SAN JOAQUIN COUNTY

CIVIL SERVICE RULES AND REGULATIONS

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RULE 1. DEFINITION

For the purpose of these rules, the following definitions shall apply:

Advisory Competitive Examination - An examination which is either: (1) the same examination or (2) an examination equivalent to that administered to candidates in an open competitive, continuous, or promotional examination for the same class of position. Only those persons meeting the requirements of Rule 6, Sections 5.5 and 5.6 are eligible to take Advisory Competitive Examinations. (Rev. 1/74)

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 to take a civil service examination.

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

Appointment - The offer to a person and his acceptance of a position in accordance with the provisions of these rules.

Board - The County of San Joaquin Board of Supervisors.

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

Certification - The submission by the Director of names of eligibles from an appropriate eligibility list to an appointing authority in accordance with these rules.

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 the classes is determined.

Classified service - All positions in the county service that are not specifically excluded in Section 4 of the Civil Service Ordinance.

Classification plan - The current schedule of classes established by the Commission.

Commission - The San Joaquin County Civil Service Commission.

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

RULE 1. (continued)

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

County - The County of San Joaquin

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

Department - An administrative unit of the county government.

Director - The Director of Human Resources and the Secretary to the Commission.

Dismissal - The termination of employment of an employee for cause in accordance with these rules.

Division - An administrative unit within a department.

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

Eligible/Eligibility List - An official list of names of candidates who have been examined in an open competitive or promotional examination arranged in order of rank who are eligible for certification for a specific class. (Rev. 1/74)

Emergency appointment - An appointment made by a department head 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.

Employment List - A list of persons qualified for appointment or reappointment in a class.

Enabling Act - The state legislative act enabling any county to adopt a civil service system.

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

a. Assembled examination: An examination conducted at a specific time and place under the supervision of an examiner.

b. Unassembled examination: An examination consisting of an appraisal of training, experience, work history or other means for evaluating the relative qualifications of applicants without requiring applicants to appear in a group at a specified place.

RULE 1. (continued)

c. Continuous examination: A series of open examinations for the same class announced by a single notice.

d. Department promotional examination: See Rule 10, Section 2 (a).

e. Inter-department or county-wide promotional examination: See Rule 10, Section 2 (b).

f. Open examination: An examination open to all qualified applicants whether or not they are employed by the County.

g. Open promotional examination: See Rule 10, section 2 (c).

h. Qualifying examination: Non-competitive examination administered to an incumbent of a multi-allocated position in accordance with Rule 10, Section 4, of these rules. Multi-allocated positions include, those which are allocated to more than one class by block budgeting, filled at the next lower class in the same series, or allocated to a different class by the Civil Service Commission as a result of a classification study. (1/74)

Exempt position - A position not included in the classified service.

Grievance - An alleged violation of a specific rule or regulation.

He - Him - The masculine shall include the feminine.

Lay-off - Termination of the service of an employee without fault on his part.

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

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

May - Permissive

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

Multi-allocated position - A regular position which is allocated to more than one class by block budgeting by the Board of Supervisors; or filled at the next lower class in the same series as authorized by the salary ordinance; or is allocated to a different class by the Civil Service Commission as a result of a classification study. For the purposes of these rules and the Civil Service Ordinance, a multi-allocated position shall not be considered a vacant position when the position is occupied by a probationary or permanent employee, and the promotion of

the incumbent in that position shall not be limited to promotion by competitive examination, but may be made by qualifying examinations as provided for in these rules. (Added by Rev. 12/28/65)

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

Part-time – The status of an employee who is appointed to a position which is less than three quarters time (defined as not more than 1560 hours in a calendar year). A part-time position is ongoing in nature and anticipated to exceed six months' duration. (Added by Rev. 12/2000)

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 position after the completion of the probationary period as provided in these rules. A permanent position may be part time or full time. (Rev. 12/28/65)

Probationary - The status of an employee who has been certified and appointed from an eligible list or a promotional eligible list or an incumbent who is promoted in a multi-allocated position but has not completed the probationary period as provided in these rules. (Rev. 12/28/65)

Promotion - Changing from a position in one class to a vacant position in a higher class; or changing from one class to a higher class in the same position. (Rev. 12/28/65)

Provisional - The status of an otherwise qualified employee who was appointed in the absence of an appropriate eligibility list as provided for in these rules.

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

Regular position - A permanent position in the classified service that requires filling through certification or by provisional appointment.

Reinstatement list - A list of former employees who have resigned in good standing who are seeking to return to county employment in accordance with Rule 16, Section 2. (Added by Rev. 12/28/65)

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

Salary merit increase - An annual increase in salary based upon performance within the salary range prescribed for the class.

RULE 1. (continued)

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

Separation - Any termination of employment.

Shall - Mandatory.

Specification - The official description of a class adopted by the Commission.

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.

Suitable List - Names of persons who in the opinion of the Director are qualified for appointment in a temporary position.

Temporary - The status of an employee who is appointed to a position which is either seasonal in nature (not to exceed seven months in a calendar year) and recurs year to year, or who covers peak workloads or regular employee absences (not to exceed nine months in a calendar year) in a position which is not ongoing in nature. (Rev. 12/2000)

Transfer - A change from one position to another position in the same class or in another class requiring comparable qualifications and carrying substantially the same salary range.

Transfer-Promotion - A change from one position to another position in a higher class in another department. (Added by Rev. 12/28/65)

Transfer-Demotion - A change from one position to another position in a lower class in a different department. (Added by Rev. 12/28/65)

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. (Rev. 12/28/65)

Veterans' preference - An additional credit allowed veterans who attain a passing mark established for an open competitive examination and who are included under the definition of "Veteran" as defined in the Civil Service Ordinance.

