements, policies and regulations adopted to ensure confidentiality and security of health information.

2.25262.27 INCUMBENT: Person who at any specific point in time is the permanently appointed occupant of a given position in the classified service.

2.26272.28 INEXCUSABLE ABSENCE: Any absence during an employee's scheduled work time when the employee is not present to perform the assigned duties of his/her position, and for which he/she is neither eligible for compensation under the provisions of the County Code or these Rules, nor is away from the position on an authorized non-paid leave of absence from County employment. (8/26/98)(03/17/05)

2.27282.29 LAYOFF: Termination of employment, without prejudice, because of lack of work, lack of funds, reorganization or other lawful reasons. (9/28/88)

2.28292.30 OFFICIAL BULLETIN BOARD: The bulletin board or boards used for posting of public announcements of the Commission, which shall be that bulletin board or boards designated for this purpose by resolution of the Commission. (03/17/05)

2.29302.31 PERFORMANCE RATING: The rating given an employee relative to work performance by an **appointing authority**Appointing Authority pursuant to Rule 13 herein. (9/28/88)(03/17/05)

2.30312.32 PERMANENT STATUS: Status of a classified employee who is legally retained in a position after completion of a probationary period. (03/17/05)

2.31322.33 POSITION: Any office or employment in the classified service of the County of San Luis Obispo, which has been duly authorized by the Board of Supervisors and which requires the full- or part-time employment of one or more persons. (03/17/05)

2.32332.34 PROBATIONARY STATUS: Status of an employee in the classified service who has been certified and appointed to a permanent position, but who has not completed a probationary period. (03/17/05)

2.33342.35 PROBATIONER: An employee who has probationary status. (03/17/05)

2.34352.36 PROMOTION: Advancement from a position in one class to a position in another class which has a higher salary range. (03/17/05)

2.35362.37 PROVISIONAL APPOINTMENT: The temporary appointment without examination of a permanent County employee to another position in the classified service when there is no eligible list available for the class involved or when the list available for the class contains an insufficient number of eligibles to permit a complete certification. (03/17/05)

2.36372.38 REASSIGNMENT: The assignment of an employee without examination from one position within a department to another position in the same department in the same class and salary range. (03/17/05)

2.382.39 REDUCTION IN COMPENSATION: A change in salary to a lower step in the salary range or other reduction in compensation for disciplinary reasons. (XX/XX/10)

2.372.392.40 REEMPLOYMENT: The reappointment without examination of persons laid off or reduced in lieu of layoff. (03/17/05)

2.382.402.41 REINSTATEMENT: Reappointment without examination after a break in service pursuant to Section 2.40.080(14) of the County Code. (03/17/05)

2.392.412.42 REJECTION: Termination of a probationer from a probationary position for failure to satisfactorily complete the terms of probation. (03/17/05)

2.402.422.43 RESTORATION: Return of an employee to a position in a class in which status was formerly held. (03/17/05)

2.432.44 RULES: The rules of the San Luis Obispo Civil Service Commission.

2.412.442.45 SALARY: Salary, wage, fee, or allowance paid an employee for performing the duties of a position. (03/17/05)

2.422.452.46 SALARY RANGE: The multi-step pay range for each classification as specified in the County salary schedule. (03/17/05)

2.432.462.47 SENIORITY: The total length of full-time paid employment in the classified service or proportional credit for part-time service as defined in rule 2.53. (9/28/88)(03/17/05)

2.442.472.48 SERVICE: Employment by the County. (8/26/98)(03/17/05)

2.482.49 SPECIAL EVALUATION: Any evaluation, other than a regular or probationary evaluation, that may be issued at any time during the evaluation period.

2.452.492.50 STATUS: At a specific point in service, the type of employment, such as permanent, probationary, provisional, or temporary, which an employee holds pursuant to Chapter 2.40 of the County Code or these Rules. (9/28/88)(03/17/05)

2.462.502.51 SUBSTITUTE APPOINTMENT: Any permanent position, which will remain continuously unfilled for twenty or more calendar business days, due to the incumbent's approved leave of absence, may be filled by a substitute employee pursuant to a request made by the ~~appointing authority~~Appointing Authority and with the prior approval of the ~~Personnel Director~~Human Resources Director. (9/28/88)(8/26/98)(03/17/05)

2.472.512.52 SUSPENSION: An involuntary absence without salary for disciplinary purposes. (03/17/05)

2.482.522.53 TEMPORARY APPOINTMENT: An appointment, which is non-permanent or seasonal in character, is not an appointment to a permanently allocated position, and is not utilized to accomplish workload of a continuing nature. (9/28/88)(03/17/05)

2.532.54 TIME-IN-SERVICE: Total hours of recorded time with the exception of Leave Without Pay (LWOP), all forms of Standby Time, Comp Time in lieu of Overtime and Callback pay. Time-in-Service shall not accrue in excess of 80 hours in a two-week pay period. (XX/XX/10)

2.492.542.55 TRANSFER: The change without examination of an employee from one position to a similar position in the same class and range in another department; or to a position in another class and the same range either within the same department or in another department as long as the transfer applicant meets the minimum qualifications. [2.40.080(13)] (03/17/05)

2.502.552.56 VOLUNTARY REDUCTION: Assignment of an employee, at his/her request or with his/her concurrence, to a position in a classification at a lower salary range and in accordance with the reasons outlined in Rule 12.13 herein. (9/28/88)(03/17/05)

2.512.562.57 WORKING DAYS: The day duly scheduled as a day of work for the particular position. It is not necessarily synonymous with "days" in that Saturdays, Sundays, or legal holidays may be working days for the particular position. Working day, for the purpose of County Code Section 2.40.080(12), and Rule 10.07(c), is a 24-hour calendar day period in which any work is performed, regardless of the amount of hours actually worked in the period.
(03/17/05)

Rule Update - Working Draft

RULE 3: ORGANIZATION AND ADMINISTRATION

3.01 RESPONSIBILITIES OF THE COMMISSION:

- (a) Prescribe, amend, repeal, and enforce these Rules, and make investigations concerning the enforcement and effect thereof; [Ord. 2.40.070] (03/17/05)
- (b) Oversee the administration of the County Civil Service program in accordance with applicable provisions of the County Code and these Rules, and take actions as are prescribed by the specific provisions of these Rules; [Ord. 2.40.070]
- (c) Consider the legitimacy of, and hear, as appropriate, appeals and grievances initiated by individuals regarding actions taken on matters governed by these Rules; and [Ord. 2.40.070] (03/17/05)
- (d) Conduct disciplinary hearings as provided under these Rules. [Ords. 2.40.070; 2.40.120]

3.02 OFFICERS OF THE COMMISSION:

- (a) **Election:** The Commission shall elect one of its members as President and another as Vice President at the first regular meeting in January of each year. The incumbent officers shall hold office until their respective successors are duly elected and qualified. [Ord. 2.40.020] (03/17/05)
- (b) **President, Duties:** The President shall preside at all meetings of the Commission, sign official documents of the Commission, and speak on behalf of the Commission when so authorized.
- (c) **Vice President, Duties:** In the event of the absence of the President, the Vice President shall have all the duties of the President. (03/17/05)
- (d) **Secretary, Duties:** The secretary of the Commission shall:
 - (1) Keep minutes of Commission proceedings;
 - (2) Prepare agenda for Commission meetings and schedule such hearings as may be required by these Rules; and
 - (3) Carry on all correspondence on behalf of the Commission.

3.03 ~~PERSONNEL DIRECTOR~~HUMAN RESOURCES DIRECTOR, DUTIES:

The ~~Personnel Director~~Human Resources Director, or his/her designee, under general direction of the Commission, shall administer the Civil Service System pursuant to the rules adopted by the Commission. Such administration shall include: (12/22/82)

- (a) Advising the Commission upon Civil Service matters;
- (b) Furnishing a recording secretary to the Commission, who shall take the minutes; the appointment of said secretary to be approved by the Commission; (03/17/05)
- (c) Preparing the budget for operation of the Commission; (03/17/05)
- (d) Administering the expenditure of funds appropriated for the Commission;
- (e) Administering the programs provided for by these Rules;
- (f) Establishing such administrative controls and procedures as may be necessary for enforcement of these Rules;
- (g) Making recommendations relative to matters of policy and for necessary amendments to these Rules;
- (h) Certifying appointments on behalf of the Commission pursuant to Section 2.40.140 of the County Code; (03/17/05)
- (i) Preparing the Annual Report for the Commission's approval prior to submission to the Board of Supervisors; and (03/17/05)
- (j) Performing such other duties as may be assigned time to time by the Commission. [Ord. 2.40.070(b)]

3.04 REGULAR MEETINGS: The Commission shall hold at least one regular meeting in January of each year and at such other times throughout the year as may be necessary for the conduct of Commission business. Regular meeting dates and places shall be designated by resolution. Notice of the time and place of meetings so designated shall when determined be posted on the Commission's official bulletin board and otherwise appropriately announced. (03/17/05)

3.05 SPECIAL MEETINGS: A special meeting may be called at any time by the President of the Commission or by a majority of the Commission by delivering written notice to each member of the Commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice shall be delivered personally or by mail and shall be received

at least 24 hours before the time of the meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. At such meeting no other business shall be considered by the Commission. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary of the Commission a written waiver of notice. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this Rule regardless of whether any action is taken at the special meeting. A copy of the notice shall be posted at least 24 hours prior to the special meeting on the Commission's official bulletin board. (9/28/88)(03/17/05)

3.06 PUBLIC MEETINGS: All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided in Rule 3.07.

3.07 CLOSED MEETINGS: The Commission may hold closed meetings as allowed by law including closed meetings to consider the employment or dismissal of a public officer or employee, or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless the officer or employee against whom the complaints or charges are brought requests a public hearing. The Commission also may exclude witnesses and others as provided in Rule 4.07. (12/17/86)(8/26/98)(03/17/05)

3.08 RULES OF ORDER: Except as otherwise provided herein, **Robert's Rules of Order** shall guide the Commission in its proceedings.

3.09 QUORUM: Three members of the Commission shall constitute a quorum for the transaction of business. No formal action shall be taken by the Commission unless it is adopted by the concurring votes of at least three members of the Commission. (03/17/05)

3.10 COMMUNICATIONS: Communications and requests to the Commission, insofar as practicable, shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

3.11 MINUTES: All official actions of the Commission shall be recorded in the minutes. An official copy of approved minutes shall be kept by the Secretary and shall be open to public inspection. [Ord. 2.40.070] (03/17/05)

3.12 RULES: The adoption or amendment of rules will be conducted pursuant to the Procedural Guidelines established by the Commission, but final action thereon shall be taken only after public notice and hearing. Public notice of such intention shall be posted on the official bulletin board on the date proposed and continuously thereafter until the date of hearing. Such hearing shall be held no

sooner than one week after such public notice is given. [Ords. 2.40.070; 2.40.080(18)] (03/17/05)

3.13 EFFECTIVE DATE: All Rules and amendments shall become effective immediately upon adoption unless some later date is specified by the Commission.

Rule Update - Working Draft

RULE 4: GRIEVANCE AND APPEALS PROCEDURES

4.01 PURPOSE: The purpose of the procedures established herein is to provide a systematic means to:

- (a) Keep channels of communication open between all persons employed by the County; (03/17/05)
- (b) Resolve ~~problems~~issues and differences between employees and management through discussions; and
- (c) Settle unresolved employee disputes and complaints in a reasonable manner at fair hearings.

4.02 GRIEVANCE & APPEAL GENERAL CONDITIONS:

(a) RIGHT OF PARTICIPATION: Grievants and Appellants have the right to be present at all steps in the procedure and shall be permitted a reasonable amount of time to prepare for proceedings during working hours provided his/her supervisor determines that it will not unduly interfere with the workload of the employee's work unit.

~~Any employee or group of employees shall have the right to present appeals and grievances under these procedures without fear of reprisal. A Recognized Employee Organization may not use the grievance procedure in its own name. (10/25/00)(03/17/05)~~

4.03

(b) REPRESENTATION: Any employee or group of employees shall be entitled to representation at each step of these procedures established herein. The representative shall be of the employee's or group's own choosing and if the representative is an employee, he/she may be permitted to participate in the proceedings during working hours if his/her supervisor determines that his/her participation will not unduly interfere with the workload of the employee's work unit. (03/17/05)

(c) Retaliation: Retaliation against any employee or group of employees for presenting an appeal or grievance, or participating in any procedure permitted by these Rules is prohibited.

