

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

Topic: Provisional Appointments	
Subject: Examination Process	Revised: March 2005
CSC Rule: 2.35, 10.04, 10.06, 10.07, 10.09, 12.05, 15.01 and County Code 2.40.080	Approval: _____
Location: P:\PERSONNEL DEPT. POLICIES - 2005\Final Policies 2005\EXAMINATION PROCESS\Provisional Appointments.doc	Date: _____
	Note: Original signed copy on file in Personnel Department.

After reviewing the Civil Service Ordinance Rules, we have found that time spent in a provisional status *should* count toward the completion of the required six-month probationary period.

We have found that there is no language in the Rules or Ordinance that specifically *excludes* the time spent in a provisional capacity as counting toward completion of the six-month probationary period. Therefore, if an employee receives a permanent appointment after serving several months of a provisional appointment, they will receive probationary credit for that time. For example, if an employee served in a provisional capacity for four months, and then was appointed to the position on a permanent basis, they would be credited for four months of their probationary period. To complete the normal six-month probationary period, they would have to serve only two more months.

This is the only policy change regarding provisional appointments being made; all other provisions remain in effect. See the following Rules/Ordinances for further information.

**Rules and Ordinances Regarding
Provisional Appointments in the Classified Service as of March 28, 2000**

County Code - 2.40.080 COMMISSION RULES:

(11) For the **provisional** appointment of persons to permanent positions without examination when no eligible list exists for the class or when the eligible list contains insufficient names to permit complete certification. The **provisional** appointments shall only be made with the prior consent of the Personnel Director. No **provisional** appointment shall continue beyond the date of promulgation of an appropriate eligible list for the class of employment, and in no event shall continue longer than six months. Successive **provisional** appointments are prohibited. Acceptance or refusal to accept a **provisional** appointment on the part of a person on the eligible list shall not be a bar to a permanent appointment from the eligible list.

(12) For the temporary appointment of persons to non-permanent positions from the appropriate eligible list where such exists and the eligibles thereon are willing to accept the appointment. Where no appropriate eligible list exists or where it contains insufficient names to permit complete certification, the temporary appointments may be made without examination with the consent of the Personnel Director. In case of emergency where no eligible list exists, consent may be granted

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

retroactively, provided the fact is reported to the Personnel Director no later than the end of the pay period within which the temporary appointment occurred. Temporary appointments to non-permanent positions shall not continue for longer than 120 working days (nine hundred and sixty work hours) within any fiscal year. Acceptance or refusal to accept a temporary appointment on the part of a person on an eligible list shall not be a bar to a permanent or **provisional** appointment from the eligible list.

Civil Service Commission – Rules:

2.35 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 names to permit a complete certification.

10.04 INSUFFICIENT NUMBER OF ELIGIBLES:

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 involved may refuse to appoint from the list and request that a new examination be called.

10.06 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION:

The removal or withholding of a name shall automatically advance all of the names below it on the eligible list. Restoration of a name to the list shall not affect an appointment from any certification made before such name was restored or added. The acceptance or refusal by an eligible of a **provisional** or temporary appointment shall not affect that person's certification from the eligible list for permanent appointment.

10.07 TEMPORARY APPOINTMENTS:

All temporary appointments in the classified service shall be made in accordance with Section 2.40.080(12) of the San Luis Obispo County Ordinance Code.

- (d) **PROVISIONAL Appointments:** Pending creation of the new list of eligibles, the 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, 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 for good cause.

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 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)]

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

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.

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, 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