Waiver - The voluntary relinquishment by an eligible of any right to consider for appointment an assignment to a specific position.

RULE 1. (continued)

Working title - Whenever it is deemed desirable by the department head, an employee may use after his name any appropriate title which is different than his classified title that is not in conflict with any county, state or federal law or ordinance.

Year - The calendar year unless otherwise designated.

RULE 2. CIVIL SERVICE ORGANIZATION

Section 1. Organization

The Commission shall organize in accordance with the provisions of the Civil Service Ordinance.

Section 2. Meetings

All meetings of the Commission shall be called and conducted in accordance with the Ralph M. Brown Act, (Gov. c, Sec. 54950, et seq.). The Commission shall provide by resolution the time and place at which its regular meetings shall be held.

Special meetings of the Commission may be called at any time by the Chairman or by a majority of the members. Special meetings shall be called in the manner prescribed by Section 54956 of the Government Code.

Section 3. Amendment of Rules

These rules may be amended only after public notice of the intent to amend and after a public hearing.

RULE 3. CLASSIFICATION PLAN

Section 1. Classification of Positions

Each position in the classified service as described in Section 4 of the Civil Service Ordinance shall be classified after recommendation of the Director and approval of the Commission and shall be allocated to the appropriate class in accordance with the definition, character, difficulty and responsibility of its assigned duties. Furthermore, positions shall be allocated to the same class when: their duties are sufficiently similar that: (Rev 3/16/2004)

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 qualifications may be required of incumbents.

c. Similar tests of fitness may be used to select incumbents.

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

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 position 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.

a. Whenever an Appointing Authority determines that a significant change has been made in the duties and responsibilities of an existing position, he/she shall forthwith report the significant facts in writing to the Director. Thereupon, the Director shall make a study of the duties and responsibilities of any such position and of the qualifications required for filling the same, and of the relationship of such positions to other classes of positions in the Classification Plan.

b. The Director, upon written request of the Appointing Authority, or any employee, or upon his/her own initiative, may review the allocation of any existing position. (Rev. 3/16/2004)

RULE 3. Section 2. (continued)

c. Whenever a new position is created and it is classified before it is occupied, such position may be subject to review to determine if it is correctly classified after the position is occupied. (Rev 3/16/2004)

d. Upon completion of such review or study, the Director shall render a full report of his/her findings to the Commission, and upon request of the department head in writing, shall submit a copy to the Appointing Authority concerned. The Commission shall have the authority to determine whether the duties of any existing or proposed position have been changed, added to or eliminated, and may allocate the position to a different class or maintain the allocation of the position in the same class. The Appointing Authority and the incumbents of the positions so acted upon shall be notified of the Commission's actions or recommendations within ten days. (Rev. 12/28/65) (Rev 3/16/2004)

e. The Appointing Authority or the incumbent may appeal such allocation in writing to the Civil Service Commission not later than its next regularly scheduled meeting following the date of the allocation at which time the Commission shall set a hearing for the appeal. Upon hearing of the appeal and upon sustaining or denying the appeal, or in the absence of the appellant, the decision of the Commission shall be final and a classification review of the position shall not be requested by the Appointing Authority or the incumbent for a period of one year from the date of the final action by the Commission unless the Appointing Authority shall have first certified in writing to the Commission any significant changes that have been made in the duties and responsibilities assigned to the position. The Commission shall take the certification under advisement and determine whether the changes in duties and responsibilities are so significant that a classification review of the position is warranted prior to the one-year limitation set forth in this rule. The determination of the Commission shall be final. (Added by Rev. 12/28/65) (Rev 3/16/2004)

f. Whenever a position is reallocated to a different class, the incumbent may continue in the position only if he/she meets the minimum qualifications established for the latter (different) class and passes the examination which may be required by the Director. Whenever such reallocation is made because of a change in duties which is found by the Civil Service Commission to have not been reported as required by Section 2, Paragraph (a) of this rule, the incumbent may continue in the position only in accordance with the rules governing original appointments, promotions, transfer, or demotion to a position in the class to which the position is reallocated. (Added by Rev. 12/28/65) (Rev 3/16/2004)

RULE 3.

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 and adopted by the Commission, 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 Division and shall indicate the date of adoption of the last revision or amendment.

The specifications shall include: The class title, definition, and a brief description of the scope, nature and responsibility of the class; a description typical, but not necessarily restrictive, of tasks or duties ordinarily performed in the positions allocated to the class; a statement of education, experience, knowledge, skills, abilities, and additional factors or features considered necessary. (Rev 3/16/2004)

Specifications are not restrictive and shall not be construed as declaring that 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 his/her supervision. (Rev 3/16/2004)

Section 4. Compensation (Deleted 3/21/72)

RULE 4. EMPLOYMENT STANDARDS

Section 1. Filing of Applications

No candidate shall be admitted to an examination unless that candidate has prepared and filed an application for the examination a form approved by the Director, and the application has not been rejected for cause in accordance with the provisions of these rules. Unless otherwise noted in the examination announcement, applications must be filed in the Human Resources Division not later than the final filing date or extension thereof prescribed in the examination announcement. If mailed, the envelope must bear a postmark before midnight of that date. If faxed or e-mailed, the application must be transmitted to Human Resources by the close of business on the final filing date. The Director may determine specific locations for filing of applications, and may require the application to be transmitted in person rather than by mail, facsimile etc. by incorporating such requirement in the examination announcement. The applicant shall certify as to the correctness of all statements made on his application. (Rev 12/2000)

Section 2. Health and Physical Ability

The Commission may establish medical and physical standards for the various classes of position in the Classified Service. Each applicant or eligible shall be required to meet the medical and physical standards prescribed by the Commission and may be required to take a mental examination, physical examination, or both mental and physical examination to determine whether or not he meets such standards; provided, however, that the Director may allow appointment without such examination in the case of a temporary appointment or in the event it is impractical for the County to provide such an examination. The Commission shall designate the physician to make such examination. If the applicant or eligible is found by a designated physician not to meet the prescribed standards, his name shall be:

a. Withheld from placement on the eligible list by the Director, or

b. Removed from the eligible list, or

c. Withheld from certification by the Director until the eligible does meet the required standards unless the medical and physical standards are set aside.