(d) Prehearing Procedures: Parties are required to conduct appeals and grievances according to the process established by the Commission's Procedural Guidelines. (03/17/05)

- (e) **Time Extensions:** Unless otherwise provided for in these Rules, a time limit established in these procedures can be extended by mutual written consent of the parties with a showing of good cause and approval of the Human Resources Director.
- (f) **Service:** Documents can be served electronically, facsimile, personal delivery or first class mail. Service is deemed complete on the date sent, or in the case of first class mail, on the postmark date.
- (g) **Discrepancy:** All documents, including all subsections, corrections, addendums, submitted to Human Resources as called for in these Rules are the official, controlling documents in the case of discrepancy.
- (h) **Waiver:** Any provision of these procedures may be waived by mutual written consent of the parties with a showing of good cause and approval of the Human Resources Director. (06/03/09)

~~4.04 DEFINITIONS AND GUIDELINES: (03/17/05)~~

- ~~(a) As used in Rules 4.05 and 4.06, the word "employee," shall mean the employee-appellant or employee-grievant and his/her representative. The appellant/grievant shall be present at all steps in the process. (03/17/05)~~
- ~~(b) The term "appointing authority" shall include "or his/her designee." (03/17/05)~~
- ~~(c) Any written forms approved by the Commission and required of the employee at any step in the appeal or grievance process shall be provided by the Personnel Director. (03/17/05)~~
- ~~(d) Should a grievant/appellant fail at any time to proceed to the next step of the appeals or grievance process, as set forth below, it shall be recognized as acceptance of resolution of the problem. If the employer fails to meet any timeline for response to a grievance, the grievance will be deemed unresolved at the Step and proceed to the next step. (03/17/05)~~
- ~~(e) Any provision of the appeal and grievance process may be waived by mutual written consent of both parties. (12/22/82)(03/17/05)~~

4.054.03 GRIEVANCES: (03/17/05 06/03/09)

- (a) **Definition:** A Grievance is a dispute between one or more classified employees and the County involving the interpretation, application or enforcement of a County ordinance, rule, policy, practice or agreement. (06/03/09)

~~(a)~~(b) **Scope:** The procedure established herein is limited in application to complaints of unfair or improper treatment in County employment and to matters specifically involving the interpretation or application of ordinances, rules, policies, practices and agreements. Specifically excluded from this procedure are grievances related to: (03/17/05)

- (1) Matters which, in their solution, require the amendment or change of Board of Supervisors' policies as set forth in: (03/17/05)
 - (A) The County Code and Resolutions of the Board of Supervisors; (03/17/05)
 - (B) Rules formally adopted by the Commission; and (03/17/05)
 - (C) Matters within the Employee Relations Policy adopted by Resolution of the Board of Supervisors. (9/28/88)
- (2) Any action for which there already exists an appeal procedure to the Commission. (03/17/05)
- (3) Workers' compensation matters. (03/17/05)

~~(b)~~(c) **ProcessGrievance Procedures:** The following is a series of steps, each a succeeding~~ly~~ higher level of review. Every effort is to be made by all who participate in the process to find acceptable solutions to the ~~problems~~issues involved at the earliest possible step in the process. Employees ~~and supervisors~~ are encouraged to attempt to resolve matters informally with their supervisor prior to proceeding to Step 1 of the grievance process. (9/29/88)(03/17/05)

Step I:

i. Within twenty business days following the event which caused or led to the dispute, or within twenty business days after it is determined that the dispute cannot be resolved informally, the Grievant or representative must initiate Step 1 of the grievance procedure by serving a completed County Grievance Form to the Human Resources Director.

~~(a) — Within 30 days following the incident which caused or led to the problem, the employee will give written notice containing the specific facts of the grievance and may meet to discuss the problem with the immediate supervisor. The employee must specifically notify his/her supervisor in the written notice that the purpose of the meeting is to invoke Step 1 of the grievance procedure. (03/17/05)~~

ii. Upon service of the Grievance Form, the Human Resources Director will immediately forward the form to the appropriate Appointing Authority.

~~(b) — Within ten days following the meeting, the supervisor will provide the employee with a written reply. (03/17/05)~~

iii. Within 15 business days from the date the grievance was served the Appointing Authority or designee shall (1) investigate the grievance; (2) confer with the Grievant in an attempt to resolve the issue(s); (3) prepare a written reply on the matter; and (4) serve the original on the Human Resources Director and a copy on the Grievant. (06/03/09)

~~(c) — If the reply is not satisfactory, the employee may then proceed to Step 2. (03/17/05)~~

iv. If the Appointing Authority is the subject of the grievance the County Administrator, or designee, shall undertake the Step 1 obligations of the Appointing Authority. A copy of all such grievances shall be sent to the County Administrator. (06/03/09)

v. If the grievance is not resolved at Step 1, the Grievant may proceed to Step 2.

Step 2:

i. Within ten daysbusiness days of service of the Step 1 response, the Grievant must provide written notice to the Human Resources Director requesting commencement of Step 2.

ii. Within fifteen daysbusiness days of service of the Step 2 notification, the Human Resources Director shall: (1) convene a meeting of the Grievant, Appointing Authority (or designee) and/or any other persons deemed necessary to assist the parties in resolving the issue(s); (2) document the outcome of the meeting; and (3) provide a copy of the documentation to the Grievant and Appointing Authority. (06/03/09)

iii. If the grievance is not resolved at Step 2, the Grievant may proceed to Step 3.

~~(a) — The employee shall submit a written statement of the unresolved problem to the appointing authority within five days of receipt of the supervisor's written reply. (9/28/88)(03/17/05)~~

~~(b) Within five days after receipt of the above written statement, the appointing authority shall meet with the employee. (03/17/05)~~

~~(c) Within five days after the meeting, the appointing authority will provide the employee with a written reply. (03/17/05)~~

~~(d) If the reply is not satisfactory, the employee may then proceed to Step 3. (03/17/05)~~

Step 3:

i. Within ten daysbusiness days of service of the Step 2 response the Grievant must provide written notice to the Human Resources Director requesting commencement of Step 3.

ii. Within fifteen daysbusiness days of service of the Step 3 notification, the Human Resources Director shall: (1) notify the Grievant and the Appointing Authority of his/her routing decision; and (2) notify the parties of a pre-hearing date and tentative hearing before either the Civil Service Commission or Board of Supervisors as applicable.

iii. Those matters covered by the Civil Service Ordinance and Rules shall be routed to the Commission. All other matters shall be routed to the Board of Supervisors.

iv. A Grievant may submit an objection to the Human Resource Director's routing decision, for review by the Commission President. Said objection shall be filed within five daysbusiness days of service of the decision. The President's decision on the objection shall be final. (06/03/09)

v. Those matters set for hearing before the Commission shall be conducted in accordance with Rule 4.04. (06/03/09)

vi. Those matters directed to the Board of Supervisors shall be routed to the County Administrative Office for submission to the Board of Supervisors.

~~(a) Within five days after receiving the written response from the appointing authority, the employee may submit a written statement of the unresolved problem to the Personnel Director. (03/17/05)~~

~~(b) The Personnel Director shall, within five days, meet with the employee, appointing authority and such other persons as~~

~~are deemed necessary in an attempt to resolve the problem.
(03/17/05)~~

~~(c) The Personnel Director shall respond in writing to the employee and the appointing authority and, unless the matter has been resolved, shall advise the employee that she/he has the right to grieve. (12/22/82)(03/17/05)~~

~~(d) If the employee elects to proceed to the next step the Personnel Director shall recommend the next procedure to be followed. Those matters covered by the Civil Service Ordinance and these Rules shall be directed to the Commission; all other matters shall be directed to the Board of Supervisors. (03/17/05)~~

~~(e) The Personnel Director's routing decision may be appealed to the Commission in accordance with Rules 4.06 and 4.07(h) should the employee be dissatisfied with the routing decision. (8/26/98)(03/17/05)~~

~~Step 4: The procedures in this step are to be used when the Personnel Director has assigned the grievance to the Commission for hearing. (8/26/98)(03/17/05)~~

~~(a) Within ten days after notification from the Personnel Director, as required at Step 3(c), the employee shall submit to the Personnel Director a written grievance on an approved form. The form shall set forth the known facts on which the grievance is based and the relief requested. Unless for good cause shown, any defenses not stated on the form may be deemed waived. (03/17/05)~~

~~(b) If applicable, the Personnel Director will provide a copy of the written grievance form to the appointing authority, to which the appointing authority may respond. (5/23/79)(03/17/05)~~

~~(c) Unless the time limits have been mutually extended by the parties, within 20 days after the grievance has been received the Personnel Director shall submit the written grievance, and any responses thereto, to the Commission. The Commission shall conduct a hearing in accordance with Rule 4.07. (03/17/05)~~

~~Step 5: This step is to be utilized when the employee's grievance has been directed to the Board of Supervisors. (03/17/05)~~

~~(a) Within ten days after receipt of the routing decision from the Personnel Director or the Commission, the findings, if any, of the Personnel Director or the Commission, and the written grievance from the employee shall be submitted to the County Administrative Officer or his/her designee for submission to the Board of Supervisors. (03/17/05)~~

~~(b) The Board of Supervisors may hear the grievance or by Board resolution, order, or ordinance, refer all grievances submitted to them to such other person or body as they deem necessary for hearing. The Board of Supervisors shall further determine whether or not the decision reached by such other person or body shall be final and binding or advisory in nature. The Board of Supervisors' decision shall be final and binding in all cases. (03/17/05)~~

d) **Submittal Requirements:** All grievances shall be submitted on the Human Resources Director approved Grievance Form and shall contain the following information: (06/03/09)

(1) The ordinance, rule, policy, or practice in dispute; (06/03/09)

(2) Specific facts describing the alleged dispute; (06/03/09)

(3) The relief requested; (06/03/09)

(4) The signature of the Grievant or his/her representative. If the grievance form is submitted via e-mail it will be considered the same as if the employee had signed the form. (06/03/09)

(e) **Rejections:** The Human Resources Director has discretion to reject a grievance for processing due to insufficiency of information required by Rule 4.02(d). Notice of insufficiency shall be served on the Grievant within five daysbusiness days of the Human Resources Director's receipt of the grievance. The rejection of a grievance is subject to review by the Commission on appeal. (06/03/09) The Grievant shall have five business days from the notice of insufficiency to correct any error or insufficiency. The time to grieve shall be tolled for the period of time that the Human Resources Director is considering whether the corrected information cures the insufficiency.

(f) **Failure to respond:** Should a Grievant fail at any time to proceed to the next step of the grievance process, it shall be deemed that the Grievant has withdrawn the grievance. If either the Appointing Authority, or the

Human Resources Director fail to meet any time limit for response called for in these Rules, the grievance will be deemed unresolved and the Grievant may proceed to the next step. (06/03/09)

4.064.04 APPEALS: (03/17/05)

- (a) **Definition:** An Appeal is a request for a review of an action taken by either the Human Resources Director or the Appointing Authority as identified in Rule 4.04(b). A Recognized Employee Organization may not use the appeal procedure in its own name. (06/03/09)
- (b) **Scope:** The following matters may be appealed: (06/03/09)
- (1) **Grievance Routing Decision:** A routing decision made by the Human Resources Director authorized by Rule 4.03(c) Step 3 (ii). (Employee can appeal.) (06/03/09)
 - (2) **Classification Action:** A classification decision made by the Human Resources Director as authorized in Rule 5. (Employee or Appointing Authority can appeal.) (06/03/09)
 - (3) **Applicant Disqualification:** A decision made by the Human Resources Director disqualifying an applicant made as authorized in Rule 6. (Applicant can appeal.) (06/03/09)
 - (4) **Exam Administration:** A decision made by the Human Resources Director, following investigation, of alleged exam administration errors, improprieties, or ambiguities authorized in Rule 7.13. (Candidate can appeal.) (06/03/09)
 - (5) **Medical or Physical Standards Disqualification:** A decision made by the Human Resources Director, after review, regarding disqualification of a candidate or an employee for failure to meet medical or physical standards as authorized in Rule 8.05. (Candidate or Employee can appeal.) (06/03/09)
 - (6) **Eligible List Rejection:** A decision made by the Human Resources Director to withhold, remove, or restore a person to or from an eligible list as authorized in Rules 9 and 10. (Candidate or employee may appeal.) (06/03/09)
 - (7) **Below Satisfactory Evaluation:** Issuance of a performance evaluation with an overall rating of less than satisfactory as authorized in Rule 13. (Employee can appeal.) (06/03/09)

(8) **Disciplinary Action:** A final written order made by an Appointing Authority imposing discipline on an employee as authorized in Rule 14. (Employee can appeal.) (06/03/09)

(9) **Grievance Rejection:** The Human Resources Director's rejection of a Grievance Form. (Rule 4.03(e)) (Employee can appeal.) (06/03/09)

(10) **Probationary Rejection:** A decision made by an Appointing Authority to reject an employee during his/her probationary period as authorized in Rule 11.06. (Employee may appeal.) (06/30/09)

(11) **Discriminatory Treatment:** Allegation of illegal discriminatory treatment as defined in Rule 16.02 (Employee or applicant may appeal)

~~**Appealable Matters:** An appeal may be taken only from any of the following: (03/17/05)~~

~~(1) A classification action made by the Personnel Director, referred to in Rule 5.06: (03/17/05)~~

~~(2) A ruling by the Personnel Director, referred to in Rule 6.05; (03/17/05)~~

~~(3) A decision by the Personnel Director, made pursuant to Rule 8.05; and (03/17/05)~~

~~(4) A final written order made by an appointing authority pursuant to Rule 14.03(b). (03/17/05)~~

~~(5) A decision of the Personnel Director pursuant to Rule 4.05(b) Step 3(e) routing decisions. (03/17/05)~~

