

Amended January 4, 2005; Resolution 2005-04

**RULES AND REGULATIONS RELATIVE TO PERSONNEL PRACTICES**

A Resolution providing for Rules and Regulations relative to Personnel Practices.

It is the intention of the Board of Supervisors that these rules will supplement the Napa County Code of Ordinances, Title II, Article I (commencing Section 2000) and shall assist in the establishment of such centralized personnel practices and uniform procedures as to bring about the maximum efficiency in the utilization of the workforce for Napa County. These rules shall apply to all employees in the Classified Service.

**RULE 1**

Definitions

For the purposes of these rules the following definitions shall apply:

Administrator - Formerly the County Administrative Officer or County Executive Officer; now the Chief Executive Officer.

Allocation - The official determination of the class to which a position belongs; or the assignment of a position to its class.

Applicant - A person who has made a formal request on a prescribed form in order to qualify for County employment.

Appointing Authority - The officer, Board, Commission, or person or group of persons with lawfully delegated power to make an offer of appointment.

Appointment - The offer to a person, and his/her acceptance of a position in accordance with the provision of these rules.

Board - The County of Napa Board of Supervisors.

Candidate - Any applicant who has been admitted to an examination.

CEO – Chief Executive Officer.

Certification - The submission by the Director of names of eligibles from an appropriate eligibility list.

Class - A position or group of positions sufficiently similar as to duties performed, degree of supervision exercised or received, minimum requirements of education, experience or skill and such other qualifications that the same title, the same tests of fitness and the same schedule of compensation applies to each position in the group.

Classification - The process by which a class is established and by which its level in the schedule of classes is determined.

Classified Service - All positions shall be considered classified, except for those positions listed as nonclassified on the "Table and Index."

Classification Plan - The current schedule of classes established by the Board of Supervisors.

Compensation - Any salary, wage or other emolument paid to an employee for performing the duties of a position.

Continuous Employment - Employment uninterrupted from the date of appointment, except for authorized absence.

County - Napa County.

Demotion - A change from a position in one class to a position in a lower class.

Department - An administrative unit of the County Government.

Department Director - Elected or appointed Executive Officer of a County Department.

Director - Formerly the Personnel Director or Human Resources Director; now the Chief Human Resources Officer.

Dismissal - The termination of employment of an employee for cause.

Division - An administrative unit within a department.

Eligible - A candidate whose name appears on an eligibility list.

Eligibility List - A list of names of candidates who have been qualified for certification for a specific class.

Emergency Appointment - An appointment made by a Department Director without regard to the provisions of these rules in order to prevent the stoppage of essential public function or prevent the loss or damage to life or property.

Employee - Any person who occupies a position in the County service and receives compensation for services performed for the County.

Employee Representative - An individual who appears on behalf of the employee.

Examination - A test or group of tests to determine the fitness and relative ability of persons seeking employment or promotion in the classified service.

Grievance - An alleged violation of a rule or regulation or an undesirable working relationship beyond the immediate control of the employee and upon which he desires official action to be taken.

Layoff - An actual separation from County service, an involuntary reduction in work hours, or a demotion in lieu of layoff.

Leave-of-Absence - Permitted absence from duty for a specified period of time.

Level - The degree of relationship which one class bears to other classes in the classified plan.

Limited Term - The status of an employee appointed to a position of limited duration not to exceed one (1) year.

Minimum Qualifications - Standards of education and experience, knowledge, skills and abilities, and personal and physical characteristics as are prescribed in the class specifications.

Open Examination - An examination which allows any person to apply on an equal competitive basis for a position with Napa County.

Oral Board - One or more persons appointed to interview applicants and rate them on their qualifications for the position for which they are applying.

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

Permanent - The status of an employee who is lawfully retained in his/her position after the completion of the probationary period as provided in these rules.

Probationary - The status of an employee who has been certified and appointed in accordance to these rules. Probationary status constitutes a trial period of twelve (12) months full employment for non-law enforcement employees and is to be considered part of the selection process. The probationary period for law enforcement employees and other certain classes is twelve (12) months. In case of promotion, the probationary period is six months.

Promotion - Changing from a position in one class to a vacant position in a higher class with a higher salary range without a break in service.

Promotional Examination - An examination which is limited to current employees filling a position on the Departmental Allocation List in a specific department or within current County of Napa service in either permanent, probationary or limited-term employment status.

Provisional - The status of an otherwise qualified person who was appointed in the absence of a current eligibility list for a particular class. No person may serve in a provisional appointment for

more than sixty (60) calendar days after an eligibility list has been established for the class, and in no event for more than six (6) months from date of appointment.

Re-employment Eligibility Lists - Lists established as a result of laying off probationary or permanent employees.

Regular Position - A budgeted position in the Classified Service as listed on the Departmental Allocation List.

Reinstatement List - A list of former employees who have resigned or were separated in good standing who are seeking to return to County employment.

Resignation - Separation of an employee made at the request of the employee.

Salary Merit Increase - An increase in salary within the salary range prescribed for the class, based upon performance during the first six months of employment, unless initially appointed above the minimum step, and annual increases thereafter until attainment of the top step of the salary range.

Series - A number of classes related to one another in terms of ascending difficulty, authority and/or responsibility within the same occupational field.

Separation - Any termination of employment.

Specification - The official description of a class approved by the Chief Executive Officer.

State - The State of California.

Status - The condition of an employee's appointment, such as emergency, part-time, provisional, probationary, permanent or temporary.

Suspension - An enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

Temporary - The status of an employee who is appointed to a position for a period not to exceed a total of 125 days, if employed on a per diem basis, or 1000 working hours, if employed on other than a per diem basis, during a fiscal year.

Transfer - A change from one position to another in the same or similar class without any break in service. Such change in class/es must have the same salary range and similar qualifications.

Vacancy or Vacant Position - Any unfilled allocated position in the County service. A position shall be deemed vacant when it is not filled by a probationary or permanent employee in the class to which the position has been allocated.

Working Title - Whenever it is deemed desirable to the Department Director, an employee may use after their name any appropriate title which is different than their classified title, as long as the selected title is not in conflict with any County, State or Federal law or ordinance.

Year - A twelve (12) month period unless otherwise designated.