In the event of employment in advance of a medical or physical examination or in the event employment subject to attainment of the required medical or physical standards with a specified time, such employee shall not be granted permanent status but shall be separated from the County Service on order of the Director.

Section 3. Health and Physical Ability of Transferred, Promoted, Demoted, or Reinstated Employees

In the event that a former employee is to be re-instated to a class of positions in which he held permanent status, his physical condition must not be worse than at the time of separation from service and any physical impairment present must be found to be not disabling in fact upon return. In the event that a former employee is to be reinstated to a position other than to a class

of positions in which he held previous status, he shall be required to meet the medical and physical standards prescribed by the Commission for that class and may be required to take a mental examination, physical examination, or both mental and physical examinations, to determine whether or not he meets such standards.

In the event that a permanent employee is to be promoted, demoted, or transferred to a class of positions which has materially different medical and physical standards than the class from which he is being promoted, demoted, or transferred, he shall be required to meet the medical and physical standards prescribed by the Commission for the new class.

The Civil Service Commission shall establish a program providing for physical examinations, mental examinations or both mental and physical examinations for the purpose of determining the physical, mental, or both physical and mental ability of employees as related to their work. This program shall be in the form of a policy statement by the Civil Service Commission and may provide that certain treatment or correction be performed, or the placement of employees in positions in keeping with their physical and mental abilities and for the separation from county service of those employees who cannot meet medical and mental standards. This program shall cover all employees in those classes recommended by the Civil Service Commission and designated by the Board of Supervisors. (Added by Rev. 12/28/65)

Section 4. Special Qualifications

An Appointing Authority may make written request to the Civil Service Commission for certification of eligibles who have special qualifications. The request must state:

1. the specific qualifications desired and the special duties of position(s) which necessitate these qualifications;

2. the number of positions to be filled with specially qualified eligibles.

Commission approval will be granted only when the request clearly demonstrates that the need for special qualifications is based on the duties and requirements of the position(s) and is in conformance with merit system and equal employment opportunity principles. If approved, the special qualifications shall become a part of the examination announcement. (Rev. 1/74)

Section 5. Selective Certification

Eligibles who possess special qualifications, when such qualifications are approved in accordance with Section 4 of this rule, shall be certified ahead of other eligibles on the eligible list. When there are not sufficient eligibles to fill the positions authorized, additional eligibles may be certified in accordance with, and to the limits authorized by Rule 7, Section 2d. (Rev. 1/74)

RULE 4. (continued)

Section 6. Investigation and Fingerprints

In any examination for employment, the Commission may require the taking of fingerprints of all applicants and the Director may make special inquiries into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation, which in the judgement of the Commission or the Director, so warrants shall be disqualified from taking such examination; or, having taken such examination and whose name appears on the eligibility list, shall be withheld from certification or removed from said list.

Section 7. Disqualification

The Director may refuse to examine or after examination refuse to certify as eligible or may remove from the eligibility list any person:

a. Who lacks any of the minimum qualifications established by the Commission for the examination or position to which he seeks appointment;

b. Who is physically unable to perform the duties of the position to which he seeks appointment;

c. Who is addicted to the use of narcotics or the use of intoxicating liquors to excess;

d. Who has been convicted of a misdemeanor or felony;

e. Who has made a false statement of material facts in his application;

f. Who has been previously dismissed for good cause from public service;

g. Who has resigned from public service not in good standing or in order to avoid dismissal;

h. Who has used, or attempted to use, any personal or political influence to further his eligibility or appointment;

i. Who has failed to submit his application correctly or within the prescribed time limits;

j. Who has failed a background or psychological examination and whose status has not changed since the disqualification. County agrees to provide the SEIU Staff Director with a list of classifications subject to background or psychological examination fifteen (15) calendar days prior to submission of the proposed rule changes to the Civil Service Commission. (Rev 12/2000)

k. Who has otherwise violated provisions of these rules. (Added by Rev 12/2000)

RULE 4. (continued)

Section 8. Notification of Disqualified Applicant

A disqualified applicant shall be promptly notified by the Director of the reasons for his disqualification. In the case of disqualification or failure to meet the established requirements, the applicant shall be notified by the Director in writing to the last known address or by most efficient means to ensure delivery in advance of the examination to allow for submission of additional evidence.