~~(6) A decision of the Personnel Director pursuant to a below satisfactory evaluation appeal under Rule 13.06. (03/17/05)~~

~~(7) A decision of the Personnel Director made pursuant to Rule 10.09 denying a rejected employee's name to the eligible list. (03/17/05)~~

~~For purposes of this Rule, any such action, ruling, decision or order is hereafter referred to as "the action." (03/17/05)~~

(b)(c) **Appeals Procedure:** Appeals to the Commission must be served on the Human Resources Department within ten daysbusiness days of service of the notice of the challenged decision; or, in the case of Rule 14, of the

final written order. Upon service of an appeal, the Human Resources Director will immediately forward a copy of the appeal to the appropriate Appointing Authority and concurrently serve the Appellant and respondent notice of a pre-hearing date and tentative Commission hearing date for the appeal. (06/03/09)

The Appeals Process: (03/17/05)

~~(1) Within ten days following service of a final written order made pursuant to Rule 14.03(b) or notice of any other action described in Rule 4.06(a), the employee may appeal through the Personnel Director to the Commission. The appeal shall be in writing on approved forms and shall set forth the facts upon which the appeal is based and the relief requested. Unless for good cause shown, any defenses not stated on the appeal form may be deemed waived. Upon the filing of the appeal, the Personnel Director shall forthwith transmit the appeal to the Commission for hearing (in the case of an appeal from disciplinary action taken pursuant to Rule 14, the Personnel Director shall also transmit to the Commission a copy of the final written order). (5/23/79)(03/17/05)~~

~~(2) In the case of a final written order under Rule 14.03(b), in addition to, or in the alternative to filing an appeal, the employee may reply in writing to the order within ten days from the date of its filing with the Personnel Director. [Ord. 2.40.120(3)] (5/23/79)(03/17/05)~~

~~(3) Whenever possible, within 20 days from the filing of the appeal, the Commission shall commence a hearing, and either affirm, modify, or revoke the action. The appellant has the right to appear personally, produce evidence, and have counsel and a public hearing. By mutual agreement, the interested parties may extend the time limit for hearing with the approval of the Personnel Director. (03/17/05)~~

~~(4) The findings and decisions of the Commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by that official. (03/17/05)~~

(d) Submittal Requirements:

(1) Appeals shall be submitted on the Appeal Forms provided by the Human Resources Director, and shall contain the following information.

(A) The action for which review is requested, with reference to Rule 4.03(b)

(B) Specific facts describing the basis for the appeal: (06/03/09)

(C) The relief requested: (06/03/09)

(D) The signature of the Appellant or his/her representative. If the Appeal Form is submitted via e-mail it will be considered the

same as if the Appellant or representative had signed the form. (06/03/09)

In the case of a final written order under Rule 14.03(b), in addition to, or in the alternative to serving an appeal, the employee may reply in writing to the order within ten daysbusiness days from the date of its service upon with the Human Resources Director [Ord. 2.40.120(3)] (06/03/09)

4.074.05 HEARINGS OF THE COMMISSION:

~~—(a) (a) **Prehearing Procedures:** Parties are required to conduct appeals and grievances according to the process established by the Commission's Procedural Guidelines. (03/17/05)~~

~~(b) **Notice of Hearing:** Upon receipt of a notice of prehearing and tentative hearing date, the parties shall promptly confirm with the Human Resources Director their availability. As may be necessary, the parties and Human Resources Director will work cooperatively to select mutually agreeable alternative dates. If an agreement cannot be reached, the Commission shall set the matter for hearing. The date for hearing can be continued at the discretion of the Human Resources Director only with a showing of good cause. (06/03/09)~~

~~**Notice of Date and Place of Hearing:** When the prehearing procedures are completed, the Secretary of the Commission shall contact the designated representatives of the parties to schedule a mutually agreeable date for hearing. If an agreement cannot be reached, the Commission shall set the matter for hearing. (03/17/05)~~

~~(eb) **Rights of Parties Involved:** At the hearing, the ~~appellant/grievant~~Grievant/Appellant, the ~~appointing authority~~Appointing Authority, ~~Personnel Department~~Human Resources Director, staff, and any other person(s) whom the Commission determines to have a legitimate interest in the matter shall be entitled to: ~~(03/17/05)~~(06/03/09)~~

- ~~(1) Be represented by legal counsel or otherwise represented at such hearings and;~~
- ~~(2) Testify under oath and;~~
- ~~(3) Question under oath any witnesses or other persons involved in or related to the matter being considered and;~~
- ~~(4) Impeach any witnesses before the Commission and;~~

- (5) Present such affidavits, exhibits, and other evidence as the Commission deems relevant to the inquiry; and
- (6) Argue his/her own case and-
- (7) Receive a copy of audiotapes or transcripts of statements made during investigations and which were relied upon in taking the action, pursuant to Skelly v. State Personnel Board. (06/03/09)

(dc) **Failure of ~~Appellant/Grievant~~Grievant/Appellant to Appear:** In all hearings, the failure of the ~~appellant/grievant~~Grievant/Appellant to appear in person without good cause shown at the time and place set for hearing shall be deemed a withdrawal of his/her ~~appeal/grievance~~grievance/appeal and consent to the action, order, or ruling from which the ~~appeal/grievance~~grievance/appeal was taken. (03/17/05)

(ed) **Evidence:**

- (1) The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses.
- (2) Relevant evidence shall be admitted regardless of the existence of any common law or statutory rule that would render it inadmissible upon timely objection. Relevant evidence is that evidence upon which a reasonable person would rely in the conduct of serious affairs.
- (3) Hearsay evidence may be admitted for any purpose but upon timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (4) The rules of evidence relating to privileged communications and to official or judicial notice shall be effective to the same extent as in a civil action.
- (5) The Commission may exclude evidence that is irrelevant or repetitious.
- (6) Oral evidence shall be taken only under oath or affirmation.
~~The hearing 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~~

6b(23)

~~existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions. 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 evidence relating to privileged communications and to official or judicial notice shall be effective to the same extent as in a civil action. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation. (03/17/05)~~

- (fe) **Exclusion of Witnesses and Other Persons:** At its discretion, subject to the provision of existing law or any law which may hereafter be enacted, the Commission may exclude from hearings witnesses who are not under examination and any other persons not having a direct interest in the matter being considered. (03/17/05)
- (gf) **Testimony of ~~Appellant/Grievant~~Grievant/Appellant:** In dismissal, suspension, reduction in compensation, or demotion or Letter of Reprimand hearings, the appealing employee shall not be required to testify on his/her own behalf. An ~~appellant~~Appellant who voluntarily ~~takes the stand~~testifies in these proceedings may be cross-examined relative to any matter relevant to the ~~hearing~~issues in dispute. In all other types of hearings, an ~~appellant/grievant~~Grievant/Appellant may be called to testify and questioned under oath even though he/she has not done so voluntarily ~~taken the stand~~. (03/17/05)
- (hg) **Written Briefs:**
- (1) Either party may submit a ~~pre~~-hearing brief discussing the law applicable to the facts raised by the ~~appeal/grievance~~grievance/appeal to the Commission. A copy of the brief must be provided to served on all parties to the action at the time it is ~~submitted to~~served on the Commission.
 - (2) As an alternative to an evidentiary hearing, where the facts ~~in a particular of a~~ ~~appeal/grievance~~grievance/appeal are not in dispute, the parties, ~~with the Commission's approval~~, may mutually agree to submit the matter to the Commission ~~in writing by the submission of~~ via written briefs which state: the nature of the dispute, a discussion of the applicable rules and law, and the remedy/finding sought of the Commission. In all instances, an appeal of the routing decision [Step 3(e)] shall follow this alternative process in lieu of an evidentiary hearing. The Commission retains discretion to set the matter for hearing. (03/17/05)(06/03/09)
- (hh) **Burden of Proof:** In dismissal, suspension, reduction in compensation, or demotion, or letters of reprimand hearings, the burden of proof shall be on the ~~appointing authority~~Appointing Authority. In all other types of

hearings, the burden of proof shall be on the ~~appellant/grievant~~Grievant/Appellant. (9/28/88)(03/17/05)

(j) **Findings and Decisions:**

(1) **Process:** After hearing the evidence, the Commission shall adjourn to closed session to deliberate and issue written evidentiary findings and a decision on the matter under consideration. In appeal hearings, the decision will affirm, revoke, or modify the order, action, or ruling. In grievance hearings the decision will issue a ruling on the dispute. In accordance with the decision, the Commission will direct that specific corrective action be taken as necessary. Unless the Commission or circumstances provide otherwise, the decision shall be final, conclusive, and immediately effective. The findings and decisions of the Commission shall be certified to the Appointing Authority or officer whose action was the subject of the hearing and forthwith enforced and followed by that official. (06/03/09)

(2) **Distribution:** The decision of the Commission shall be served promptly on the Grievant/Appellant, the Appointing Authority, and other persons deemed by the Commission to have an interest in the proceedings. (06/03/09)

(3) **Judicial Review:** In those cases where a party to the hearing is entitled to a judicial review of the Commission's findings and decisions, the petition to the reviewing court shall be in accordance with the then existing law governing the reviewing court. (06/03/09)

~~After hearing the appeal or grievance, the Commission shall: (03/17/05)~~

~~(1) —~~

~~(2) (1) — Adjourn to closed session to deliberate before arriving at or rendering its decision in the matter; and (12/17/86)~~

~~(3) —~~

~~(2) — Affirm, revoke, or modify the order, action, or ruling and, in accordance with the decision, direct that specific corrective action be taken as necessary. In those cases where a party to the hearing is entitled to a judicial review of the proceeding before the Commission, the petition to the reviewing court shall be filed within 90 days from the date the notice of the results of the hearing is hand delivered or mailed to the party. (9/28/88)(03/17/05)~~

~~(4) —~~

~~(5) — Unless the Commission or circumstances provide otherwise, the decision shall be final, conclusive and immediately effective. Notice of the results of the hearings shall be hand delivered or mailed promptly to the appellant/grievant, the appointing authority, and~~

~~other persons deemed by the Commission to have an interest in the proceedings. (03/17/05)~~

(k) **Report of Hearings:** Hearings shall be recorded via auditory recording and be made available to the parties involved. Hearings may be conducted without a stenographic reporter ~~or recording machine unless some person if a interested party to in~~ the hearing requests ~~the that such~~ hearing be reported ~~or recorded~~ and pays the cost or fee for such reporting ~~or recording.~~ (03/17/05)

(k) **Subpoena of Witnesses; Production of Records:**

- (1) **Subpoena Expense:** Any expense incurred in the subpoena of witnesses shall be paid by the party requesting the presence of those witnesses. [Ord. 2.41.010(b)] (03/17/05)
- (2) **Witness Thresholds:** Normally, each party may subpoena no more than ten witnesses. In requesting that more than ten witnesses be permitted, a party must demonstrate to the Commission good cause for all witnesses requested. [Ord. 2.41.010(c)] (03/17/05)
- (3) **Subpoena Execution:** All written subpoenas for witnesses shall bear the signature of either the President or Secretary of the Commission. [Ord. 2.41.010(d)]
- (4) **Subpoena Duces Tecum:** A subpoena duces tecum may **also** require a person to produce at the hearing all books, papers and documents in his/her possession or under his/her control, relating to the hearing. All applications for a subpoena duces tecum shall include a statement showing good cause for production of the records requested, specifying the exact records to be produced, setting forth in full detail the materiality thereof to the issues involved in the hearing, and stating that the person has the desired records in his/her possession or under his/her control. A subpoena duces tecum must be served on the responding party no later than 20 daysbusiness days prior to the hearing date. The responding party may serve objections to the Commission regarding the validity or scope of the subpoena, no later than ten daysbusiness days prior to the date set for the hearing. The desired records shall be served on the subpoenaing party no later than seven daysbusiness days before the hearing. (05/23/79) (06/03/09)
~~If a person wishes to object to the validity or scope of the subpoena, he/she may do so before the Commission at the time and place set for the hearing. (5/23/79)~~

- (5) Failure to Comply with Subpoena: If a person does not comply with a subpoena or order regarding a subpoena, the Commission may take appropriate remedial action.

Rule Update - Working Draft

RULE 5: CLASSIFICATION

5.01 ESTABLISH/REVISE/ABOLISH CLASSES: In accordance with changing needs of the classified service, and upon recommendation from the ~~Personnel Director~~Human Resources Director or its own determination, the Commission may establish new classes and revise or abolish existing classes of positions.