**CLASSIFICATION OF POSITIONS**

**RULE 2**

Section 1. Classification of Positions

Each position in the classified service shall be classified upon the recommendation of the Director, reviewed by the CEO and approved by the Board and shall be allocated to the appropriate class in accordance with the character, difficulty, and responsibility of its assigned duties. Positions shall be allocated to the same class when their duties are sufficiently similar that:

- a. The same descriptive title may be used to designate each position in the class.
- b. The same level of education, experience, knowledge, ability and other qualification may be required of incumbents.
- c. Similar tests of fitness may be used to select incumbents.
- d. The same schedule of compensation will apply equitably under substantially the same employment conditions.

The class titles established in the Classification Plan shall be used in all official records of the County relating to personnel transactions. This does not preclude the use of working titles for other purposes.

Section 2. Amendment and Maintenance of Classification Plan

- a. Whenever one or more new positions are to be established or whenever, because of any change in organization or method, a significant change in the duties or responsibilities of any existing positions is to be made which requires the amendment to the Classification Plan, such revision and amendment of the Classification Plan shall be made in the manner as provided by this section.
- b. Whenever an appointing authority determines that a significant change has been made in the duties and responsibilities of an existing position, a Position Questionnaire shall be submitted to the Human Resources Department. The Human Resources Department shall review the duties and responsibilities of such position, the qualifications required for filling the same, and the relationship of such position to other classes of positions in the Classification Plan.
- c. The Director, upon written request of the appointing authority or any employee, or upon his/her own initiative, may review the classification of any existing position.

- d. Upon completion of a field audit, the Human Resources Department shall make the classification recommendation to the department. The Department Director shall inform the affected employee of the classification recommendation.
- e. Following the classification recommendation by the Human Resources Department, one of the following shall apply:
  - 1. If the position has been previously audited and not recommended for reclassification, the Human Resources Department recommendation shall be conclusive.
  - 2. If the position has been previously audited and recommended for a reclassification, the Human Resources Department recommendation shall be conclusive.
  - 3. If the position is not recommended for reclassification and has not been previously audited, the employee may utilize the appeal process described herein.
  - 4. If the position is recommended for a reclassification but the employee wishes to appeal this recommendation, the employee shall utilize the appeal process described herein.
- f. If the classification recommendation is subject to appeal, the following procedure shall be followed:
  - 1. Appeal to the Chief Human Resources Officer in writing within five (5) working days from date of notification.
  - 2. If not resolved, appeal to the Chief Executive Officer in writing within five (5) working days from date of notification.
  - 3. If not resolved, appeal to the Board of Supervisors within five (5) working days from date of notification. The Board shall hear the matter and make the final determination.

### Section 3. Class Specifications

The Director shall prepare and maintain a written specification for each class of positions in the County service, which, when approved by the Chief Executive Officer, shall constitute the official specifications of classes in the County service. The official copy of the specifications for each class of positions shall be maintained in the Human Resources Department and shall indicate the date of approval of the last revision or amendment.

Specifications are not restrictive and shall not be construed as declaring that specified duties and responsibilities shall not be changed or that an appointing authority may not temporarily assign other duties and responsibilities to, or otherwise direct and control the work of, employees under their supervision.

**EMPLOYMENT STANDARDS**

**RULE 3**

Section 1. Filing of Applications

No person shall be admitted to an examination for employment unless such person shall have prepared and filed an application upon a form approved by the Director, which application shall certify as to the correctness of all statements made on the application. Applications will generally be maintained in an "active" status for one (1) year from date of filing.

Section 2. Special Qualifications

The Director may require evidence of satisfactory degree of education, training or experience for those classes of position which require special qualification. The Director may require certificates of competency, or the possession of such licenses as the law may provide which are necessary for the practice of the profession, art, trade or skill involved, and the Director may exclude applicants who fail to give such evidence.

Section 3. Investigation and Fingerprints

Fingerprints of new employees and certain categories of current employees of the County shall be taken as a condition of County employment as permitted by Penal Code Sections 11105(b)(10) and 11105.3, as set forth in Ordinance No. 1215, and in accordance with policies and procedures adopted by Human Resources, as such policies and procedures may be amended from time to time.

Section 4. Disqualification

- A. An applicant for employment with Napa County may be denied employment if, upon investigation, the County determines that the applicant has been convicted of any crime, including but not limited to:
  - 1. Crimes against persons, including but not limited to, murder or aggravated assault, rape, kidnapping, armed robbery, sex crimes;
  - 2. Crimes against property, including but not limited to, arson, burglary, receiving or selling stolen property, forgery and bad checks, theft and drug related crimes.
  
- B. In determining whether conviction of a crime shall cause an applicant to be denied employment, the following criteria will be taken into consideration:
  - 1. Whether the crime committed is substantially related to the qualifications, functions or duties of the position for which the applicant has applied;

2. The length of time that has elapsed since the conviction, and the applicant's efforts to rehabilitate themselves since the conviction.
- C. None of the following convictions shall disqualify a person from employment by the County:
1. Any conviction for which the record has been judicially ordered sealed, expunged, or statutorily eradicated (e.g. per Welfare & Institutions Code Sec. 389, Penal Code Section 851.7 or 1203.45), or any misdemeanor conviction for which probation has been successfully completed or otherwise discharged and which has been dismissed pursuant to Penal Code Section 1203.4;
  2. Any arrest for which a pre-trial diversion program has been successfully completed pursuant to Penal Code Section 1000.5 and 1001.5.

The Director may refuse to examine or refuse to certify as eligible any person:

- a. Who lacks any of the minimum qualifications established by the Board for the position for which they have applied;
- b. Who has made false statement of material facts or omitted pertinent information from their application;
- c. Who has been previously dismissed for good cause from Napa County or resigned to avoid dismissal;
- d. Who has used or attempted to use, any personal or political influence to further their eligibility or appointment;
- e. Who has otherwise violated provisions of these rules.

**EXAMINATIONS**

**RULE 4**

Section 1. Call for Examinations

The Director may call examinations to fill vacancies in the classified service or to provide eligibility lists for classes of positions where vacancies are likely to occur and shall prepare, announce and conduct same in the manner hereinafter provided.