Section 9. Residence and Citizenship

a. All United States citizens, regardless of residence, are eligible for employment consideration. In addition, legal alien residents of the United States are eligible for employment consideration, except when the requirement of United States citizenship is imposed by Federal or State law.

b. Employees may be required by departmental rule to establish residence in an area within reasonable proximity to their work site if the nature of their position requires them to be on call, standby, or otherwise be available to return to duty on an emergency basis. The departmental rule shall be based on reasonable proximity requirements and shall not specifically require the employee to establish residence within the geographic boundaries of San Joaquin County or any specific part thereof except as this may relate to "reasonable proximity." Such departmental rules shall be adopted as provided in Rule 14 of these rules. (Rev. 1/74)

RULE 5. EXAMINATIONS

Section 1. Call for Examinations

The Director shall 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. This rule is to effectuate paragraph (b) of Section 5 of the Civil Service Ordinance. (Rev. 10/4/66)

Section 2. Character and Preparation of Examinations

Examinations shall be impartial and shall test fairly and practically the ability of the applicant to fulfill the requirements of the classification in which he seeks appointment. (Rev. 3/23/71)

Except as written, examinations may be required by state or federal regulation, for classes of positions which receive federal or state grants-in-aid, examinations may be unassembled, 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, and shall be rated as provided in this rule. (Rev. 10/4/66)

Examinations shall be prepared under the direction of the Director and when deemed advisable, he may request or employ persons of recognized attainments, other personnel agencies, personnel consultants or experts, officers or employees of the County, or such other assistants as deemed necessary to assist in the preparation conduct, grading, and rating of such examinations. Test results of other agencies may be accepted if approved by the Civil Service Commission. (Rev. 10/4/66)

Upon written request of any department head concerned, test items for written tests may be reviewed as to relevancy and accuracy by that department head prior to the preparation of the examination. Such review shall be under the supervision of and under the conditions set forth by the Director.

Whenever practicable, an unbiased oral board shall be selected as follows:

1. The Chair shall be an individual selected by the Director of Human Resources who is trained in conducting oral boards. (Rev 12/2000)

2. A representative selected from the staff of the department which will use the eligibility list, except on promotional examinations.

3. A person from a public or private organization outside of County service who is familiar with the field of work for which interviews are being held. (Rev 12/2000)

POLICY STATEMENT: It is the policy of the Civil Service Commission that, normally, representatives of a department which will use an eligible list will not be used as raters for oral or demonstration examinations when employees of that department are candidates in an

examination. Examples of exceptions would be a last minute cancellation by a board member or the Human Resources Division finds it impossible to obtain adequately qualified board members otherwise. (Added by Rev. 3/23/71)

Section 2.5. Weighting and Rating Examinations (Added by Rev. 10/4/66)

When an examination consists of more than one part, the various parts shall count toward the total percentage score of the applicant when they are assigned various relative weights or they shall count only as qualifying parts of the examination when not assigned relative weights. Examinations having only one weighted part shall have a weight of 100%, and the total of weights of examinations having more than one weighted part shall be 100%. The relative weights given to the various parts of an examination may be set according to the weight it is deemed the parts should bear to the total percentage score. In examinations having only written and oral portions, the oral portion shall be weighted at least 30%.

The passing grade for qualifying parts of an examination are to be determined in the same manner as passing grades on written examinations as provided in Section 6 of this rule, except that a minimum grade below which any grade attained shall disqualify the applicant may be established by announcing such required minimum grade in the examination announcement.

The passing grades in those parts of an examination having relative weights, except as hereinafter provided for ratings in the oral board procedure, are to be determined in the same manner as passing grades on written examinations as provided in Section 6 of this rule and the passing grades shall be assigned a rating of 70 and all other grades shall be assigned a rating proportionately. The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade.

The grades of candidates in the oral procedure shall be the average of the ratings assigned by each individual rater and shall be known as the oral rating. A candidate shall be deemed to have achieved a passing grade in the oral procedure if he receives a majority of ratings of at least 70, provided that his average rating is at least 70; and conversely, if he does not receive a majority of ratings of at least 70, he shall be deemed to have failed the oral procedure even though his average rating is at least 70.

Section 3. Maximum Number of Qualified Persons

With the approval of the Commission, the Director may limit the maximum number of qualified persons which shall constitute an eligibility list.

Section 3.1 - Deleted 3/23/71

Section 3.2 - Deleted 3/23/71

RULE 5. (continued)

Section 3.3. Repeated Competition in Examinations (Added 3/23/71)

Candidates may retake an examination, provided such examination is open for filing, sixty (60) days following the date of their last examination for that class. (Rev. 1/74)

Section 4. Notice of Examinations

Examination announcements shall be in written form and shall contain:

a. The title, class, salary range and minimum rate of pay for the job to be filled.

b. The tentative date and place where the examination will be held.

c. The period during which applications for examinations will be received.

d. The subjects of examinations and their respective weights and a statement of the scope and nature of the job termed "typical duties".

e. The minimum qualifications as to education, training or experience required of applicants as set forth in the class specifications.

f. Any special physical or medical requirements and examinations where such requirements are included in the examination.

g. Restrictions, if any, as to previous service, age, sex, residence, or number of eligibles to be placed on the eligibility list.

h. Special skills, experience, or conditions of employment which are of a reasonable and justifiable nature when requested by an Appointing Authority and approved, or modified and approved, by the Civil Service Commission.

i. A statement which shall read as follows: The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade. (Added by Rev. 10/4/66)

Notice of examination shall be given at least ten days prior to the closing date fixed for filing applications by posting copies of the announcement on a bulletin board designated by the Commission and by publicly announcing the same in such manner as will in the judgment of the Director attract qualified persons to compete therein. For open competitive examinations, the posting may limit the filing period to a length of time and to a location determined by the Director of Human Resources. Copies of said announcements shall also be sent to the County departments, institutions and boards concerned. Examinations may be postponed or canceled by order of the Director. (Rev 12/2000)

RULE 5. (continued)

Section 5. Competition

All open examinations for positions in the Classified Service shall be public, competitive and shall be open to all applicants who meet the requirements as provided by the Civil Service Ordinance and Rules of the Commission and who have not been debarred for cause in accordance with the provisions of said rules.

Any applicant appearing late for a written examination shall not be admitted thereto after any candidate has completed his work and left the examination room.