5.02 CLASS SPECIFICATIONS: The ~~Personnel Director~~Human Resources Director shall prepare or cause to be prepared written specifications for each new class established by the Commission, and shall be responsible for the revision of existing specifications when classes are redefined, consolidated, rendered out-of-date, or otherwise changed in concept. Each class specification shall include a representative class title; brief description of duties and responsibilities characteristic of positions in the class; and a statement of minimum qualifications deemed to be requisite to proficient performance. The class specifications are not to be considered restrictive nor construed as limiting the duties and responsibilities of any position. They neither limit nor modify the authority of any County official or the Board of Supervisors to assign duties, direct and control the work of employees in the classified service. However, no employee shall be required to perform duties of the position outside of the classification to which he/she has been appointed, except on a temporary basis. The class specifications are descriptive and explanatory of characteristic duties and responsibilities of positions in a class and, as such, they are to be interpreted in their entirety and in relation to others in the classification plan. Official copies of all class specifications indicating the dates of establishment and revision shall be on file in the office of the ~~Personnel Director~~Human Resources Director and available for public reference. [Ord. 2.40.080(1)]

5.03 POSITION STUDIES: The ~~Personnel Director~~Human Resources Director shall be responsible for conducting classification studies of proposed new or presently authorized positions in the classified service when: directed by the Commission; notified by the County Administrative Officer that new positions are being created; notified by an ~~appointing authority~~Appointing Authority that the duties and responsibilities of a position or positions have undergone significant change; periodically, or as circumstances dictate, the ~~Personnel Director~~Human Resources Director identifies a need to review a certain position or area in the classified service. Whenever a department head proposes or assigns on a permanent basis duties, which are significantly different from those described in the class specification for that position, a report will be made to the ~~Personnel Director~~Human Resources Director, who will initiate a classification study. [Ord. 2.40.080(1)] (03/17/05)

5.04 ALLOCATION/REALLOCATION OF POSITIONS TO CLASSES: When a new position is authorized, the ~~Personnel Director~~Human Resources Director shall assign the position to a proper class in the classification plan or, if a proper class is not available, recommend to the Commission that a new class be created to accommodate the position. When, following a study of a position or group of positions, the position or positions is/are found to be incorrectly classified, the ~~Personnel Director~~Human Resources Director shall initiate action to reallocate the position(s) to a more appropriate class(es) in the classification plan or, when necessary, recommend to the Commission that a new, more descriptive class or classes be established. [Ord. 2.40.080(1)]

5.05 REALLOCATED POSITIONS: STATUS OF INCUMBENTS:

- (a) **Upward:** When a position is allocated to a class with higher level duties and responsibilities, the incumbent may receive a non-competitive appointment to the new class if the following criteria are met: the ~~appointing authority~~Appointing Authority requests such an appointment; the employee meets the minimum qualification for the new class; the employee has been satisfactorily performing the duties of the new class; and following a timely classification study, the ~~Personnel~~Human Resources Department concludes that the incumbent is performing a majority of the duties at a higher level. Otherwise, the incumbent shall be required to qualify through qualifying competitive examination, be certifiable, and be appointed to the reallocated position. If not successful in the examination, the employee may request to be reassigned within his or her own department or transferred to a vacant position in the class in which he or she has permanent status; elect to displace another employee in his or her own department who has less ~~time in service~~time-in-service in the class in which he or she has permanent status; or be laid off in accordance with the provisions of Rule 12.04. In addition, those incumbents whose position has been reclassified upward shall not be required to serve a probationary period if they have been satisfactorily performing the duties for a period of six months. (12/22/82)(9/28/88)(5/24/00)
- (b) **Lateral:** When a position is allocated to a class with the same or essentially equivalent duties and responsibilities, the incumbent shall be granted status in the reallocated position.
- (c) **Downward:** When a position is allocated to a class with lower level duties and responsibilities, the incumbent may: request to be reassigned within his or her own department or transferred to a vacant position in the class in which he or she has permanent status; elect to retain the position at the lower level with status at that level; or be separated from County service and placed on a reemployment list for the class in which he or she has permanent status. (03/17/05)

5.06 REVIEWS AND APPEALS:

The employees or appointing authorities affected by any classification action may appeal as provided for in Rule 4.06. [Ord. 2.40.080(17)] (12/22/82)(03/17/05)

Rule Update - Working Draft

6b(30)

RULE 6: APPLICANT AND APPLICATION PROCEDURE

6.01 APPLICATION FILING: All applications for employment must be made on the official forms or electronic form supplied and approved by the ~~Personnel Director~~Human Resources Director for that purpose, and filed with the ~~Personnel Director~~Human Resources Director on or before 5:00 p.m. on the specified final filing date. Applications submitted through use of the County's Internet application system must be submitted by midnight of the final filing date. Once filed, all applications become the property of the Commission and will not be returned. A separate and complete application is required for each examination unless otherwise specified in the examination announcement. (03/17/05)

6.02 QUALIFICATIONS OF APPLICANTS: Except as otherwise provided by law, to qualify for admission to the examination process, applicants must: meet all the qualifications for the position as set forward in the applicable class specifications and published in the examination announcement; and, in filing for promotional examinations, have permanent status in the classified service or appear on a reemployment eligible list on or before the final filing date and whose most recent regular performance evaluation indicates an overall level of performance of at least Satisfactory. [Ord. 2.40.080(9)]

6.03 DISQUALIFICATION OF APPLICANTS: The ~~Personnel Director~~Human Resources Director may refuse to examine or, after examination, may refuse to certify as eligible, or may withhold or remove from an eligible list, any person who:

- (a) Lacks any of the qualifications set forth in these Rules or published in the examination announcement;
- (b) Has used or attempted to use any unfair method to obtain an advantage in an examination or an appointment in County employment;
- (c) Has willfully omitted or misstated material facts in completing an application for County employment;
- (d) Has left any position in County employment without good cause, or has been absent from duty without authorized leave;
- (e) Has failed to make application correctly or within established time limits as provided in these Rules;
- (f) Has been terminated from employment with the County for cause;

~~(f)~~(g) Would be disqualified for any of the reasons specified in Rule 9.07 (b) - (n). (9/28/88)

6.04 NOTIFICATION OF APPLICANTS: Each applicant shall be notified of acceptance or rejection prior to the examination date. Notification shall be by mail to the address which appears on the application form or by electronic means. (03/17/05)

6.05 APPLICANT APPEAL: Any person who is disqualified as an applicant may appeal the ruling to the Commission in accordance with the provisions of Rule 4. The ~~Personnel Director~~Human Resources Director shall admit to the examination without prejudice any person whose application was rejected and who has appealed such rejection. (9/28/88)

RULE 7: EXAMINATIONS

7.01 NATURE OF EXAMINATIONS: All examinations for employment in the classified service shall be fair, impartial, and except as otherwise provided in Rule 7.06, competitive. [Ord. 2.40.080(2)]

7.02 CHARACTER OF EXAMINATIONS: All competitive examinations shall consist of one or more parts, each carrying a specific numerical weight as indicated on the examination announcement or reported to candidates at the time of examination. When there are two or more candidates competing, the examination shall be designed to both qualify and rank the candidates relative to their individual abilities to perform the duties of the position or positions to be filled through the examination process.

- (a) **Methods of Testing:** The qualifications and/or relative ability of candidates shall be determined through an examination process consisting of one or more of the following methods of testing: written test; oral examinations by appraisal boards; personal interviews; tests of physical agility, strength, or stamina; practical performance tests; application rating; reference inquiry relative to past performance; any other valid and reliable method of examination.
- (b) **Establishing Minimum Passing Scores/Weighting:** The ~~Personnel Director~~Human Resources Director shall establish minimum passing scores for each examination consistent with the requirements of the position or positions to be filled, the complexity of the examination, and sound statistical analysis of the distribution of scores. The ~~Personnel Director~~Human Resources Director shall weigh the sections of the examination according to the relative importance of each in the examination process and may require a passing score in each section in addition to an overall passing score. When written tests are used in the examination process, the examinations shall be so conducted that the identity of candidates will not be known to persons administering or scoring the tests until all tests have been scored and a minimum passing score established. (03/17/05)
- (c) **Oral Examinations:** Oral examinations shall be included in all examinations for classes which involve important supervisory or administrative duties; or are professional or technical and require frequent contact with the public. This requirement may be waived by the ~~Personnel Director~~Human Resources Director when it is anticipated that the entire eligible list will be ~~used~~certified or it is impractical to conduct such tests because of a statewide or national recruitment effort, or when other

examination procedures are more appropriate for a particular recruitment. Oral boards for such examinations shall include at least one person who is well acquainted with the personal and professional requirements of the class for which the examination is conducted. Promotional oral boards shall include at least one person who is not employed by the department(s) in which the class is used. (12/22/82)

7.03 SCHEDULING OF EXAMINATIONS: The ~~Personnel Director~~Human Resources Director shall schedule examinations as necessary to fill existing or anticipated vacancies in the classified service, and may conduct continuous testing for those classes where vacancies occur frequently.

7.04 EXAMINATION ANNOUNCEMENTS: A written announcement of each examination shall be posted on the official bulletin board or boards for at least a one-week period prior to the final filing date of the examination. The need for further publicity and/or distribution of the announcements shall be determined by the ~~Personnel Director~~Human Resources Director in accordance with the anticipated availability of candidates. The examination announcement shall specify:

- (a) The title and a brief description of the specific position or class of positions for which the examination is announced;
- (b) The salary for the position or class;
- (c) The minimum qualifications required for admission to the examination;
- (d) The final filing date and method of filing;
- (e) A general statement of the methods of testing which may be used in the examination; and
- (f) Such other information as the ~~Personnel Director~~Human Resources Director deems useful in the recruitment of applicants. [Ord. 2.40.080(8)]

7.05 TYPES OF COMPETITIVE EXAMINATIONS: Whenever practicable and in the best interest of the County, vacant positions in the classified service shall be filled through promotion of employees working at lower levels in the County organization. Examinations shall be of the following types:

- (a) **Departmental Promotional:** An examination in which only employees with permanent status within the requesting department are eligible to compete, and in which the resulting eligible list may only be used to promote employees to positions within the requesting department. (5/23/79)

- (b) **Promotional:** An examination in which only permanent employees are eligible to compete.
- (c) **Open:** An examination in which employees and outside applicants compete on an equal basis, and priority in certification is based solely on the relative score of successful candidates.

7.06 NON-COMPETITIVE EXAMINATIONS: In situations wherein it is impractical to conduct a competitive examination to determine the relative qualifications of candidates due to a scarcity of qualified candidates, the number and frequency of vacancies to be filled, the fact that the candidates are established as qualified by public licensure or certification, or any other circumstances in the best interest of the County and Equal Employment Opportunity, the ~~Personnel Director~~Human Resources Director shall recommend to the Commission that the positions involved be filled through qualifying examination only, such qualification examination to be rated on a pass/fail basis only. When approved by the Commission, such examinations need not comply with the provisions in these Rules, which pertain to competitive examinations. [Ord. 2.40.080(5)]

7.07 VETERANS' PREFERENCE: A person who is seeking employment with the County, who competes ~~as an open candidate in any examination~~in an open examination, and who has on file with the County Veterans' Services Office an acceptable Veterans' Preference certificate shall, upon achieving a passing score in the examination, have a preferential credit of five percent (5%) of the maximum possible score on the examination added to his/her score. Such score shall constitute his/her total rating. However, in the case of a disabled veteran, such person shall have a preferential credit of ten percent (10%) of the maximum possible score on the examination added to his/her score, which shall constitute his/her total rating. For purposes of this section, "disabled veteran" means: a veteran as described in County Code Section 2.40.150(1) who has on file with the County Veterans' Service Office an acceptable Veterans' Preference Certificate and who is currently declared by the United States Veterans Administration to be ten percent (10%) or more disabled as a result of his/her military service. Proof of disability shall be deemed conclusive if it is of record with the United States Veterans Administration. [Ord. 2.40.150] (03/17/05)

7.08 TIME AND PLACE OF EXAMINATIONS: Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person, by mail, electronic means, or by telephone. At the discretion of the ~~Personnel Director~~Human Resources Director, and examination may be given in more than one session or at more than one place, either within or outside the County. The administration of an examination, or any part thereof, may be postponed, canceled, or changed at any time. Notice of such postponement, cancellation, or change shall be posted on the official bulletin board and mailed, telephoned, electronically

transmitted, or directly presented to candidates. No candidates shall be admitted after the designated time except at the discretion of the ~~Personnel Director~~Human Resources Director or the ~~Personnel Director~~Human Resources Director's official designee. (03/17/05)

7.09 INABILITY TO APPEAR: If a candidate is unable to appear at the time and place designated, and so notifies the ~~Personnel Director~~Human Resources Director on or before the designated date, the ~~Personnel Director~~Human Resources Director may specially arrange to give the candidate the examination at another time and place provided that: (03/17/05)

- (a) There are sufficient and unavoidable legal, military, or religious reasons for the inability to appear;
- (b) No fraud will be perpetrated as a result of the special arrangements; and
- (c) No candidate involved in the examination will be materially prejudiced or assisted in taking that examination as a result of the special arrangements.