Examinations and/or vacancies may be open, promotional on a departmental basis, promotional on a Countywide basis or open and promotional in nature. An open examination or vacancy allows any person to apply, and those persons who meet the minimum qualifications shall be considered on an equal competitive basis for examination. A departmental promotional examination or vacancy will be limited to current employees meeting the qualifications on an equal competitive basis for the class from a specific County department. A Countywide promotional examination or vacancy will be limited to current employees with Napa County service who meet the qualifications of the class and who will be considered on an equal competitive basis for examination.

Section 2. Character and Preparation of Examination

Any examination administered will be designed to be practical in nature and shall relate to such matters as will test fairly and practically the ability of the applicant to fulfill the requirements of the position to which they seek appointment.

Examinations may be written or oral, or both written and oral, or in the form of a practical demonstration of skill and ability, or rating of education, training, experience or any combination of these as shall be determined by the Director.

Section 3. Notice of Examinations of Vacancies

Examination announcements or announcements of vacancies shall be in a form and manner as determined by the Director.

Section 4. Examination Procedure

Unless otherwise ordered by the Board or provided for in these rules, all examinations shall be conducted in the manner and procedure prescribed by the Director.

**ELIGIBILITY LISTS**

**RULE 5**

Section 1. Creation of Eligibility Lists

The Director shall provide each requisitioning appointing authority with a list of names of applicants who meet the minimum qualifications established for the position the appointing authority desires filled.

Upon request and/or when appropriate, the Director shall prepare a list of eligibles resulting from an examination or a combination of examinations.

Section 2. Open Eligibility Lists

This type of list shall consist of names of persons outside County service and any County employee who applied for and met the minimum qualifications of a class. These names will be ranked on a master eligibility list in the Human Resources Department according to the standings as a result of the examination process conducted by the Human Resources Department.

This type of eligibility list will be valid for six (6) months or one (1) year depending on the department's request. A list can be extended for a longer period of time upon request of a department director with approval of the Chief Human Resources Officer.

Section 3. Re-employment Eligibility Lists

This type of list shall consist of names of employees who were laid off, who were in probationary or permanent employee status. Each such employee shall receive re-employment consideration as set forth in Personnel Rule 14.

Section 4. Reinstatement Eligibility Lists

Any person previously employed by the County who had permanent status and left in good standing shall be eligible for reinstatement within a three-year period from date of separation. Reinstatement may only be made to a position in the same class or in a lower level within the same or closely related classification series. The reinstated employee's fringe benefit accrual and seniority rights will be the same as those of a new employee.

The person requesting reinstatement must meet the minimum qualifications for the position prior to certification to the department. Names of persons requesting reinstatement will be provided to departments in addition to others normally submitted.

If the reinstatement results in:

- a. Appointment to the same department, the Department Director may, at their discretion require completion of a new probationary period.
- b. Appointment to another department, the employee shall be required to serve a new probationary period.

Section 5. Transfer Eligibility List

This list will include names of employees who have requested a transfer to another department to a position in the same class or title, or another class with substantially the same qualifications and salary range.

Section 6. Promotional Eligibility List

This list will consist of names of qualified employees who have applied and are qualified for promotional consideration at the time of examination. The order of the names on this list will be determined by the applicant's relative qualifications compared to the standards for the position and/or by an appropriate examination.

A promotional eligibility list will be valid for one year.

**REFERRAL OF APPLICANTS**

**RULE 6**

Section 1. Request for Referral

It shall be the responsibility of each appointing authority to notify the Director as far in advance as possible of all position vacancies in order that the Director can furnish candidates. Whenever an appointing authority wishes to fill a vacancy, he shall submit an Employee Request Form to the Director. All positions, except those covered under the State Merit System, shall be filled from those applicants referred by the Human Resources Department.

Section 2. Certification of Names

Upon receipt of an appointing authority's request for personnel or as soon as practicable thereafter, the Director shall refer to the appointing authority a list of names of qualified applicants for the vacancy. A valid eligible list for each vacancy will be comprised of not fewer than three and not more than six eligible candidates, except under extenuating circumstances. The names of persons seeking re-instatement or transfer shall be in addition to the names on the eligible list. The appointing authority may obtain additional names when it is determined by the Director that sufficient reasons exist.

- a. The Director shall refer for appointment those applicants who best meet the qualifications in accordance with the class specifications and/or by appointment examination for the position.
- b. The order of certification of applicants will be in the following order:
  1. Re-employment list
  2. Promotional list
  3. Transfer list
  4. Reinstatement list
  5. Eligibility list

With the exception of the re-employment and promotional lists, the use of the lists is optional with the appointing authority.

Section 3. Conditional Certification and Appointments

In the event that an eligible is appointed prior to the completion of an investigation and evaluation to determine whether the eligible meets reemployment standards, the appointment shall be made subject to completion of such investigation and evaluation.

Section 4. Certification of Eligibles with Special Qualifications

The Director, may, upon written request and justification from an appointing authority, recruit and/or certify names for a position to be filled that requires a person of a particular sex if it is a bona fide occupational qualification; or willingness and ability to work certain unusual hours; or willingness to work in a certain locality; or with some other special qualification. The written justification must specifically identify and support job related reasons for the request.

Section 5. Employment of Relatives

The employment of a member of any employee's immediate family within the same department shall only be permitted when (1) the related employees are not supervised by the same supervisor, and when (2) the course and nature of their work is independent and does not cause interaction or a close working relationship (3) when immediate family members are Extra Help and/or Volunteers with the prior approval of the Chief Human Resources Officer An employee's immediate family shall be considered for this provision as spouse, registered domestic partner, child, parent, grandparent or grandchild, sibling, parent-in-law, sibling-in-law, or child-in-law, or a corresponding step-relationship.

Relatives of nonclassified employees shall not be employed in the same department as the nonclassified employees.

**APPOINTMENTS**

**RULE 7**

Section 1. Appointment after Certification

Upon receipt of the certification of eligibles, the appointing authority shall proceed to arrange and conduct any interviews and reference checks that are practical and necessary.

Upon determination of their selection, the appointing authority shall notify the Director and notify all applicants of their decision.