The rules governing promotional examinations will be found in Rule 10.

Section 6. Written Examination Procedure

Unless otherwise ordered by the Commission or provided for in these rules, all examinations shall be conducted under the supervision of the Director. The Director may, when deemed advisable, appoint competent persons to direct all or any part of an examination and to rate the persons participating therein.

The passing grade on written examinations shall be determined by the Director after giving consideration to test difficulty, quality of competition, needs of service and other pertinent factors such as availability of candidates, number of vacancies, number of positions in the class, number of provisional employees, vacancies in hard-to-fill positions, number of unfilled positions, number of anticipated vacancies, and useful life of lists. (Added by Rev. 10/4/66)

After the Director has determine the minimum passing grade for a particular examination, said grade shall be assigned a rating of 70 on a 100 point scale and all other grades on that written examination shall be assigned proportionate ratings using standard statistical methods. The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade. (Added by Rev. 10/4/66)

Written examinations shall be so conducted that no examination paper will disclose the name or identity of any participant until after the examination papers of all participants have been marked and passing grades determined. Each participant shall write his name and address and other such information as may be requested upon an identification sheet provided for that purpose.

Any examination paper bearing a name, number, sign, mark or character of any kind other than the official identification numbers stamped thereon which might identify the participant shall be rejected by the examiner. No explanation of any question shall be made to any individual competitor and no remarks relative thereon which might assist in the solution of the examination shall be made by an examiner. Any explanation which may be deemed necessary shall be made to the entire group.

RULE 5. Section 6. (continued)

No conversation or communication between competitors shall be permitted during an examination. Unless otherwise authorized, no competitor shall be permitted to retain in his possession any written or printed matter which might serve to aid him in the examination. Copying or collusion by a competitor shall constitute cause for the rejection of his examination papers and his debarment from future examinations.

Copies of the questions in an examination shall not be made nor shall they be taken from the examination room.

Section 7. Determination of Total Percentage Scores (Rev. 10/4/66)

(a) For Open Competitive Examinations Only:

The various weighted parts of an examination shall be combined into a total percentage score. The weights shall represent the value of each part of the whole examination and the total percentage score shall be computed by multiplying the ratings of each weighted part of the examination by the weight assigned to that part and adding their products into a single score which shall be the applicant's total percentage score. The final results shall be rounded to the nearest whole number. (12/2000)

Example: Rounding up

	Rating		Relative Weight		
Written	75.00	X	.70	=	52.50%
Oral	80.00	X	.30	=	24.00%
		Total Percentage Score			76.50%
		Rounded to			77.00%

Example: Rounding down

	Rating		Relative Weight		
Written	76.00	X	.70	=	53.20%
Oral	80.00	X	.30	=	24.00%
		Total Percentage Score			77.20%
		Rounded to			77.00%

Rule 5. Section 7. (continued)

Any applicant who achieves a rating of less than 70 on any of the various weighted parts of the examination, including the written part, shall be eliminated from competition in the examination and a total percentage score need not be computed. Any candidate so eliminated shall be notified in writing.

The minimum passing total percentage score shall be 70% and the maximum passing total percentage score which can be obtained shall be 100%, except that all applicants who attain at least a minimum passing total percentage score, other than promotional candidates, who qualify as veterans or widows of veterans (not remarried) shall be entitled to additional percentage points as provided in Section 9 of the Civil Service Ordinance.

(b) For Promotional Examinations Only:

The various weighted parts of an examination shall be combined into a total percentage score. The weights shall represent the value of each part of the whole examination and the total percentage score shall be computed by multiplying the ratings of each weighted part of the examination by the weight assigned to that part and adding their products into a single score which shall be the applicant's total percentage score.

Example:

	Rating		Relative Weight		
Written	75.00	X	.70	=	52.50%
Oral	80.00	X	.30	=	24.00%
		Total Percentage Score			76.50%

Any applicant who achieves a rating of less than 70 on any of the various weighted parts of the examination, including the written part, shall be eliminated from competition in the examination and a total percentage score need not be computed. Any candidate so eliminated shall be notified in writing.

The minimum passing total percentage score shall be 70% and the maximum passing total percentage score which can be obtained shall be 100%, except that all applicants who attain at least a minimum passing total percentage score, other than promotional candidates, who qualify as veterans or widows of veterans (not remarried) shall be entitled to additional percentage points as provided in Section 9 of the Civil Service Ordinance.

Rule 5. (continued)

Section 8. Notice of Results of Examination

As soon as the rating of an examination has been completed and the eligibility list established, each applicant shall be notified in writing to the last known address or by most efficient means to ensure delivery of the results of his examination and, if successful, of his score. (Rev 12/2000)

Section 9. Inspection and Review of Examination Papers

The application and examination papers of the candidate shall be treated as confidential records of the Commission and shall not be removed from its office.

The candidate may, at his or her sole discretion, inspect his or her written examination papers in the Human Resources Division Office. If the examination is not a standardized examination, the candidate may be allowed to inspect a copy of the questions and answers used in the examination. This inspection must occur within ten (10) days of the date results were mailed, or if personally delivered, within ten (10) days of receipt of the notice. Such inspection or review shall be under the supervision of and under the conditions set forth by the Director. (Rev 12/2000)

During this period an examinee may appeal to the Commission in writing for the exclusion of any item or portion of the test or from the answer indicated as correct for any item. The examinee shall state the item, page number and the reasons or authority in support of his contention. Thereafter no further appeals will be accepted which are concerned with the examination content or answers indicated as correct for items in said written test. An appeal which fails to set forth the reason or authority for a contention will not be considered. The Director shall submit the appeals to the examining agency for investigation and recommendations to the Commission. The examining agency shall state that the appeal will be granted or denied and give reasons for its decision. The Commission shall make a final ruling and the examination papers will be scored according to this decision.