7.10 TIME OFF TO TAKE EXAMINATIONS: When employees in the classified service are candidates for examinations, including hiring interviews administered by the County, and the examinations are scheduled during working hours, the employees shall be granted sufficient time off from their assigned duties to compete in such examinations. Time off granted for examination purposes shall be with salary and in addition to any vacation, sick leave, compensating time, or overtime accrued by the employee. (03/17/05)

7.11 NOTICE OF RESULT OF EXAMINATION: When the scoring of an examination has been completed and the eligible list established, each candidate shall be notified by mail or electronic means of the result of his/her examination. If the examination is competitive, candidates who successfully passed the examination shall be additionally notified of their relative standing on the resultant eligible list. (03/17/05)

7.12 REVIEW OF EXAMINATION: Within five ~~days~~business days of being mailed the results of a test, a candidate who participated in that examination may review his/her examination papers in the ~~Personnel~~Human Resources Department office. Rating sheets utilized in the interviews conducted by an oral board shall not be available for review by candidates, nor shall any copyrighted examinations, standardized examinations, or essay type problem sections. Whenever the ~~Personnel Director~~Human Resources Director deems that such review would violate test security, the ~~Personnel Director~~Human Resources Director may modify or curtail this process accordingly. (12/22/82)(8/26/98)(03/17/05)

7.13 EXAMINATION PROTESTS: Any candidate who believes that any errors, improprieties, or ambiguities have occurred in the examination process may protest these concerns to the ~~Personnel Director~~Human Resources Director during the review period. The ~~Personnel Director~~Human Resources Director shall carefully investigate and review all such protests. Upon determining an alleged problem to be valid, the ~~Personnel Director~~Human Resources Director shall make any necessary corrections or adjustments to the resultant eligible list(s), examination scores, and/or ratings as to nullify any effect that the error, impropriety, or ambiguity has had on the examination process. During the duration of any eligible list, the ~~Personnel Director~~Human Resources Director may similarly correct any computational, typographic or related errors as may occur. (03/17/05)

7.14 APPEAL TO COMMISSION: Any person aggrieved by a ruling of the ~~Personnel Director~~Human Resources Director relative to the examination administration may appeal to the Commission pursuant to Rule 4. The Appellant shall be admitted to the next step in the examination process. However, ~~No no~~ such appeal shall stay or prevent the promulgation of an eligible list or report of examination pursuant to Rule 9. (03/17/05)

7.15 REPORT OF EXAMINATION: The ~~Personnel Director~~Human Resources Director shall compile and submit to the Commission a complete report on each examination. The report shall include, along with other relevant information, a narrative properly describing the nature and disposition of any protests associated with the examination. (03/17/05)

7.16 PERMANENT EXAMINATION RECORDS: The following examination records shall be deemed to be the property of the Commission and shall remain permanently in the custody of the ~~Personnel Director~~Human Resources Director unless their destruction is authorized by the Commission and the Board of Supervisors: (03/17/05)

- (a) The Report of Examination (as provided in Rule 7.15) containing the names, ranks and scores of all applicants on each part of the examination, and in the total examination; (03/17/05)
- (b) A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of the examiners;
- (c) A record of oral examinations or interviews, when used, showing the basis of rating and the formula or schedule for translation into a numerical score;
- (d) A keyed copy of the written examination, if any used; and

- (e) A copy of the examination announcement.

All other examination records, including examination papers, may be destroyed after expiration of the eligible list or such other period of time as required by law. (5/23/79)

7.17 DISTRICTS, AGENCIES, DEPARTMENTS BROUGHT UNDER CIVIL SERVICE SYSTEM: STATUS OF EMPLOYEES: Should any public district, agency, or department now under the purview of the Board of Supervisors but not covered by the provisions of these Rules be brought into the Civil Service System of the County, employees of the district, agency, or department shall be blanketed in with permanent status if continuously employed by the district, agency or department for a period of at least six months immediately prior to being brought under the Civil Service System. Other employees of such district, agency, or department which have been employed for less than the six months required for blanketing in with permanent status, shall be eligible for permanent status upon completion of six months total combined Civil Service and non-Civil Service employment with the district, agency, or department. (03/17/05)

RULE 8: MEDICAL EXAMINATIONS

8.01 NEW EMPLOYEES, QUALIFYING MEDICAL EXAMINATIONS: All persons selected for appointment to permanent full-time positions in the classified service and, as deemed appropriate by the ~~Personnel Director~~Human Resources Director, persons selected for appointment to part-time, provisional or temporary assignments, shall be required to take and pass a qualifying medical examination as a condition of employment. Psychological examination shall be required as a condition of employment for any classes for which California statutes have established such a requirement. Qualifying medical examinations shall be administered at County expense prior to appointment or as soon thereafter as practical by physicians who are designated or approved by the ~~Personnel Director~~Human Resources Director. Employees who fail to meet the medical standards for the position for which they were hired shall be terminated. [Ord. 2.40.080(9, 10)] (9/28/88)

8.02 PRESENT EMPLOYEES, MEDICAL EXAMINATIONS:

- (a) If, in the opinion of the ~~appointing authority~~Appointing Authority, an employee is having difficulty performing the reasonable duties of his/her position due to suspected physical or mental health ~~problems~~issues, the employee may be required to submit to and pass a medical examination designated or approved by the ~~Personnel Director~~Human Resources Director to assure fitness for continued employment. If the examination finds the employee to be in an unfit condition to perform the position duties, the ~~appointing authority~~Appointing Authority, subject to the approval of the ~~Personnel Director~~Human Resources Director, may require that the employee take a leave of absence to correct the condition as provided in Section 2.44.040(1) of the County Code. (03/17/05)
- (b) Employees returning to duty from sick leave or leave of absence granted for medical reasons may be required by the ~~Personnel Director~~Human Resources Director to take and pass a designated or approved medical examination to assure fitness to return to work. [Ord. 2.44.040(e)]
- (c) The ~~Personnel Director~~Human Resources Director may require that a present employee moving from a position in one medical standards group take and pass a designated or approved medical examination for the higher level to assure that the employee will be fit to meet the more demanding physical requirements of the new assignment.
- (d) The Commission may authorize the ~~Personnel Director~~Human Resources Director to require such other special or periodic medical examinations, as

it deems necessary to assure the continuing health, safety, and competent performance of employees in the classified service.

- (e) Any medical examination required or authorized by the ~~Personnel Director~~Human Resources Director in accordance with this Rule shall be administered at County expense. [Ord. 2.40.080(9)] (03/17/05)

8.03 MEDICAL STANDARDS GROUPS: The ~~Personnel Director~~Human Resources Director shall assign all classes of positions to one of the medical standard groups set forth in the Medical Exam Program. The ~~Personnel Director~~Human Resources Director, with appropriate medical consultation, shall maintain and update the specific medical standards established for each of the medical standards groups and shall change the assignment of positions to the groups as the needs of the classified service require. Such changes shall not affect persons who at the time the changes are implemented hold permanent appointments in classes impacted by the changes. [Ord. 2.40.080(10)] (12/22/82)

8.04 DISQUALIFICATION: An applicant, candidate, or employee who fails to meet the designated medical standards shall be disqualified and his/her name shall be removed from the eligible list for permanent appointment, and if appointed shall be dismissed from appointment. If, upon subsequent medical examination, such applicant, candidate, or employee shall meet the position's designated medical standards, that person shall be reinstated to employment or restored to the eligible list for the remaining duration of the list and recertified. Such reinstatement or restoration shall not affect any appointment or conditional job offer made to another certified applicant by the ~~appointing authority~~Appointing Authority and an acceptance of such offer made after the employee was dismissed from County employment nor shall it affect any appointment or conditional job offer and acceptance of such offer made while such applicant's name was not on the list. [Ord. 2.40.080(9)] (03/17/05)

8.05 REVIEWS AND APPEALS: An applicant, candidate, or employee who is disqualified because of failure to meet the medical or physical standards, may appeal to the ~~Personnel Director~~Human Resources Director in writing within ten ~~days~~business days after the mailing of notification of disqualification. In support of the appeal, the ~~appellant~~Appellant may file written medical or laboratory reports, X-rays, photographs, or other exhibits or written statements. The ~~Personnel Director~~Human Resources Director shall then review the entire matter with appropriate medical consultation and may direct that the ~~appellant~~Appellant be reexamined or that additional medical data be obtained. Upon the completion of such review of the case as may be deemed necessary, the ~~Personnel Director~~Human Resources Director shall make a determination as to the fitness of the ~~appellant~~Appellant for County employment and shall so notify him or her. If not satisfied by the decision of the ~~Personnel Director~~Human Resources

Director, the ~~appellant~~Appellant shall have the further right to appeal to the Commission pursuant to the provisions of Rule 4. (03/17/05)

8.06 EXCEPTIONS: Medical examinations may be omitted, or specific requirements waived, in the following cases as determined by the ~~Personnel Director~~Human Resources Director.

- (a) Employees who are appointed to promotional positions requiring the same or less arduous physical standards than those required in their previous positions;
- (b) Applicants who within one year next preceding the date of appointment have passed a County medical examination for the same or more arduous standards;
- (c) Applicants for permanent service of half-time or less; or
- (d) Applicants for positions in which physically handicapped persons may be employed without danger to themselves or others.

8.07 CONFIDENTIAL NATURE OF REPORTS OF MEDICAL EXAMINATIONS: The report of a medical examination shall be confidential and released only with the consent of the applicant concerned, except that such reports shall always be available to the ~~Personnel Director~~Human Resources Director, the ~~Personnel Director~~Human Resources Director's authorized representative, and an appropriately designated or approved physician(s). Any claim by the applicant against the County shall constitute a waiver of the confidential nature of such reports and consent to the use of such reports insofar as material to such claim. Nothing herein shall preclude the ~~Personnel Director~~Human Resources Director from supplying such information, as he/she deems necessary to a department head or the Commission in order that an informed decision can be made, provided that the Director shall comply with HIPAA confidentiality regulations. (10/25/00)(03/17/05)

66(41)

RULE 9: ELIGIBLE LISTS

9.01 ESTABLISHMENT OF ELIGIBLE LISTS: The ~~Personnel Director~~Human Resources Director shall establish eligible lists as a result of:

- (a) **Competitive Examinations:** When competitive examinations are administered on a promotional or departmental promotional basis, the resultant eligible list shall be a listing of all successful employee candidates in rank order of scores. When competitive open examinations are administered, the resultant eligible list shall be a listing of all successful candidates, employee and non-employee, in rank order of scores, intermingled in rank order with the scores of successful candidates who are not permanent County employees. All scores shall include any applicable veteran's preference points. If two or more candidates have identical total scores, they shall be given the same ranking and be certified together. [Ords. 2.40.080(3); 2.40.150] (03/17/05)
- (b) **Non-Competitive Examinations:** An eligible list established as a result of a non-competitive examination shall be a random listing of all candidates who successfully qualify in the examination. [Ord. 2.40.080(6, 7)]
- (c) **Layoff or Reduction in Lieu of Layoff:** Employees laid off or who reduce in lieu of layoff in accordance with these Rules shall be placed on a "Reemployment List" in reverse order of the succession of layoff prescribed in Rule 12.05. Certifications shall be made from the "Reemployment List" as provided in Rule 10.03. Such list shall be used by every appointing power when a vacancy arises in the same or a lower related class of position as determined by the ~~Personnel Director~~Human Resources Director for which the person possesses the minimum qualifications. Whenever a vacancy is to be filled, the appointing power shall appoint the person highest on the "Reemployment List" who is available and who was laid off from a position in that particular department. If no one was laid off from the department in which the appointment is to be made, then the appointing power shall appoint any one of the first three persons named on such list. If only two names are on the list he shall appoint one of such persons. If only one name is on the list, he shall appoint that person. (1/24/79)(03/17/05)

9.02 DURATION OF ELIGIBLE LISTS: An Eligible List which has resulted from an open examination shall be in effect for a period of not less than six months, a Promotional Eligible List and a Reemployment Eligible List shall be in effect for a period of one year following the date that the ~~Personnel~~

~~Director~~Human Resources Director notifies the candidates in writing that the list is in effect, or until such time as the list is terminated by action of the Commission or the ~~Personnel Director~~Human Resources Director in accordance with these Rules. (10/25/00)

9.03 TERMINATION OF ELIGIBLE LISTS: The Commission may terminate an eligible list upon notification of all eligibles affected by the action. The ~~Personnel Director~~Human Resources Director may terminate an eligible list at any time when it is not possible, due to a lack of sufficient eligibles and/or insufficient availability of eligibles, to certify at least three persons to an ~~appointing authority~~Appointing Authority for consideration in the filling of a position. No list, however, may be terminated that has not been in existence at least three months and contains the name or names of one or more eligibles, ~~who have not refused employment, requested that their names be withheld, or failed to reply within five days to a written inquiry from the Personnel Department regarding availability.~~

9.04 EXTENSION OF ELIGIBLE LISTS: The ~~Personnel Director~~Human Resources Director may extend the period of duration of an eligible list provided that no such extension shall cause the list to be in effect more than two years beyond its original effective date. [Ord. 2.40.080 (3, 6)]

9.05 MERGING OF ELIGIBLE LISTS: Provided that any written test used in the examinations involved was of the same content and format, two or more active eligible lists for the same class may be merged by the ~~Personnel Director~~Human Resources Director. The names of eligibles affected shall be listed in rank order of final examination score, including applicable preference points. If an eligible appears on more than one of the lists involved, only that person's highest score shall be considered. If successive eligible lists for the same class are not merged, the oldest list shall precede the newer one(s). When any action is taken to merge active eligible lists, the ~~Personnel Director~~Human Resources Director shall report such action to the Commission at its next regularly scheduled meeting. Available eligibles will be provided notification of an announcement for a new recruitment for an employment list, which will be merged, with the one for which they are currently an available eligible. (9/28/88)(03/17/05)

