

ORDINANCE NO. 3444

**AN ORDINANCE AMENDING SECTION
2.40.080 OF THE COUNTY CODE**

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

SECTION 1: Section 2.40.080 **Commission rules** of the County Code shall be amended as follows:

2.40.080 - Commission rules.

The rules of the civil service commission shall provide:

- (1) For the classification of all positions in the classified service;
- (2) For open competitive examinations to test the relative fitness of applicants for such positions;
- (3) For the creation of eligible lists resulting from competitive examinations upon which shall be entered the names of successful candidates in order of their standing and examinations. The lists shall remain in force not longer than two years;
- (4) For the appointment of one of the ten persons standing highest on the appropriate competitive eligible list; provided that an appointing authority may elect to request certification and make an appointment where there are less than ten persons on an appropriate existing eligible list;
- (5) For noncompetitive examinations for minor positions in the county institutions when competition is found by the civil service commission to be impractical;
- (6) For the creation of eligible lists resulting from noncompetitive examinations upon which shall be entered the names of all successful candidates. The lists shall remain in force not longer than two years;
- (7) For the appointment of any eligible from a non-competitive eligible list;
- (8) For public advertisement of all examinations;
- (9) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the commission or of the law with regard to job requirements, age, residence, sex and physical condition, or who have been guilty of crime or infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination, or who have refused to take the oath prescribed by law;
- (10) For a period of probation not to exceed the equivalent of six months of full-time service before appointment or promotion is complete, except for those classifications identified in Civil Service Rules ~~in the case of deputy sheriff,~~

~~correctional officer, and sheriff's dispatcher, juvenile services officer I, juvenile services officer II (lateral transfer), deputy probation officer I, and deputy probation officer II (lateral transfer), Correctional Technician I, Employment Resource Specialist I, Social Worker I and Social Services Investigator~~ whose probation shall be the equivalent of one year of full-time service, during which period a probationer may be discharged or reduced without a hearing. Service shall mean all paid hours in a permanent position, provided however, that the probationary period shall not include any period of leave with pay exceeding twenty days;

- (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 nonpermanent positions from the appropriate eligible list where such exists and the eligible 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 examinations with the consent of the [human resources director](#) ~~personnel director~~. In case of emergency where no eligible list exists, consent may be granted 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 nonpermanent positions shall not continue for longer than nine hundred sixty 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;
- (13) For transfer from one position to a similar position in the same class and salary range or to a position in another class with the same salary range, either within the same department or in another department, provided that the employee meets the minimum qualifications for the classification. The transfers shall be with the consent of the [human resources director](#) ~~personnel director~~. In case of denial, the employee may appeal to the civil service commission;
- (14) For reinstatement of permanent employees within one year, provided such persons have been separated from or reduced within the county civil service without fault or delinquency on their part; provided, however, that persons employed by the county, holding positions subject to the provisions hereof, who have entered the armed forces of the United States during a national emergency proclaimed by the

President or the Congress of the United States, or an Act of Congress providing for peacetime induction or conscription, and who have been honorably discharged or on the inactive or reserved list, or relieved from such military service with a certificate of satisfactory service, shall be reinstated without loss of status, seniority or efficiency ratings to the position held by them prior to entry into such federal service, or to positions of like seniority and status, unless in the meantime such positions have been abolished, on condition that application for reinstatement is made within ninety days after release from the armed forces, and on the further condition that such persons are still qualified to perform the duties of the positions previously held by them or of such like positions. All persons appointed or transferred to fill the positions and all other persons appointed or transferred to other positions by reason thereof shall be termed to be substitute employees, and the substitute employee may be separated from such positions at any time, unless they held positions subject to the provisions of the ordinance immediately prior to the appointment or transfer as substitute employees. In any event, and notwithstanding any other provisions hereof, they shall be reinstated without loss of status or seniority to the permanent positions which they held immediately prior to their first appointment or transfer as such substitute employees to positions of like seniority and status unless, in the meantime, such positions have been abolished.

Any permanent position which remains continuously unfilled for twenty or more calendar 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 and with the prior approval of the [human resources director](#) ~~personnel 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 civil service 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 position 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, to that permanent position, 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 employee displaced due to the exercise of layoff rights by a substitute employee shall have those layoff rights as provided for in the civil service rules.

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. Substitute employees shall serve a probationary period, shall receive time in service for purposes of layoff while serving as a substitute employee, and shall be subject to all provisions of the civil service rules, including especially those dealing with probation and disciplinary action;

- (15) For promotions based on competitive examinations and records of efficiency, character, conduct and seniority. The provisions of subsection (4) of this section shall apply with respect to promotions. An advancement in rank or an increase in salary beyond the range fixed for class shall constitute promotion;
- (16) For a systematic manner of reporting upon the performance of employees in the classified service;
- (17) For the establishment of a plan for resolving employee grievances and complaints;
- (18) For the adoption and amendment of rules only after public notice and hearing.

The commission shall adopt such other rules not inconsistent with the foregoing provisions hereof as the commission may consider necessary and proper.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for an against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 4th day of May, 2021, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 18th day of May, 2021, by the following roll call vote, to wit:

AYES: Supervisors Dawn Ortiz-Legg, Bruce S. Gibson, John Peschong, Debbie Arnold and Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None

Lynn Compton

Lynn Compton
Chairperson of the Board of Supervisors County
of San Luis Obispo, State of California

ATTEST:

Wade Horton
Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

By: _____
Deputy Clerk