Continuous examinations and standardized test sections shall not be subject to review by the candidate.

Section 10. Review of Oral Rating

The Commission shall consider appeals from the decisions and ratings of the oral boards solely for the reasons and upon the conditions as follows:

a. For alleged irregularity, bias or fraud in the conduct of the investigation or interviews, or

b. For alleged erroneous interpretation and application of the minimum qualifications prescribed for the examination, and

Rule 5. Section 10. (continued)

c. In either case, upon receipt by the Director, within ten days of the sending out of the notice of test results, of a written statement by the competitor setting forth the facts upon which he bases his appeal and the determination by the Director whether good cause exists for the consideration of the appeal.

If, upon considering such an appeal, the Commission decides the competitor possesses the minimum qualifications of education, experience, personal traits and fitness for the classification and merits a passing rating, it shall in the absence of fraud on the part of the oral board give him a rating on education, experience and/or personal qualifications not in excess of the minimum passing grade prescribed for the examination.

A rating in any part of an examination shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the Commission that a substantial error has been made. The Commission's decision with respect to a review or change shall be final and shall be entered in its minutes. A correction in the rating shall not affect a certification which may already have been made from the eligible list.

Section 11. Continuous Examinations

A series of open examinations for the same class of positions may be announced by a single notice. Such examinations may be administered from time to time as applicants are available or as appointments are necessary. (Rev. 10/22/68)

RULE 6. ELIGIBLE LIST

Section 1. Creation of Eligible Lists

The Director shall have a statement prepared of the results of each examination showing names of all applicants including those whose applications were rejected, names of candidates taking the examination, and total percentage scores of each examinee for all who passed the examination.

The Director shall then have listed the names in order of total percentage scores attained in the examination plus any allowances for veteran's preference, seniority, or merit, for all those who successfully completed the examination process. (Rev.1/74)

Section 2. Resolving of Tie for Promotional Examinations Only

If two or more eligibles have the same total percentage standing on the eligibility list, they shall be ranked in order of their scores in that portion of the examination having the greatest weight. In case this fails to break the tie, the Eligible who first filed his application shall be listed first.

Section 3. Duration of Lists (Rev. 10/22/68)

a. Re-employment Lists: The eligibility of an individual extends for a period of three years from the effective date of layoff. No extension is possible.

b. Continuous, Open, and Promotional Lists: Eligibility extends from the promulgation date, for a period of one year unless extended by the Commission for a longer period which shall not exceed two additional years.

c. Reinstatement Lists: The eligibility of an individual extends from the date on which the Director approved the reinstatement for a period not to exceed three years beyond the date on which he resigned from county service. No extension is possible.

Section 4. Revision of Eligibility Lists

Whenever it becomes evident that an error or mistake has occurred in the preparation of an eligibility list, the Director shall revise, add to or remove names from eligibility lists in the manner herein prescribed. No such correction, addition or deletion shall invalidate any appointment already made from the list.

Section 5. Addition of Names to Eligibility Lists

The Director may add names to the eligibility lists for any of the following reasons:

a. By examination.

RULE 6. Section 5. (continued)

b. Because of being in a laid-off or demoted status (for other than disciplinary reason).

c. Having been on an eligibility list and subsequently separated from the Classified Service for reasons other than dismissal or resignation to avoid dismissal.

d. Transfer (See Rule 11).

e. Reinstatement to a list after withdrawal of name from such list.

f. Any other reason acceptable to the Commission.

Section 5.5. Public Employment Program Employees

Notwithstanding any other provisions of these rules, names of persons employed in public employment programs may be added to eligible lists as follows:

a. Open or Continuous Eligible Lists: Names of such employees may be added to an open eligible list in achieved score order provided that the employee:

1. Has served at least six (6) continuous and consecutive months as a Public Employment Program employee.

2. Meets the minimum qualification for the class.

3. Has a record of efficiency, character, or conduct, as evidenced by his last performance evaluation, which is at least satisfactory.

4. Passes an advisory competitive examination.

b. Promotional Eligible Lists: Names of such employees may be added to promotional eligible lists in achieved score order for the class in the Classified Service which is equivalent to the Public Employment Program class in which they are employed. Such classes shall be deemed to be equivalent only when they have the same title, salary, and minimum qualifications. Such employees must:

1. Have served at least twelve (12) continuous and consecutive months as a Public Employment Program employee.

2. Meet the minimum qualifications for the class.

RULE 6. Section 5.5. (continued)

3. Have a record of efficiency, character, or conduct, as evidenced by his last performance evaluation, which is at least satisfactory.

4. Pass an advisory competitive examination

c. For the purpose of these rules, public employment program employees shall include, but not be limited to, persons employed under the Emergency Employment Act of 1971 and the Comprehensive Employment and Training Act of 1973. Persons hired under subsequent federal acts which are similar to the above acts shall be eligible for advisory competitive examinations only upon approval of the Civil Service Commission after a public hearing. (Rev. 3/75)

Section 5.6. Career Opportunity Development Program Trainees

a. Notwithstanding any other provisions of these rules, names of Career Opportunity Development Program trainees may be added to open or continuous eligible lists for the next higher class in their class series in achieved score order provided that they:

1. Will meet the minimum qualifications for the higher class upon completion of their traineeship;

2. Have a record of efficiency, character, or conduct, as evidenced by their last performance evaluation, which is at least satisfactory;