9.06 AVAILABILITY OF ELIGIBLES: The ~~Personnel Director~~Human Resources Director shall, prior to or at the time of examination and periodically as deemed necessary during the duration of an eligible list, request that candidates or eligibles specify their availability for employment in the classified service. Such specifications shall include length and nature of appointment, conditions of salary and/or working environment, shifts, locations, and other circumstances relevant to availability for certification. Failure of an eligible to respond to a written inquiry from the ~~Personnel Director~~Human Resources Director regarding availability within five ~~days~~business days shall constitute good

cause for removal from the eligible list. An eligible may request that his/her name be withheld from all certification for a specified period of time. (03/17/05)

9.07 REMOVAL FROM ELIGIBLE LIST: The ~~Personnel Director~~Human Resources Director may withhold any eligible from certification or remove the name of a person from an eligible list for any of the following reasons:

- (a) Any of the reasons specified in Rule 6.03;
- (b) On evidence that the eligible cannot be located by postal authorities;
- (c) On receipt of a written request from the eligible that his/her name be removed;
- (d) If the eligible declines three offers of permanent appointment to the class for which the list was established;
- (e) If the eligible twice requests that his/her name be withheld from all certification;
- (f) If an eligible, without suitable explanation, does not report to or communicate with an ~~appointing authority~~Appointing Authority or the ~~Personnel Director~~Human Resources Director within five working business days of being mailed a notice to do so;
- (g) After a request by an ~~appointing authority~~Appointing Authority, if an eligible is certified three times and not selected; (03/17/05)
- (h) If the eligible is so physically or mentally incapacitated as to be unable to perform the duties of the position; (03/17/05)
- (i) If the eligible is addicted to the use of intoxicating substances, narcotics, or habit forming drugs; (03/17/05)
- (j) If the eligible has been convicted of a felony or of a misdemeanor involving moral turpitude; (03/17/05)
- (k) If the eligible fails to submit to, or pass the qualifying medical examination required by these Rules; (03/17/05)
- (l) If the eligible has been dismissed from public or private employment for reasons which would be cause for dismissal from County employment; (03/17/05)
- (m) If the eligible refuses to execute the oath as prescribed by law; (03/17/05)

- (n) When the Commission finds, after public hearing, good and sufficient cause. (03/17/05)

The eligible that is being withheld from certification or removed from an eligible list shall be immediately notified of such action. Such notification shall include the reason(s) for action being taken. [Ord. 2.40.080(9)] (03/17/05)

9.08 RESTORATION TO ELIGIBLE LIST: When the name of a person has been withheld from an eligible list, from certification, or has been removed from an eligible list, it may be restored to its proper position on the list by the ~~Personnel Director~~Human Resources Director when the ~~Personnel Director~~Human Resources Director deems that there is good cause for such action, or by the Commission as corrective action taken as a result of an appeal. (03/17/05)

9.09 LATERAL TRANSFER FROM OTHER MERIT SYSTEMS: Upon approval of the ~~Personnel Director~~Human Resources Director, the names of individuals having permanent status in the classified service of a public agency operating a civil service or merit system may be placed on an open employment list for a comparable class in the County service. (03/17/05)

- (a) In each case, the following conditions must be met: (8/26/98)(03/17/05)

(1) The class in which employment is contemplated is closely related and comparable in duties and minimum qualifications to the class in which the individual holds permanent status. (03/17/05)

(2) The individual must have been employed by the other public agency within one year prior to the date of his or her application to the County. (03/17/05)

(3) The individual was appointed to the class in which he or she holds permanent status from an eligible list resulting from an open competitive or promotional examination which meets the standards of the County. (03/17/05)

(4) There must be written information submitted by the other public agency and on file with the Commission confirming the individual's permanent status and containing the following statements: (03/17/05)

(A) The employment record of the individual has been entirely satisfactory; (03/17/05)

(B) The individual has not been separated, nor is he/she being considered for separation, due to fault or delinquency on his/her part. (03/17/05)

(5) The individual may be required to take and pass an oral examination as administered by an oral board as provided in Rule 7. (03/17/05)

(6) The individual shall meet the medical requirements as provided in Rule 8. (03/17/05)

(7) The names of such individuals shall be placed on the open eligible list in the order of their approval and shall follow any names which may already appear on the eligible list. (8/23/78)(03/17/05)

RULE 10: CERTIFICATION AND APPOINTMENT

10.01 REQUEST FOR CERTIFICATION: Whenever a vacancy is to be filled in the classified service, the ~~appointing authority~~Appointing Authority involved shall request, on a form provided by the ~~Personnel Director~~Human Resources Director for that purpose, that a certification of eligibles be made. The request shall specify the nature and specific requirements of the position, the hours and location of the job, and any other information which might impact the availability of candidates.

10.02 CERTIFICATION: Upon receipt of a certification request, the ~~Personnel Director~~Human Resources Director shall certify to the ~~appointing authority~~Appointing Authority ~~nine or more~~ranked eligibles (and their ties) and one additional ranked eligible for each vacancy ~~more than the number of vacancies~~ to be filled in the class. Such eligibles shall have indicated their availability to accept appointments under those conditions specified by the ~~appointing authority~~Appointing Authority and deemed by the ~~Personnel Director~~Human Resources Director to be justified. The ~~appointing authority~~Appointing Authority or designee may interview eligibles who are reasonably available from the certified eligible list who meet the specific requirements of the position. "Reasonably available" means the eligible contacts the ~~appointing authority~~Appointing Authority within five ~~days~~business days after notification of the request to schedule an interview. If fewer than the full number of ~~names~~ranked eligibles are available for certification from the list, additional ranked eligibles shall be certified from the various lists next lower, in order of precedence, until sufficient ranked ~~names~~eligibles are obtained. If fewer than the required number of ~~names~~ranked eligibles are available for certification from all lists as specified above, the ~~Personnel Director~~Human Resources Director shall certify the ranked ~~names~~eligibles that are available even though fewer than the required number. As non-competitive examinations do not rank candidates in order of fitness, all names from such lists established as the result of non-competitive examinations shall be certified to the ~~appointing authority~~Appointing Authority. [Ord. 2.40.080(4d, 6f, 7g)] (10/25/00)(03/17/05) (XX/XX/10)

10.03 ORDER OF PRECEDENCE IN CERTIFICATION: The ~~Personnel Director~~Human Resources Director shall observe the following order of precedence in certifying the ranked eligibles from eligibility lists:

- (a) Eligibles on Reemployment List;
- (b) Promotional eligibles from within the department having the vacancy;

- (c) Promotional eligibles from outside the department which has the vacancy; (03/17/05)
- (d) Eligibles on the Open competitive list; (03/17/05)
- (e) Non-competitive list eligibles; and (03/17/05)
- (f) Eligibles from other related lists which require equal or greater qualifications, and which the ~~Personnel Director~~Human Resources Director deems to be appropriate for use, with the exception that eligibles on a Departmental Promotional list may only be certified to the department originally requesting the establishment of said list. (5/23/79)(03/17/05)

10.04 ~~INSUFFICIENT NUMBER OF ELIGIBLES~~INCOMPLETE CERTIFICATION: Whenever there are one or more eligibles on a list, appointment to permanent, provisional, or temporary positions should be made from the list. If, however, a certification made pursuant to Rules 10.02 and 10.03 is incomplete, the ~~appointing authority~~Appointing Authority involved may refuse to appoint from the list and request that a new examination be called.

10.05 FAILURE OF AN ELIGIBLE TO ACCEPT OR REPORT: If upon certification an eligible declines in writing or neglects to report to or communicate with an ~~appointing authority~~Appointing Authority within five ~~days~~business days after transmission of a notice to do so, the name of the next available person on the eligible list shall be certified. [Ord. 2.40.080(9)]

10.06 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION: The removal or withholding of an eligible shall automatically advance all of the eligibles below it on the eligible list. Restoration of an eligible to the list shall not affect an appointment from any certification made before such eligible was restored or added. The acceptance or refusal by an eligible of a provisional or temporary appointment shall not affect that eligible's certification from the eligible list for permanent appointment.

10.07 TEMPORARY APPOINTMENTS: All temporary appointments shall be made in accordance with Section 2.40.080(12) of the County Code. (03/17/05)

- (a) **Non-Permanent Positions:** Temporary appointments shall be made to non-permanent positions and shall not be utilized to accomplish workload of a continuing nature [Ord. 2.40.080(12)] (03/17/05)
- (b) **Appointment from Eligible Lists:** Temporary appointments shall be made from appropriate eligible lists when such lists exist and the eligibles thereon are willing to accept such appointment. Subject to the consent of the ~~Personnel Director~~Human Resources Director, temporary appointment of persons not on eligible lists may be made when there is no appropriate

eligible list or when three eligibles cannot be certified to fill a vacancy. Such persons shall not continue under temporary appointment beyond the date of promulgation of an appropriate eligible list for the class of employment. [Ord. 2.40.080(4,12)]

- (c) **Duration of Temporary Appointment:** Temporary appointments to non-permanent positions shall not continue for longer than 960 working hours in any fiscal year. Appointment to a temporary position for a successive fiscal year is subject to the consent of the ~~Personnel Director~~Human Resources Director, regardless of the number of hours worked in the preceding fiscal year. Persons who are appointed to temporary positions, but who were not certified for employment consideration from an appropriate eligible list, shall not continue under such an appointment beyond the date that an appropriate eligible list for the class of the position is promulgated. (9/28/88)(03/17/05)
- (d) **Provisional Appointments:** Pending creation of the new list of eligibles, the ~~appointing authority~~Appointing Authority may temporarily appoint a permanent County employee to the position as a provisional appointment in accordance with Section 2.40.080(11) of the County Code. All provisional appointments must bear the prior consent of the ~~Personnel Director~~Human Resources Director, and involve the temporary reassignment of existing employees who have permanent status with the County, and the persons so appointed shall be required to fully meet the minimum requirements established for the class. When a provisional appointment is required, an examination to fill the position on a permanent or substitute basis shall be conducted within six months following the provisional appointment date, unless extended by the ~~Personnel Director~~Human Resources Director for good cause. (03/17/05)

10.08 SUSPENSION OF COMPETITION: In accordance with Section 2.40.090 of the County Code, the ~~Personnel Director~~Human Resources Director may authorize the appointment of a person of recognized qualifications without examination when the particular scientific, professional, or specialized character of a position is such that competition is deemed by the ~~Personnel Director~~Human Resources Director to be unnecessary. These provisions shall not be applicable in filling positions used in the health, mental health, civil defense, or welfare programs. [Ord. 2.40.090] (03/17/05)

10.09 RIGHT TO RETURN FROM PROVISIONAL APPOINTMENT: An employee who held a position with permanent status immediately prior to the acceptance of a provisional appointment shall upon termination of such appointment be reinstated to the former position or to one which is equivalent. The ~~Personnel Director~~Human Resources Director may restore, at his/her discretion, a rejected employee's name to the eligible list, but the employee shall

not again be certified to the department in which he/she was rejected. [Ord. 2.40.080(14)] (03/17/05)

10.10 APPOINTMENT OF RELATED EMPLOYEES: The fact that an applicant is related by blood or marriage to a current employee of the County shall neither aid nor hinder the person's opportunities for County employment. However, a person may not be appointed to a position wherein he or she would either directly or indirectly supervise or be directly or indirectly supervised by a close relative, to the extent consistent with applicable law.* (9/28/88)(03/17/05) *Spouse, parents, children, siblings.