Section 2. Appointment in Emergencies

In an emergency situation, when appointments are found necessary to prevent stoppage of public business, loss of life or damage to persons or property, the appointment authority, with the approval of the CEO, may appoint a person without reference to eligibility lists for a period not to exceed one month, provided that the appointing authority shall immediately notify the Director of such action.

Section 3. Permanent Appointment

Where a position is contemplated to continue indefinitely and will not merely be temporary in nature, an appointment to such position shall be referred to as permanent, subject to the probationary period as provided in these rules.

Section 4. Temporary Appointment

A temporary appointment is one made upon authorization by the Director to appoint any person to a position which is temporary in character and which it is contemplated will continue for a limited time only. A temporary appointment may not continue for a period exceeding 1000 hours in any twelve (12) month period. Service in a temporary appointment shall give no right or preference to regular or permanent appointment.

Section 5. Underfilling a Position

When the Board of Supervisors allocates positions with alternate classifications, the appointing authority, with the approval of the Director, may fill a position with a lower classification of the same series.

The following is the procedure to be used in underfilling positions:

- a. The Departmental Allocation List and Table and Index of Classes shall be maintained by the Clerk of the Board and administered in accordance with Ordinance No. 272, Section IV. Classification Plan. The daily maintenance

of these documents will be the responsibility of the Auditor's Office and Human Resources Department.

- b. Underfilling is defined as filling a position by the appointing authority at a lower level than is allowed in the Departmental Allocation List. This action can be accomplished by an appointing authority by filling a position at a lower level in the same series (occupational group). A series will be defined as two or more classes similar in duties but different in level. The Human Resources Department shall assist departments in determining the proper series for underfilling positions.

**PROBATIONARY PERIOD**

**RULE 8**

Section 1. Purpose of Probation

Appointments to budgeted positions appearing on the Departmental Allocation List shall be subject to a probationary period. Upon written request of an employee's appointing authority, the Chief Human Resources Officer may approve counting some temporary, extra help or provisional service prior to appointment as part of the probationary period, but not to exceed a total of four (4) months. An employee's appointing authority may refuse to consider time worked in a temporary, extra help or provisional status for job-related reasons. In order for such prior service to be counted, the temporary, extra help or provisional service must satisfy all of the following conditions:

- a. It must have been in the same class and department as that to which the new appointment is made;
- b. It must have been full time; and
- c. It must have been separated by no more than four (4) calendar days from the date of the new appointment.

Notwithstanding satisfaction of all the foregoing conditions, the Chief Human Resources Officer may, with good cause, disapprove counting such prior temporary, extra help or provisional service as part of the probationary period of an employee.

Effective July 2, 1994, a probationary period shall be for twelve (12) months for all employees except as hereinafter provided and shall begin on the first date of employment. The probationary period shall be six (6) months upon promotion, reemployment, and reinstatement but may be extended up to twelve (12) months as provided in Article 19.1.

In cases where it is believed that the department has had insufficient time to evaluate the employee accurately or in cases where it is believed that additional time on probation might allow the retention of the employee or for other exceptional reasons, the appointing power may request an extension of the probationary period up to a total of twelve (12) months on an employee. Written extension requests are to be submitted for review to the Chief Human Resources Officer at least ten (10) working days prior to the end of the probationary period. The request shall contain the reasons and justification for the extension, duration of extension, and be accompanied by the employee's six (6) month performance report. If approved by the Chief Human Resources Officer the employee shall be notified in writing by his/her appointing power of the extension of this probationary period. An employee attains permanent status unless otherwise notified prior to completion of the probationary period. When unusual circumstances occur during the last ten (10) days of the probationary period the Chief Human Resources Officer shall have the authority to extend the probationary period by thirty (30) calendar days.

All law enforcement (Safety) employees shall serve a one (1) year probationary period except the probationary period shall be six (6) months upon promotion, reemployment, reinstatement, and shall begin on the first date of appointment.

#### Section 2. Termination of Probationary Period

The appointing authority shall notify the Director and the employee no later than two weeks prior to the end of the probationary period as to whether or not the employee is to receive permanent status.

Permanent status of the probationary employee shall begin on the day following the end of the probationary period.

A probationary employee may be separated by the appointing authority from the service at any time during the probationary period without right of appeal or hearing.

#### Section 3. Rejection of Probationer Following Promotion

Any employee who fails to satisfactorily complete the probationary period following a promotion shall be reinstated to his/her former position if it is in the same department. If not, the employee will be certified for employment to an existing vacancy in his/her former class. If no vacancy exists, the provisions of the layoff rule shall be followed.

#### Section 4. Effect of Leaves of Absence on Probationary Period

An employee who is on leave without pay during their probationary period extended by their department director/designated representative. The extension may be up to the amount of time of the leave without pay. The Department shall notify the employee of the extension in writing prior to the end of the probationary period.

#### Section 5. When Probationary Period May Not be Required

An employee shall not be required to serve a period of probation when:

- a. The employee had permanent status in a class which was abolished; the class is thereafter reestablished and they are being appointed to the same class in the same department.
- b. They return to a position in a class in which they have permanent status following a duly granted leave of absence or period of suspension.

**PERFORMANCE EVALUATIONS**

**RULE 9**

Employees serving a twelve (12) month probationary period shall receive evaluations from their immediate supervisor and department head at the end of six (6) months and also two (2) weeks prior to the completion of the employee's probationary period. Nine-month probationary performance evaluations are required if the employee's previous six-month probationary performance evaluation had an overall rating of "below standards" or "unsatisfactory."

Evaluations for permanent employees shall be completed annually at least two (2) weeks prior to the employee's anniversary date.

Such evaluations shall be on forms and under procedures prescribed by the Director.

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

- a. A discretionary leave of absence will be granted only to an employee whose last evaluation was at least satisfactory.
- b. In relation to layoff purposes in accordance with Rule 14.
- c. The general record of service as well as specific and immediate charges will be taken into account when disciplinary actions against an employee is proposed and the penalty, if any, is assessed.
- d. Merit salary increases can be awarded only to those employees whose current overall evaluation is at least "meets standards" or above.

Employees serving a six (6) month probationary period shall receive evaluations from their immediate supervisor at the end of three (3) months and also two (2) weeks prior to the completion of the employee's probationary period. Evaluations shall be completed every sixty (60) days on those employees who have their probationary period extended beyond six months.