3. Pass an advisory competitive examination.

b. Career Opportunity Development trainees may take an advisory competitive examination after completing fifty (50) percent of their traineeship, but may not be appointed to the higher class until after they have completed the prescribed length of their training program. (Added 1/74)

Section 6. Removal of Names from Eligibility Lists

The name of an Eligible may be removed from an eligibility list by the Director for any of the following reasons. The Eligible shall be so notified in writing.

a. For any of the causes set forth in Rule 4, Employment Standards, Section 7, Disqualification.

b. In the event that the Eligible cannot be located by the appointing authority or designee and fails to respond to written notice from the Human Resources Division by mail at last known address. (Rev. 12/2000)

RULE 6. Section 6. (continued)

c. On receipt of a written or verifiable oral request from the Eligible that his name be temporarily or permanently removed. (Rev. 12/2000)

d. If an offer of appointment to the class has been declined by the Eligible.

e. If the Eligible without suitable explanation does not respond within the specified time after transmission of notice to him by the Director.

f. If certification has failed to result in appointment, and the Eligible has been certified and interviewed three times.

g. If the eligible has been on a continuous eligibility list for a period exceeding one year. (Added by Rev. 12/28/65)

Section 7. Open Eligibility Lists

An open eligibility list is one which is created from an open examination.

Section 8. Continuous Eligibility Lists

This type of list shall be made up of names from continuous examinations in the same manner as for the open examinations as above, except that as names become available from each new examination, they shall be interpolated where their scores place them immediately after results of the examination are available.

Section 9. Re-employment Eligibility Lists

This type of list shall include names of employees having permanent status in the Classified Service who have been laid off or demoted for other than disciplinary reasons.

In addition to being entitled to return to the position in which he was when laid off, if and when the position becomes activated again, each employee laid off or demoted for other than disciplinary reasons, shall receive consideration as set forth in Rule 17, Reduction in Staff.

The Director may remove the name of any eligible from a Re-employment List for any reasons listed in Rule 4, Section 7, of these Rules.

Section 10. Promotional Eligibility Lists

Such lists shall be made up of names from promotional examinations and may be of three types:

a. Department Promotional

b. Inter-Department Promotional and County-Wide Promotional

c. Open-Promotional

See Rule 10, Promotion, for further details.

Section 11. Comparable Eligibility Lists

If a vacancy exists in a class for which there is no eligibility list, the Director may order certification made from an eligibility list that is considered to be comparable.

A list shall be considered comparable when:

a. There is no eligibility list for the class concerned, and administration of a new test may be avoided by using the comparable list.

b. Use will not infringe upon rights of employees to compete for promotion.

c. List to be substituted is for classes with:

1. The same or higher pay range, and

2. Substantially similar or higher level of knowledge, abilities, qualifications, and specialized requirements (i.e. licenses and certificates).

d. Examination for the two classes concerned are similar or more difficult.

An appointment from a comparable list for a higher class shall not remove the name of appointee from such list.

Section 12. Suitable List

A suitable list shall consist of names of persons who in the opinion of the Director are qualified for appointment to temporary positions except that such persons shall not be considered for positions in the Public Assistant Department which are receiving federal or state grants-in-aid. (Rev. 3/29/66)

Section 13. Promotions made from Open or Continuous Eligible Lists

Whenever an eligible or eligibles are on an open or a continuous eligible list and have permanent status in the classified service and no promotional eligible list exists for that class, an Appointing Authority may request that such eligible or eligibles be certified in such a manner as if they were on a promotional eligible list for such class. (Added by Rev. 12/28/65, Rev. 1/74)

RULE 6. (continued)

Section 14. Combining of Eligible Lists

If a new examination is necessary during the life of an eligible list, the resulting eligibles will be integrated with the names on the existing list in the order of final grades. This combination of eligibles will not in any way alter the original established eligibility expiration dates for the eligibles thereon, except an eligible who has re-taken the examination. If he achieves a passing score, that score will replace his previous one and will confer a new eligibility period according to the provisions of the examination announcement. If he fails the new examination, he will be permitted to retain the eligibility and score from the previous examination. This section shall not apply to promotional eligible lists.

RULE 7. CERTIFICATION AND WAIVERS

Section 1. Request for Certification

It shall be the responsibility of each Appointing Authority to notify the Director as far in advance as possible of his personnel requirements in order that the Director can furnish candidates from an established eligibility list.

Whenever an Appointing Authority wishes to fill a vacancy, he shall submit a written request or requisition to the Director.

The requisition shall give the class title, rate of compensation, date when appointment is to be made, whether the position is permanent or temporary -- if temporary, the expected duration -- if permanent the name of the person previously occupying the position.

The existence of provisional appointments shall serve the purpose of a continuing request for certification and immediately following the establishment of an eligibility list, the Director shall certify eligibles without further request from the Appointing Authority.

Section 2. Certification of Names

Upon receipt of an Appointing Authority's request for personnel or as soon as practicable thereafter, the Director shall have certified to the Appointing Authority the names of persons entitled to certification in accordance with these Rules.

a. Order of Lists: The order of certification of Eligibles from eligible lists shall be:

1. Re-employment Eligible Lists
2. Promotional Eligible Lists
3. Open Eligible Lists
4. Eligible Lists for a higher class in the same series
5. Comparable Eligible Lists as determined by the Director
6. Suitable Lists as determined by the Director

b. (Deleted by Rev. 10/22/68)

c. Department and County wide Promotional eligible lists may be established for use by one or more departments. The existence of a promotional eligible list for one department shall neither preclude nor mandate its use by another department. (Added by Rev. 12/2000)

RULE 7. Section 2. (continued)

d. Certification from a Higher List: Whenever a request for personnel is made to fill a position in a class for which there is no appropriate eligible list or there are insufficient eligibles on the eligible list to certify the number of names as provided in Rule 7, Section 2d, an Eligible or Eligibles from an eligible list for a higher class in the same series may be certified. (Rule 7, Section 2d Rev. 1/74)

Rule of the List

For those classes so designated by the Civil Service Commission, the Director shall have the discretion to certify the entire eligible list. Those classes so designated shall be those that are professional or para professional in nature and for which licensure or certification is required (registered nurse, pharmacist) and or which require completion of a specific degree program (Masters in Social Work or Bachelor's in Engineering). All other lists shall be certified by Rule of the Rank.