10.11 SUBSTITUTE APPOINTMENTS: Any permanent position, which is anticipated to remain continuously unfilled for 20 or more ~~calendar~~ business days, due to the incumbent's approved leave of absence, may be filled by a substitute employee pursuant to a request made by the ~~appointing authority~~ Appointing Authority and with the prior approval of the ~~Personnel Director~~ Human Resources Director. Substitute employee appointments shall occur on, or at any time after, the effective date of the leave of absence. Provided that the incumbent employee is medically qualified to return to his/her former position, the appointment of the substitute employee shall be terminated prior to the return of the incumbent from the leave of absence. If the incumbent employee is not medically qualified to return to his/her former position, the substitute employee shall assume the position. Incumbent employees have an absolute right to return to a position in their original class of employment subject only to the requirement that the position or class has not been abolished, and subject further to the medical examination requirement of Rule 8.02(b). A new probationary employee, who is laid off due to the return of the incumbent, shall be rejected and terminated from employment in the classified service. A substitute employee who achieved permanent status in any lower level classification prior to the substitute appointment, and who is laid off due to the return of the incumbent shall be permitted to return without loss of status or ~~seniority~~ time-in-service, to a permanent position in that job classification unless in the meantime such position has been abolished. A substitute employee who achieves permanent status in the substitute appointment position, and who is laid off due to the return of the incumbent, may also have bumping rights as to similar allocated positions. Any other employees displaced due to the exercise of layoff rights by a substitute employee shall have those layoff rights as provided for in these Rules. [Ord. 2.40.080(14)] (8/26/98)(03/17/05)

A substitute employee must meet the minimum qualifications for the class to which he/she is appointed as a substitute employee. All substitute appointments will be from appropriate eligible lists and substitute employees shall serve a probationary period. (9/28/88)(03/17/05)

RULE 11: PROBATION

11.01 INITIAL APPOINTMENTS: All persons appointed to permanent positions in the classified service shall be required to satisfactorily serve a period of probation prior to achieving permanent status in County employment. [Ord. 2.40.080(10)]

11.02 PROMOTIONAL APPOINTMENTS: All employees who accept promotional appointments in the classified service shall be required to satisfactorily serve a period of probation in the promotional position prior to achieving permanent status at the level to which promoted. [Ord. 2.40.080(10)]

11.03 DURATION OF PROBATIONARY PERIODS: Except as provided below, the probationary period for all classified positions shall be the equivalent of six months of full time paid service commencing with the date of appointment. Deputy Sheriff, Sheriff's Dispatcher, Sheriff's Correctional Officer, Sheriff's Senior Correctional Officer (lateral transfer), Juvenile Services Officer I, Juvenile Services Officer II (lateral transfer), Deputy Probation Officer I, and Deputy Probation Officer II (lateral transfer), Employment Resource Specialist I, Social Worker I and Social Services Investigator shall serve a probationary period of the equivalent of one year of full time paid service. ~~Initial appointments to Sheriff's Correctional Officer, Deputy Probation Officer and Juvenile Services Officer classifications will also be for a period of one year.~~ The probationary period shall not include any period of leave with pay exceeding 20 days business days. A person having received a noncompetitive appointment to the higher classification after an upward reclassification of his/her currently held position shall be deemed to have satisfactorily served a probationary period in that position consistent with Rule 5.05(a). The Appointing Authority may, with the approval of the Human Resources Director, extend an employee's probationary period up to a maximum of one-half of the initial probationary period (520 or 1040 hours). [Ord. 2.40.080(~~10~~)] (7/22/92) (8/26/98)(03/17/05)(03/26/08)(XX/XX/10)

11.04 REJECTION OF PROBATIONARY EMPLOYEE:

- (a) Following proper and timely notification, a new probationary employee who fails to satisfactorily meet the requirements of his/her position shall be rejected and terminated from employment in the classified service.
- (b) Following proper and timely notification, an employee who is serving a probationary period in a promotional appointment and fails to satisfactorily meet the requirements of the promotional position, shall be rejected and reinstated to the lower level position in which the employee has achieved permanent status or to one which is equivalent. When a probationary

employee accepts an appointment to a position in another class during the probationary period, such appointment interrupts the old probationary period. [Ord. 2.40.080(10)] (03/17/05)

11.05 CHANGE IN POSITION OTHER THAN THROUGH APPOINTMENT: An employee who is reassigned, transferred, reinstated, restored, demoted, re-employed, or voluntarily reduces to a class in which they have previously obtained status shall not be required to serve a probationary period as a result of such action; all other employees are required to serve a probationary period. (10/15/00)(03/17/05)

11.06 REJECTION NOT SUBJECT TO APPEAL: A probationary employee may be rejected by the ~~appointing authority~~ Appointing Authority during probation without right to an appeal or grievance hearing, except as to ~~hearings~~ appeals regarding the issue of discrimination as provided for in Rule 16.02 of these Rules. ~~The appointing authority shall file with the Commission a written statement of the reasons for such rejection.~~ [Ord. 2.40.080(10)] (9/28/88)(XX/XX/10)

11.07 NOTICE OF REJECTION OF PROBATIONER: To be effective, the written notice of rejection of a probationary employee must be served before midnight of the last day of the probationary period. (5/23/79)(9/28/88)

**RULE 12: CHANGES IN ASSIGNMENT, SEPARATIONS AND
TERMINATIONS LAYOFFS**

12.01 ASSIGNMENT AND REASSIGNMENT: Once appointed to a position in a specific classification in a department, an employee may be reassigned within the department to another position within the class at the discretion of the ~~appointing authority~~ Appointing Authority. [Ord. 2.40.080(13)]

12.02 TRANSFER: On written request from the appointing authorities concerned, the ~~Personnel Director~~ Human Resources Director may authorize the transfer of an employee for a limited period of time. Any permanent transfer of this nature shall require the written consent of the employee prior to implementation. [Ord. 2.40.080(13)] (9/28/88)

12.03 MEDICALLY INCAPACITATED: When, in the estimation of the ~~appointing authority~~ Appointing Authority, an employee becomes physically or mentally unfit to perform the duties which have been assigned to him/her, pursuant to Rule 8.02(a) the authority may request that the employee be medically examined to determine the fitness of the employee in accordance with the medical standards as outlined in these Rules. Should the employee be determined to be physically unfit to perform the normal and reasonable duties of the class to which the employee has been appointed, the ~~appointing authority~~ Appointing Authority may be authorized by the ~~Personnel Director~~ Human Resources Director to transfer or demote the employee to a more medically suitable position and/or for which the employee might be able to acquire the necessary skills following a reasonable period of training. Should the opportunity for transfer or demotion be unavailable, the ~~Personnel Director~~ Human Resources Director shall place the employee on Reemployment lists for positions that the employee is physically capable of accomplishing [Ords. 2.40.080(9); 2.40.120(1); 2.44.040(e)] (2/28/79)(9/28/88)(03/17/05)

12.04 LAYOFFS, PROCEDURE FOR: When the number of employees in the classified service is reduced, such reduction shall be by department. The appointing authorities involved shall determine the positions to be affected and the layoff date, and shall notify the ~~Personnel Director~~ Human Resources Director accordingly. The Human Resources Director shall identify the employees who are subject to layoff and will direct the appointing authorities to serve a notice of layoff (9/28/88)(5/24/00) (XX/XX/10)

12.05 ORDER OF LAYOFF:

- (a) Temporary employees performing work within the affected class(es) shall be laid off first.
- (b) Provisional employees in affected class(es) shall be laid off next.

- (c) Probationary employees working the affected class(es) shall be laid off next in reverse order of ~~time in service~~time-in-service.
- (d) Permanent employees working in the affected class(es) who have one or more regular evaluations during the last ~~three two~~ years with an overall rating of Unsatisfactory, shall be laid off next in reverse order of ~~seniority~~time-in-service hours.
- (e) Permanent employees working in the affected class(es) who have not received an Unsatisfactory regular performance evaluation in the last ~~three two~~ years, shall be reduced or laid off last by reverse order of ~~seniority~~time-in-service hours.

12.06 Right to Reduce: Permanent employees laid off shall be entitled to reduce to a position at the same or lower salary range in a class in which they previously ~~had established~~ permanent Civil Service status starting with the highest class and proceeding to the lowest class in the order herein specified. This entitlement is limited to the employees current department at the time of layoff. (03/17/05) (XX/XX/10)

12.0607 **TWO OR MORE EMPLOYEES WITH EQUAL LAYOFF POINT**TIME-IN-SERVICE HOURSTOTALS: Should it occur that after the computation of ~~layoff points~~time-in-service hours, two or more persons have earned equal total of such ~~points~~hours, among those so equal in ~~points~~hours, that person shall be laid of first, who: (03/17/05) (XX/XX/10)

- (a) Placed lowest on the eligible list if these persons were appointed from the same eligible list, or
- (b) Was appointed from the most recent eligible list, if these persons were appointed from separate eligible list.

12.0708 **NOTICE OF LAYOFF**: Notice of layoff shall be given to the affected employees in writing as soon as the layoff list has been established. (03/17/05)

12.0809 **RESIGNATIONS**: Resignations shall be in writing, directed to the ~~appointing authority~~Appointing Authority. A resignation is effective on the date designated therein and if no date is designated, it shall be effective immediately. When submitted to an ~~appointing authority~~Appointing Authority, a resignation may not be withdrawn without the consent of the ~~appointing authority~~Appointing Authority. (03/17/05)

12.0910 **RESTORATION TO REEMPLOYMENT LIST**: The name of any person who has been appointed to a permanent position from a reemployment

list and who is subsequently separated without delinquency or fault shall be restored to the reemployment list. (9/28/88)(03/17/05)

12.40-11 REINSTATEMENT AFTER SEPARATION: Upon approval by the ~~Personnel Director~~Human Resources Director, any ~~person~~permanent employee who has been separated from County service, without fault or delinquency, may be reinstated by the ~~appointing authority~~Appointing Authority within one year from the date of such separation to any position the employee has held on a permanent or probationary basis prior to such separation or to any other position to which the transfer, reassignment, or voluntary reduction from that position would be authorized by these Rules. Employees who are called into military duty will be afforded reinstatement rights consistent with applicable law. [Ord. 2.40.080(~~14n~~)] (9/28/88)(03/17/05) (XX/XX/10)

12.4112 RIGHTS RESTORED: Upon reinstatement, all rights except vacation, sick leave, and those rights prohibited by express provisions of contractual agreements between the County and insurance carrier, acquired by an employee prior to separation from the service shall be restored; provided, however, that the rate of compensation shall be that authorized by the County Code. [Ord. 2.40.080(~~14n~~)] (03/17/05)

12.4213 RESTORATION TO PREVIOUS LEVEL: In cases of reduction in rank an ~~appointing authority~~Appointing Authority may restore an employee so reduced to the position from which he/she was reduced with the consent of the ~~Personnel Director~~Human Resources Director, provided that the service has been continuous since holding such position or that any break in such service has been followed by reinstatement. (9/28/88)(03/17/05)

12.4314 VOLUNTARY REDUCTION: With the approval of the ~~appointing authority~~Appointing Authority and the ~~Personnel Director~~Human Resources Director, and for any of the following reasons, an employee who has achieved permanent status at a lower level in the classified service or who meets the ~~employment standards~~required minimum qualifications and applicable medical, physical and psychological requirements for a classification with a lower salary range may voluntarily reduce to that level: (03/17/05) (XX/XX/10)

- (a) To avoid being rejected during probation from a promotional appointment;
- (b) To avoid being laid off when there is a reduction in force affecting the employee's current position;
- (c) For personal reasons which cause the employee to seek a less responsible or complex assignment;

- (d) To remain in a position which has been reallocated to a lower class as a result of a narrowing or lessening of the responsibilities and duties assigned to the position; or
- (e) Any other reasons deemed by the ~~Personnel Director~~Human Resources Director and the ~~appointing authority~~Appointing Authority involved to be in the best interest of the County.

Persons who voluntarily reduce to avoid layoff shall be placed on a reemployment list for the class from which reduced, pursuant to the provisions contained in Rule 12.05.

12.14-15 JOB ABANDONMENT: An employee, who is voluntarily absent from duty for five consecutive days without obtaining approval from the ~~appointing authority~~Appointing Authority, with the concurrence of the ~~Personnel Director~~Human Resources Director, shall be deemed to have resigned from employment. The employee or his/her representative may submit evidence to the ~~Personnel Director~~Human Resources Director within ~~ten days~~business days from the first day of absence to verify that the absence was not voluntary. The decision of the ~~Personnel Director~~Human Resources Director shall be final. (03/17/05)

12.15-16 DISQUALIFICATION OF EMPLOYEE: An employee who fails to maintain required local, state, or federal certification or license that is a requirement of the position ~~will~~may be terminated for becoming disqualified to continue such employment. (03/17/05)

RULE 13: PERFORMANCE EVALUATION

13.01 PROVISION AND PURPOSE OF THE EVALUATION PLAN: The ~~Personnel Director~~ Human Resources Director shall establish, implement, and maintain an effective system for periodic evaluation of the performance and conduct of employees in the classified service. The ~~performance evaluation objective of this system shall serve as a basic tool to improve supervision~~ is to record the performance of employees during the evaluation period, assist supervisors and their employees in measuring progress toward work goals; identify and assess employee development needs; and establish a basis for personnel decisions relative to the employees who are evaluated where merit and past performance are contributory factors in the decision-making process. [Ord. 2.40.080(~~16~~p)]

13.02 EVALUATION PROCEDURE: In accordance with County procedures, and on forms ~~provided~~ approved by the ~~Personnel Director~~ Human Resources Director ~~for that purpose~~, supervisors shall evaluate, record and report the performance of their employees ~~such that:~~ Performance evaluations shall be one of the following:

- (a) Probationary Evaluation: Probationary employees who are recommended by the Appointing Authority for permanent status in their position shall receive a performance evaluation at the conclusion of their probationary period. ~~Probationary employees shall be evaluated throughout the period of probation, with a final evaluation with a recommendation regarding permanent status to be submitted to the Personnel Director prior to the end of the probationary period; and (03/17/05)~~
- (b) Regular Evaluation: Employees who have achieved permanent status in their position shall receive a performance evaluation on or before the individual employee's anniversary date. ~~Permanent employees shall be evaluated annually, on the individual employee's anniversary date, and a report filed with the Personnel Director to record such evaluation.~~
- (c) Special Evaluation: The Appointing Authority may at their discretion issue a special performance evaluation. All special performance evaluations shall be created and administered in accordance with the provisions of this Rule.