**IN-SERVICE PERSONNEL TRANSACTIONS**

**RULE 10**

Section 1. General

The purpose of this rule is to provide an orderly method of controlling and effecting the movement of personnel in the Classified Service.

Section 2. Promotion

Insofar as practicable and consistent with the best interests of the County and the classified service as determined by the Chief Human Resources Officer, vacancies in the Classified Service shall be filled by promotion from among those County employees who meet the requirements for the higher class.

The procedure in handling promotional certification will be:

- a. Employees interested in being referred for promotional opportunities within the County shall contact the Human Resources Department.
- b. Employees will be requested to complete a form for each position for which they wish to be referred.
- c. When an examination is either promotional, or open and promotional, any employee who receives a passing score will have his/her name placed on the Promotional Eligibility List in the order of examination results. Any employee who applies on an open examination and receives a passing score will have their name placed on the Open Eligibility List in the order of examination results.
- d. Employees accepting a promotional position shall be requested to give the department director or supervisor a two (2) week notice, or if the departments concerned can fill their respective positions and/or are agreeable, a shorter notice can be arranged.
- e. The above promotional provisions apply to all positions in the County except those under the State Merit System, which includes the Welfare Department. Employees may promote from these agencies to other County departments but not into those departments. Employees under the Merit System are eligible for an inter-departmental promotion.

Section 3. Demotion

An employee may be demoted to a vacant position in a lower class having similar duties, responsibilities and requirements upon the employee's written request and the approval of the new appointing power. Such demotion shall be known as a voluntary demotion and shall be so noted on all official records.

An employee serving a probationary period may request a voluntary demotion and be demoted to a vacant position for which he qualifies. If the demotion results in:

- a. An employee remaining in the same department shall not be required to serve a new probationary period in a lower class.
- b. An appointment to another department, the employee shall, upon request of the new appointing power, be required to serve a new, full probationary period.

An employee with permanent status in a class may request a voluntary demotion and be demoted to a vacant position for which they qualify. If the demotion results in:

- a. The employee remaining in the same department, the employee shall not be required to serve a new probationary period in the next lower class in the same series.
- b. An appointment to another department, the employee shall, upon request of the new appointing power, be required to serve a new, full probationary period.
- c. Except as hereafter provided, an employee who agrees to a demotion to a different series in the same department in which they are then employed shall serve a new probationary period by written agreement between the employee and the appointing authority. If the employee will not agree to a new probationary period, then the appointing authority shall not be required to accept the employee in the different series.

#### Section 4. Transfer

An appointing authority may transfer any employee from one position to any other position in the same class in their organization. The director may transfer an employee from one position to another position in the same or similar class in a different department after notification to each party and with the consent of the receiving appointing authority and the employee. Such employee transferring to a similar class may upon request of the new appointing authority, be required to serve a new, full probationary period. Prior to any transfer, the employee shall be notified by the new appointing authority whether they shall be required to serve a new, full probationary period. Any party aggrieved by a transaction occurring pursuant to this section may be heard pursuant to the grievance procedure.

Section 5. Transfer Procedure

When a position is or may become vacant in a department of the County, any employee in the same class or job title in any other department of the County may apply for transfer to the vacant position and may do so under the following conditions:

- a. Employee contacts the Human Resources Department to request referral to another County department for job vacancies.
- b. In accordance to the provisions of this rule, an employee will be referred to vacancies in other departments by the Human Resources Department.
- c. Employees accepting a position by transfer shall be required to give the department director or division supervisor a two-week notice of intent; if the departments concerned can fill their respective positions, and/or are agreeable, a shorter notice can be arranged.
- d. The above transfer provisions apply to all positions in the County except those under the State Merit System. Employees may transfer from these agencies to other County departments but not into those departments. Employees under the Merit System are eligible for an inter-departmental transfer.

**STANDARDS OF CONDUCT AND PERFORMANCE**

**RULE 11**

The Director upon request will cooperate with Department Directors in establishing for each department specific regulations governing the conduct, appearance, and performance of employees. The standards of conduct developed by the departments and the divisions thereof shall be reviewed by the CEO for conformance to Countywide standards enunciated by the Board of Supervisors.

These standards shall be expressed in specific terms which can be easily understood by employees, readily applied by those in supervisory positions and readily available to all the employees. Evidence of failure to meet prescribed standards of conduct, appearance and performance may constitute grounds for disciplinary action or dismissal.

**IN-SERVICE TRAINING**

**RULE 12**

It shall be the duty of the Director and the appointing authorities to instruct and encourage employees in the better performance of their duties, the policies and objectives of the department and County government, in good safety practices, in supervisory methods and in the preparation for advancement into positions of high responsibility.

Training shall be considered as an integral part of the activities of each of the departments, and ample time during working hours shall be permitted for this purpose.

**RESIGNATION**

**RULE 13**

Any employee wishing to leave the classified service in good standing shall file with the appointing authority a signed written resignation giving at least two weeks notice of their intention to leave the service, unless the appointing authority consents to an earlier severance. The written resignation, together with notice of its acceptance, shall be forwarded to the Director. The Director may request an exit interview with the terminating employee.

Any employee who leaves the classified service without so filing a written resignation shall have such fact entered in their service record and may, by action of the Director, be denied employment opportunities in the County service in the future.