~~As deemed desirable or necessary by the appointing authority, work performance memoranda and special evaluations of performance may be made at any time~~

~~during the period of employment. A report of special evaluations shall be filed with the Personnel Director. The Personnel Director shall provide the appropriate report forms in such time as to permit the filing of the reports in conformance with the established schedules. There is no right of appeal from a special evaluation rating or the issuance of a work performance memorandum. [Ord. 2.40.080(16)] (8/26/98)(03/17/05)~~

~~**13.03 RATING DISCUSSED WITH EMPLOYEE:** Each evaluation shall be discussed with the employee by their supervisor and who has been evaluated. ~~The~~ the employee shall be given a copy of the performance evaluation report following the discussion. The employee and shall be ~~required the last~~ to sign the report but only as an indication that the report was discussed with him/her. The employee ~~may request~~ shall have the right to review the performance evaluation report with the ~~appointing~~ Appointing authority ~~Authority~~ or designated representative. The evaluation report shall be filed with the Human Resources Department to record such evaluation. [Ord. 2.40.080(16)] (8/26/98)(03/17/05)(6/03/10)~~

~~The employee shall sign the evaluation last. (9/22/76)~~

13.03 PERFORMANCE EVALUATION RATING STANDARDS: Performance evaluations shall be made in accordance with the following standards:

- (a) Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job; performance is definitely superior. Outstanding ratings must be substantiated in writing by the rater.
- (b) Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job, a majority of the time. Above Satisfactory ratings must be substantiated in writing by the rater.
- (c) Satisfactory Work performance consistently meets the standard expected of a competent worker in that job.
- (d) Improvement Needed Work performance frequently less than the standard expected of a competent worker in that job, and improvable with additional training, experience, and/or effort. Improvement Needed ratings must be substantiated in writing by the rater
- (e) Unsatisfactory Work performance well below the standard expected of a competent worker in that job, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the rater.

~~13.04 PERFORMANCE EVALUATION RATING STANDARDS: Performance evaluations shall be made in accordance with the following standards:~~

- ~~(a) Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job; performance is definitely superior. Outstanding ratings must be substantiated in a written statement by the rater.~~
- ~~(b) Above Satisfactory Work performance generally above the standard expected of a competent worker in that job, a majority of the time.~~
- ~~(c) Satisfactory Work performance consistently meets the standard expected of a competent worker in that job.~~
- ~~(d) Improvement Needed Work performance frequently less than the standard expected of a competent worker in that job, and improvable with additional training, experience, and/or effort.~~
- ~~(e) Unsatisfactory Work performance well below the standard expected of a competent worker in that job, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the rater.~~

~~13.05 UNSATISFACTORY AND IMPROVEMENT NEEDED PERFORMANCE: A supervisor shall be expected to take appropriate and immediate steps to assist an employee to improve or correct any performance or conduct which has been rated as Unsatisfactory or Improvement Needed. Failure by the employee to demonstrate satisfactory effort toward improvement, if substantiated, shall be considered as cause for appropriate disciplinary action. (03/17/05)~~

13.04 OVERALL RATING OF LESS THAN SATISFACTORY: A Supervisor shall be expected to take appropriate and immediate steps to assist an employee to improve or correct any performance or conduct which has been rated as Improvement Needed or Unsatisfactory.

(a) If an employee receives an overall performance evaluation rating of Improvement Needed, the employee's supervisor shall create and communicate to the employee, a written performance improvement plan to improve or correct any performance factors rated less than Satisfactory. The employee's supervisor shall objectively document the steps taken to assist an employee to achieve a satisfactory rating and the results of those actions.

(b) If the employee fails to demonstrate satisfactory improvement, the employee shall be rated Unsatisfactory which will be cause for discipline.

(c) If an employee receives an overall rating of Unsatisfactory, the employee shall be subject to disciplinary action.

13.0605 APPEAL: If, after discussing a performance evaluation with the ~~supervisor—evaluator~~ and reviewing the report with the ~~appointing authority~~Appointing Authority, an employee ~~remains dissatisfied~~disagrees with a less than ~~satisfactory~~Satisfactory overall rating received in a ~~regular~~Regular or Special performance evaluation report, the employee may ~~appeal the rating to the Personnel Director~~ request review of the performance evaluation by the Human Resources Director. Such ~~appeal a request~~ shall be in writing and filed within ten ~~days~~business days after the employee's receipt of the ~~report~~performance evaluation. Failing to achieve satisfaction through the ~~appeal to the Personnel Director~~Human Resources Director, the employee may ~~further then~~ appeal the matter to the Commission in accordance with the provisions of Rule 4. [Ord. 2.40.080(17)] (03/17/05) (06/03/10)

13.0706 RETENTION OF PERFORMANCE EVALUATION REPORTS: The performance evaluation report and its attachments shall become a part of the official record of the employee and shall be ~~maintained—placed~~ in the employee's personnel file maintained by the County Human Resources Department. ~~The most recent report shall be deemed to be indicative of the appointing authority's current opinion of the employee's performance~~ Performance ratings shall be considered confidential, only subject to review by persons appropriately authorized by the ~~Personnel Director~~Human Resources Director and the Commission, or as requested by the employee. (9/28/88)

RULE 14: DISCIPLINARY ACTIONS

14.01 DEMOTIONS, SUSPENSIONS AND DISMISSALS: Demotions, suspensions, ~~and dismissals~~, or reductions in the compensation of officers and employees in the classified service who have attained permanent status through completion of the prescribed probationary period shall be made pursuant to the provisions of Section 2.40.120 of the County Code and Rule 4 hereof. All appointing authorities are required to consult with the ~~Personnel~~Human Resources Department and County Counsel prior to imposing any final disciplinary action. (9/28/88)(03/17/05)

14.02 REASONS FOR DISCIPLINARY ACTIONS: An employee who has completed his/her probationary period and attained permanent status in the classified service may be reprimanded, suspended, demoted, or dismissed for any of the following reasons:

- (a) Any of the reasons specified in Rule 6.03;
- (b) Incompetence; (03/17/05)
- (c) Inefficiency;
- (d) Inexcusable neglect of duty;
- ~~(e) Physical or mental condition or disability which prevents performance of essential functions of the position; (03/17/05)~~
- (f) Insubordination;
- (g) Dishonesty;
- (h) Inexcusable absence without leave;
- (i) Discourteous treatment of the public or other employees;
- (j) Improper political activity;
- (k) Willful disobedience;
- (l) Misuse of County property;
- (m) Violations of County or departmental rules or policies;

- (n) Conduct unbecoming an employee in the public service; ~~or~~
- (o) Negligence;
- (p) Unauthorized release of confidential information from official records;
- (q) Overall Unsatisfactory performance evaluation as defined in Rule 13.04;
or
- (er) Such other reasons, which the Commission approves, after public hearing, as being in the best interests of the service. [Ord. 2.40.120] (8/26/98)(10/25/00)(03/17/05)

14.03 DEMOTIONS, SUSPENSIONS AND DISMISSALS~~DISMISSALS, SUSPENSIONS, OR DEMOTIONS~~: HEARINGS; FINDINGS:

- (a) Any employee with permanent status in the classified service may be ~~dismissed~~demoted, suspended, ~~or demoted~~ dismissed or reduced in compensation by the ~~appointing authority~~Appointing Authority by a written order. The written order shall be served upon the employee either personally or by certified mail, return receipt required, within five ~~days~~business days prior to the effective date of the disciplinary action. Service of the written order shall be deemed complete upon personal service of the order on the employee or, in the case of certified mail, upon mailing. The written order shall include: (03/17/05)
 - (1) A statement of the intended action ~~being taken~~;
 - (2) The effective date of the intended action;
 - (3) A statement of the reasons for the intended action;
 - (4) A statement in ordinary and concise language of the acts or omissions upon which the action is based;
 - (5) A copy of the charges and materials upon which the action is based; (5/23/79)
 - (6) A statement that the employee has a right to respond to the ~~appointing authority~~Appointing Authority prior to the effective date of the discipline; (5/23/79) and
 - (7) A copy of Rules 4 and 14. (03/17/05)
- (b) Prior to the effective date of the intended disciplinary action, the employee being disciplined shall have the opportunity to provide a response, verbally

or in writing, to the ~~appointing authority~~Appointing Authority, relative to the validity of the ~~base or bases~~basis of the action(s) to be taken, and the nature of the action(s). If the employee exercises his/her right to respond, the ~~appointing authority~~Appointing Authority will evaluate the response and shall serve on the employee a final written order ~~to the employee~~, affirming, modifying or revoking the written order of intended discipline. Service shall be affected and deemed complete in accordance with Rule 14.03(a). If the employee does not exercise his/her right to respond, the initial order notifying the employee of the intended disciplinary action shall be deemed the final written order. (03/17/05)

- (c) The employee may, within ten days business days, appeal the final written order in accordance with Rule 4.06. (5/23/79)(03/17/05)

14.04 LETTERS OF REPRIMAND: When an ~~appointing authority~~Appointing Authority has determined ~~unofficial informal~~ corrective action to be ineffective in altering the unsatisfactory performance or conduct of an employee, the ~~appointing authority~~Appointing Authority may issue a formal letter of reprimand to the employee. Such reprimand letters should follow an official discussion of the problem between the ~~appointing authority~~Appointing Authority or his/her designee and the employee and should contain: (03/17/05)

- (a) A general statement of the problem, specifying with factual statements what the employee has done wrong; (03/17/05)
- (b) The specific policies, rules, or legal provisions violated;
- (c) Constructive assistance toward correction of conduct;
- (d) An indication that more serious disciplinary action shall occur should unsatisfactory conduct continue or recur.

When issued, reprimand letters shall be copied and become a part of the employee's official personnel record and as with other forms of formal discipline the employee shall have the right to appeal the issuance action in accordance with the provisions of Rule 4. (5/23/79)(03/17/05)

RULE 15: EMPLOYEE RECORDS AND PAYROLL CERTIFICATION

15.01 CERTIFICATION OF SALARY ACCOUNTS: Except as otherwise required by law, the County Auditor shall not approve any salary or compensation for services for any person holding or performing the duties of a position in the classified service or serving in a provisional or temporary appointment, unless the ~~Personnel Director~~Human Resources Director, on behalf of the Commission, has certified that the name, title, and salary of the person to be paid are in accordance with the provisions of Section 2.40.140 of the County Code and these Rules. (9/28/88)(03/17/05)

15.02 EMPLOYEE ROSTER: The ~~Personnel Director~~Human Resources Director shall maintain the official roster of employees and supporting documents, which contain the names and employment record of all employees in the classified and unclassified service. The employment record files shall include such information as records of sick leave usage, leaves of absence, disciplinary actions, performance evaluations, and the transactions, which have taken place during the period of employment which have impacted the employee's salary and/or status. [Ord. 2.40.070(6)]

15.03 CONFIDENTIALITY OF PERSONNEL RECORDS: Except as otherwise provided under law, the material contained in the employee's individual personnel files, the employment application files, the examination and certification files, and similar records are not public information. It shall be the responsibility of the ~~Personnel Director~~Human Resources Director to preserve the confidentiality of all records placed under the custodianship of the Commission and the ~~Personnel~~Human Resources Department and to limit exposure of such records to persons who have a legitimate need to review the information contained therein. [Ord. 2.40.070(b)]

RULE 16: EQUAL EMPLOYMENT OPPORTUNITY

16.01 PURPOSE: The purpose of these rules is to assure equal employment opportunity in the County employment system and provide affirmative action in its administration in accordance with the objective of fair and impartial treatment of all employees and applicants for employment in the classified service as set forth in Rule 1.02. [Ord. 2.40.110] (9/28/88)(03/17/05)

16.02 DISCRIMINATION PROHIBITED: Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations or because of age, sex, race, color, national origin, marital status, disability, sexual orientation, union activity or association or other similar non-merit factors as identified in Federal or State law is prohibited. --[Ord. 2.40.110] (03/17/05) (XX/XX/10)

16.03 EXCEPTIONS: Discrimination on the basis of age, sex or physical disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration of County business. Such exceptions may only be made with the approval of the ~~Personnel Director~~Human Resources Director and are appealable to the Commission in accordance with the provisions of this Rule. (9/28/88)(03/17/05)

16.04 REDRESS FOR DISCRIMINATORY ACTS: Any employee in the classified service or any applicant for employment therein who believes that he or she has been discriminated against because of any non-merit consideration or factor may ~~petition appeal to~~ the Commission in accordance with Rule 4-. except claims of discrimination of union activity or association shall be filed as a Grievance. Otherwise, any person alleging discrimination must, on the Appeal Form, name the specific factor(s) on which the discrimination is based.

16.05 HEARINGS: Notwithstanding the provisions of Rule 11.06, the Commission shall hold a hearing in every case where discrimination as defined in Rule 16.02 is the basis alleged in the appeal to the Commission, unless the ~~appellant~~Appellant waives the hearing. (03/17/05)

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Rule Update - Working Draft

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