**LAYOFF PROCEDURE**

**RULE 14**

1. The County shall have the authority to eliminate budgeted positions and thereby lay off employees for any of the following reasons: lack of work, lack of funds or in the interest of economy. Interest of economy includes operational concerns such as the apportionment of functions/services in the manner deemed to be the most appropriate and does not necessarily equate to the last expensive apportionment of functions/services.
2. The County shall determine the number of budgeted positions to be eliminated and the classifications in which layoffs are to be made and the number of employees to be affected. As soon thereafter as possible, the County shall consult with the Union about such layoffs.
3. The appointing authority shall contact the Human Resources Department about initiation and implementation of the layoff procedure. Once a layoff list is developed by the respective department, a list of affected persons shall be sent to the Director who shall provide a copy to the Union.
4. Definitions
  - a. A layoff is defined as actual separation from County service, an involuntary reduction in work hours, or a demotion in lieu of layoff for any of the reasons described in 1 above.
  - b. For the purposes of this provision, a class is defined as any position or group of positions with the same classification title.
  - c. A series is defined as a number of classes related to one another in terms of ascending difficulty, authority and/or responsibility within the same occupational field. (The classes that constitute a series shall be determined by the Director following consultation with the Union.)
  - d. Seniority in a class under this provision shall mean continuous-paid service in provisional, limited-term, probationary and permanent status in a class; time worked in another County department in the same class; time worked in the same department in another closely related class that was abolished and not replaced; and time worked in temporary out-of-class assignment. An employee's seniority shall not be broken during a leave of absence without pay. The time during such leave of absence, however, shall not be counted towards seniority. The computation of seniority for part-time employees in regular allocated positions shall be based on the total number of hours worked in a class.
  - e. Seniority in a series under this provision shall mean continuous-paid service in provisional, limited-term, probationary and permanent status in a series; time

worked in a temporary out-of-class assignment; time worked in the same department in another closely related class that was abolished and not replaced.

An employee's seniority shall not be broken during a leave of absence without pay. The time during such leave of absence, however, shall not be counted towards seniority. Time worked in another department in the same series shall be used to determine the right of an employee to displace another employee in a lower class in the same series in the current department.

- f. Displacement right means the right of an employee with more seniority to cause an employee with less seniority to be demoted to a lower level position or to be laid off. When no lower level position exists, the employee with less seniority is laid off.
  - g. Higher level employee under this provision means an employee in a class with a higher salary range maximum than another employee in a class with a lower salary range maximum within the same series.
  - h. Flex staff position means position which is budgeted and thereby eligible to be filled either at the entry level or at the journey level in a series. In determining seniority when all employees in a flexibly-staffed class series occupy the highest class in the series, the total length of time each employee worked in the series shall be considered as time worked in the current class. When all employees in a flexibly-staffed class series do not occupy the highest class in the series, the classes shall be considered as allocated and budgeted at each level.
  - i. Right of first refusal means a former or current employee on the Re-employment List has the first right to employment in a vacant position and that others will not be offered employment in such position until such former or current employee has declined appointment as provided in 11 (e).
  - j. Right of first consideration means a former employee on the Re-employment List has the first opportunity to be interviewed and evaluated for a vacant position before other applicants are interviewed.
5. An employee who has been selectively certified to a position requiring special qualifications shall be considered in a separate classification for purposes of layoff. The only positions for which this provision shall apply will be:
- a. Those requiring special qualification by law in order to be eligible to receive funds; and
  - b. Those by job necessity that require either a male or female employee; and
  - c. Those positions that necessitate a bilingual speaking employee.

The effective date of sub-section (c) shall be effective May 1, 1992. Sub-section (c) shall not apply if there is another employee in the department who possesses both the special qualifications required to perform the job and greater seniority than the specially certified employee.

6.
  - a. A layoff in a department shall not affect employees working in the same class or series or any other series in another County department.
  - b. A layoff in a department shall not affect employees working in any other series in the same department, unless an employee had prior provisional, limited-term, probationary or permanent status in a class within another series, in which such instance such employee, who would otherwise be laid off, may displace an employee in another series in the same department as long as they have more seniority in the prior class in accordance with 7 (a).
7.
  - a. Where layoffs or demotions are to occur they shall be initiated with employees having the least seniority within a class and shall progress through employees having the most seniority within a class. When there is more than one employee with the same seniority, the order of layoff shall be determined by considering the employees' most recent performance evaluation with the employee receiving the lower evaluation being laid off before the employee receiving the higher evaluation.
  - b. After determining the class, the appointing authority shall designate the persons to be laid off according to the following criteria:

All layoffs, as determined by the County, shall be made in the following order: firstly, those employees hired under emergency conditions; then temporary employees; then provisional; then limited term; then probationary; and finally employees holding permanent status.
8.
  - a. An employee who has been designated for layoff may displace an employee in a lower class in the same series in the same department in accordance with his/her standing as listed in 7 (a) and 7 (b). In the same manner, the employee thus displaced may likewise displace another employee, and so on. A higher level employee who has been designated for layoff, or an employee who has otherwise been demoted from a higher level class in the same series shall retain his/her seniority within a class. When no lower level budgeted position exists, the employee with the least seniority is laid off.
  - b. An employee who was promoted or reclassified in the same department and whose former class was abolished or replaced shall have displacement rights to the class that replaced his/her former class. In this instance, an employee who would otherwise be laid off may displace another employee in the existing class if they have more seniority in the class.

- c. County and Union may agree that an employee who is subject to layoff may cause a reduction in hours to another employee in a lower class in the same series in the same department in accordance with his/her standing as listed in 7 (a) and 7 (b) in lieu of layoff. In order for such agreement to be implemented, it must also be agreed to by the simple majority of affected employees.
  - d. Employees in a department may consult with their appointing authority regarding the sharing of positions among them in lieu of layoff. All affected employees must agree to such an arrangement. Furthermore, the sharing of positions must be recommended by both the appointing authority and the Chief Executive Officer, and must be approved by the Board of Supervisors before it may be implemented.
- 9.
- a. An employee to be laid off shall be given not less than ten (10) working days advance written notice of the effective date of such layoff by the appointing authority. The notice may be either personally delivered to the employee or sent by certified mail to the employee's last known address. The last known address shall be considered as being the address which is in the personnel file of the employee. The notice shall be deemed served on the date it is personally delivered to the employee or on the date it is mailed to his or her last known address.
  - b. To be considered for demotion in lieu of layoff, an employee must notify his/her appointing authority in writing of his/her decision not later than five (5) days after receiving the notice of layoff.
- 10.
- a. The names of employees laid off or demoted under this procedure, arranged in the order of greatest to least seniority, by class, shall constitute a Re-employment List for that class. The person's name shall remain on the Re-employment List for two (2) years from the effective date of layoff of such employee. An employee who is rehired within the two (2) year period shall retain his/her seniority, and shall retain their years of service for vacation accrual as the same existed on the date of layoff.
  - b. Individuals identified on a Re-employment List shall have the right of first refusal for appointment to fill a vacancy in the same class and in the same department from which the employee was laid off. A person who accepts such reappointment within one (1) year of the date of layoff or demotion shall be rehired at the same employment status (probationary or permanent) held as of the date of such layoff or demotion. A person who accepts such reappointment after one (1) year of the date of layoff or demotion and within two (2) years of the date of such action may, at the department director's discretion, serve a six (6) month probationary period. The person's salary shall be at the same salary step held as of date of layoff or demotion. Such re-employment shall establish a new salary anniversary date for an employee who actually separated from County service under this Rule.

- c. A person on the appropriate Re-employment List as determined herein who has requested in writing an appointment to a lower class in the same series in the same department from which they were laid off, shall be offered employment in order of seniority in the series. This provision shall take precedence over 10 (a). A person who accepts such reappointment within one (1) year of the date of layoff or demotion shall be rehired at the same employment status (probationary or permanent) held as of the date of such layoff or demotion. A person who accepts such reappointment after one (1) year of the date of layoff or demotion and within two (2) years of the date of such action may, at the department director's discretion, serve a six (6) month probationary period. The person's salary shall be at the same salary step held as of date of layoff or demotion. Such re-employment shall establish a new salary anniversary date.
  - d. A person on a Re-employment List will have the right of first consideration for employment in vacancies occurring in other departments in the same or lower class from which the employee was laid off. An employee rehired under this provision shall serve a new probationary period. Such re-employment shall establish a new salary anniversary date but such employee shall retain his/her seniority and years of service for vacation accrual as the same existed on the date of layoff.
  - e. An employee who was demoted in lieu of layoff and who accepts reappointment in the same class and department from which the employee was demoted shall (1) retain their seniority in the class from which they were demoted as of the date of reappointment, and (2) such reappointment shall not establish a new salary anniversary date. When an employee's salary was Y-rated at the time of demotion, the employee upon reappointment shall be placed in the same salary step as was held as of date of demotion.
  - f. An employee in order to be returned to employment under this provision must meet all the minimum qualifications for the class.
  - g. A person who has been laid off in one department shall upon written request have the right of first refusal for re-employment to fill a vacancy in a class in which they previously had permanent status in another department within three (3) years of date of layoff. A person who accepts such re-employment may, at the department director's discretion, be required to serve a six-month probationary period. Such re-employment shall establish a new salary anniversary date. Furthermore, for purposes of seniority, only time served in the class previously held shall be counted; provided, however, that if the person held a position in a higher level class in the same series, then 8 (a) shall apply.
11. The names of persons shall be deemed removed from Re-employment Lists and their entitlement to appoint from such lists terminated, as follows:

- a. Upon the expiration of two (2) years following the effective date of layoff of such person.
  - b. Upon being appointed to a regular position within County service in a class which is the same as the one for which the list exists, or which, at the time of appointment, is equal to or higher in salary (E-step) than the class for which the Re-employment List exists.
  - c. Employees shall not be deemed removed from a Re-employment List as a consequence of being appointed to any temporary or limited-term position in any class, or for acceptance of employment in a lower level class (lower E-step salary than the class for which the Re-employment List exists).
  - d. Upon declining an offer of reappointment (except in instances where the person states in writing that they are temporarily medically incapacitated).
  - e. In the event a person states in writing that they do not desire appointment, or fails to file a written statement expressing their desire for appointment within five (5) calendar days following personal delivery or the date of certified mailing to their last known address. A person may, upon written request, be granted a temporary waiver of appointment for a period of up to thirty (30) calendar days. A denial of a temporary waiver may only be for good cause.
- 12.
- a. This layoff procedure shall apply to all County employees except those covered under the State Merit System. The County shall submit this layoff procedure to the State Merit System for approval of its application to State Merit System employees. If and when approval is granted by the State Merit System, this layoff procedure would apply to all County employees.
  - b. Until this layoff procedure is approved by the State Merit System to apply to all County employees, the employees covered under the State Merit System layoff procedures will be treated as separate entities in all layoff matters.

**DISMISSAL, SUSPENSION, DEMOTION  
OR REDUCTION OF SALARY**

**RULE 15**

Section 1. Reasons for Dismissal, Suspension, Demotion or Reduction of Salary

The tenure of every employee holding a probationary or permanent appointment in the classified service shall be based on good behavior and satisfactory service. In the event that disciplinary action is taken for just cause, an employee may be dismissed, suspended or reduced in classification and/or salary. Some of the type of acts or omissions for which an employee may be disciplined, which is not an all-inclusive list, are as follows:

- a. Display of crude, uncooperative or unfriendly attitude toward the public.
- b. Unauthorized absence.
- c. Conduct either during or outside of duty hours which is of a nature that it causes discredit to his/her department or the County.
- d. Incompetency or inefficiency.
- e. Insubordination.
- f. Neglect of duty.
- g. Negligence or willful damage to or misuse of public property or waste of supplies or equipment.
- h. Violation of any lawful and reasonable regulation or order made and given by a superior.
- i. Fraud in securing appointment.
- j. Dishonesty.
- k. Conviction of a felony during employment with the County.
- l. Willful violation of these rules or any codes of conduct promulgated by individual departments in accordance with these rules.
- m. Intoxication while on duty.
- n. Sexual harassment.

- o. Conduct outside of duty hours which is of a nature that it causes discredit to their department or the County because the conduct bears a connection or nexus to the job.

Section 2. Procedures applicable to Imposition of Disciplinary Action

- A. A supervisor shall counsel, orally or in writing, any employee under his/her charge concerning acts or omissions for which the imposition of disciplinary action may be necessary. Said counseling shall include a specific description of the acts or omissions and a suggestion for their correction. The supervisor shall further advise the employee that disciplinary action may be taken if the acts or omissions are not corrected. All counselings shall be made a part of the permanent record of the employee by a copy of the writing itself or by documentation of the oral counseling.
- B. Any department director who proposes to discipline an employee with permanent status by means of dismissal, suspension, demotion or reduction in class and/or salary shall first comply with the following procedure:
  - 1. Consult with the Human Resources Department.
  - 2. At least five working days in advance of imposing such discipline, serve on the employee, either personally or by certified mail, a written notice of the disciplinary action proposed to be taken. Said notice shall include:
    - a. A description of the proposed discipline and its effective date.
    - b. A clear and concise statement of the facts including specific dates, times and places related to the act or omission resulting in the disciplinary action. This description should include reference to the specific rule, regulation, policy, etc. which was violated, if any.
    - c. A statement that any documents on which the discipline is based are available for inspection and that a copy of them will be provided to the employee upon request.
    - d. A statement that the employee may respond in writing or in person to the authority imposing discipline prior to the date that it is to take effect.
    - e. After the time within which the employee may respond orally or in writing to the notice of proposed discipline, the Department Director shall, after considering such response, if any, give the employee notice in writing that:
      - (1) the proposed discipline has been rescinded; or

- (2) the severity of the proposed discipline has been reduced, how it has been reduced and its effective date; or
    - (3) the proposed discipline has been upheld and its effective date.
  - 3. Only in circumstances of emergency, when the interests of the public so require, may a department director place an employee on involuntary leave prior to the imposition of the proposed discipline. In the event of such circumstances and action, the department director shall immediately thereafter contact the Human Resources Department and advise of the situation.
- C. As a general rule, these procedures are inapplicable to probationary employees. However, when a decision is made to discharge a probationary employee for other than job performance related reasons which may damage his/her reputation, or impair his/her ability to earn a living, or damage his/her standing in the community, then the procedures described above must be complied with.
- D. An employee, upon request, may have a representative present at a meeting of an investigatory nature between them and the County if it may reasonably be concluded from all the circumstances that the meeting may lead to the suspension, demotion, reduction in class or dismissal of the employee.

**REPORTS AND RECORDS**

**RULE 16**

Section 1. Maintenance of Records

To enable the Human Resources Department to perform its duties accurately and expeditiously, each appointing authority shall report promptly on forms provided, or by letter where no forms are prescribed on the following transactions.

- a. Requisitions for personnel.
- b. All appointments.
- c. Separations from the service.
- d. Transfers and demotions.
- e. Changes in organization resulting in the creation or abolishment of a position, promotion or demotion, changes in duties or classification.
- f. Leaves of absence.
- g. Disciplinary action.
- h. Sick leave.
- i. Vacation.

Each appointing authority shall be responsible for properly reporting personnel transactions and the proper distribution within his/her department of personnel material and information including the posting of notices as requested by the Director. Each appointing authority is responsible for the completeness and accuracy of personnel forms such as salary, classification, reason for personnel transaction including termination of employment and other pertinent information.

The Human Resources Department shall keep such records as are necessary for personnel transactions and reference and for making reports showing administrative actions including records of all examination, eligibility lists, records and files of employment history of each employee, history of each position, classification plan book and correspondence and leaves of absence.

**MEDICAL EXAMINATION**

**RULE 17**

Section 1. Purpose

The purpose of the medical examinations are to develop and operate a health and safety program to improve efficiency and assure that employees are able to perform assigned duties and responsibilities.

Section 2. Scheduling of Examinations

The Human Resources Department will have sole responsibility for scheduling all medical examinations for County positions. The scope of the examination shall be determined by the Chief Human Resources Officer in accord with the Medical Group standards related to the type and nature of the duties and responsibilities of the position classification.

Section 3. Pre-Employment Examination

Persons initially appointed to temporary, full-time, and in some instances part-time positions shall be examined by licensed doctors of medicine approved by the Chief Human Resources Officer prior to initial appointment. If a temporary or seasonal employee is re-employed, the necessity for a medical examination shall be determined by the Chief Human Resources Officer. In case of emergency appointments, this rule shall not be applicable.

All persons presently employed who are to be appointed to a classification requiring more exacting physical qualifications than the position presently held may be subject to examination by approved licensed doctors of medicine prior to such appointment as determined by the Chief Human Resources Officer.

Section 4. Physician Certification`

No appointment as defined above shall be made unless a statement by the examining physician is submitted to the Human Resources Department to the effect that:

- (a) the candidate does have the health and physical qualifications for the position including psychological qualifications for law enforcement (safety), corrections, juvenile hall and probation officer positions; and
- (b) any incapacities the candidate may have shall not interfere or interrupt satisfactory job performance for the position or constitute a danger to themselves or others; and
- (c) the candidate has been advised of any deficiencies which should or could be remedied.

Any history or record of the physical examination shall be confidential and kept in an office designated by the Chief Human Resources Officer.

Section 5. Employee Examinations

Safety employees with over five (5) years' service and are 40 years of age or older shall be given an annual examination. These employees shall be scheduled for examinations by the department through the Human Resources Department within 30 days of their anniversary date.

The Director may, at any time, schedule an examination of any employee if there is reasonable cause to suspect the employee could endanger themselves, fellow workers and/or the public because of any health condition.

In any examination when a condition is found that affects the ability of the employee to provide an efficient service in the position the employee holds, it will be the responsibility of the employee to correct the condition if possible. If not, it is the appointing authority's responsibility to take appropriate action after consulting with the Chief Human Resources Officer.

Section 6. Return-to-Work Examinations

Employees who have been on leaves of absence for medical reasons whether for illness, injury or other incapacity may be required by the Chief Human Resources Officer to submit a statement from their attending physician indicating the illness, treatment and ability of the employee to resume normal duties. If the statement limits the working ability, it shall indicate a time when the employee may resume their full duties. Such information may be reviewed by a physician approved by the Chief Human Resources Officer and, if deemed appropriate, the employee shall be examined by said physician before returning to work.

**MEDICAL LEAVES, DEMOTION OR SEPARATION**

**RULE 18**

An employee whose ability to perform his/her normal duties is impaired either through senescence or through injury or illness may be demoted to a vacant position or be reclassified to a lower classification in the same department by his/her appointing power to a classification for which they are qualified and capable of performing. The employee shall be granted the same employment status in the lower class as they had in the higher class.

If there is no vacant position available or a reclassification is not appropriate in the department, the employee can apply through the Human Resources Department for a transfer or demotion to a vacant position in another department.

In the event no positions are available or the employee cannot be accommodated by another department, the appointing authority shall, in consultation with the Human Resources Department, seek a temporary leave without pay and proceed with appropriate separation procedures.