Those classifications designated by the Civil Service Commission as eligible for Rule of the List certification shall be approved for a period of one year from the date of adoption by the Civil Service Commission, with the exception of eligible lists that have been approved for extension by the Civil Service Commission. (Rev. 4/9/2002)

Rule of Rank (Applies to Open Competitive Examinations)

Number of Names to be Certified from Open Competitive Eligibility Lists: Except as otherwise provided in these Rules, the top three ranks of eligibles, as determined by the total percentage score, shall be certified, provided that minimum of five names shall be certified for one position. If more than one position is to be filled in any class in a department at the same time, then the minimum number of names certified shall be equal to the number of positions to be filled plus four. If certification of the top three ranks does not result in sufficient names being certified, or if after notification, does not result in sufficient eligibles being interested, then additional ranks shall be certified until the department is able to consider the minimum number of eligibles allowed.

If the appointing authority is unable to interview the minimum number of eligibles the appointing authority may request certification of additional ranks, provided that there are sufficient names on the eligible list. If there are not sufficient eligibles on the eligible list to certify the number of names provided herein, the Appointing Authority may, for good cause shown, request in writing that a new examination be given. The Director of Human Resources may: (a) declare the certification complete if three (3) eligibles (plus one (1) for each additional position in the same class) have been certified; or (b) order a new examination.

A valid certification shall exist whenever the total number of names meets the above standards, or whenever an Appointing Authority agrees to accept a certification of less than three names.

Rule of Five (Applies to Departmental Promotional Examinations)

Number of Names to be Certified from Departmental Promotional Eligibility Lists: Except as otherwise provided in these Rules, five names shall be certified for each request for personnel, except that in case more than one position is to be filled in any class in a department at the same time, then the number of names certified shall be equal to the number of positions to be filled plus four.

An Appointing Authority may request certification of additional names to replace eligibles who waive certification or do not respond to certification provided that there are sufficient names on the eligible list. If there are not sufficient eligibles on the eligible list to certify the number of names provided herein, the Appointing Authority may, for good cause shown, request in writing that a new examination be given. The Director of Human Resources may: (a) declare the certification complete if three (3) eligibles (plus one (1) for each additional position in the same class) have been certified; or (b) order a new examination.

A valid certification shall exist whenever the total number of names meets the above standards, or whenever an Appointing Authority agrees to accept a certification of less than three names.

e. (Deleted by Rev. 10/22/68)

Section 3. Notifying Eligibles of Certification

Upon receipt of the names and applications of eligibles, the appointing authority or designee shall review those certified and contact a suitable number of candidates for interview pursuant to the procedures set forth in Rule 7. The department shall notify the Human Resources Division of the names of those contacted and not contacted for an interview. The eligibles contacted for interview shall be informed of the fact of certification, the title of the position, the department, the name and address of the Appointing Authority, the place of work, the salary range and the starting pay. Such notice shall state that Failure to report to the Appointing Authority for an interview within three working days or failure to give written notice of waiver or other satisfactory reason may result in removal of the eligible's name from the list. The eligible shall be notified of the potential or actual removal. (Rev. 12/2000)

Section 4. Waivers of Certification

a. Temporary Withdrawal from the List: An Eligible may, at any time, have his name withdrawn from an eligible list for a specified period of time or until further notice, providing he makes a written or oral request giving satisfactory reasons to the Director. His name may be restored to the list according to his examination score, also after written or oral request, during the period that the list is effective. (Rev. 12/2000)

RULE 7. Section 4. (continued)

b. Waivers of Particular Certification: An Eligible may waive his right to certification to any particular position or after certification may waive appointment by written or oral statement to the Director or the Appointing Authority giving satisfactory reasons in writing for the requested waiver. (Rev. 12/2000)

c. Waiver after Appointment: The appointment of an Eligible to a position in the Classified Service shall, for its duration, be deemed an automatic waiver of certification of such person from any other eligible list on which his name appears for a class of positions, the salary of which is equal or lower than the salary of the position to which he has been appointed unless the person requests, in writing, that he be certified from such list.

d. Failure to Respond to Certification: Failure of an Eligible to respond within the prescribed time shall be deemed an automatic waiver of certification and the name of such Eligible, may be removed from the list. (Rev. 1/74)

Section 5. Repeated Interview not Mandatory

The Director may determine that an Eligible need not be interviewed again by an Appointing Authority who has previously interviewed and rejected such applicant for a position in the same class. (Rev. 9/7/65)

Section 6. Conditional Certifications and Appointments

In the event that an eligible is certified and appointed prior to the completion of an investigation and evaluation to determine whether the eligible meets the employment standards of Rule 4, the certification and appointment shall be made subject to completion of such investigation and evaluation. In the event that the results of the investigation and evaluation are of such a nature as would have caused the removal of a name from an eligibility list as provided in Rule 6, Section 6, the results of the investigation shall be presented to the Civil Service Commission by the Director. The Commission shall consider the results of the investigation and shall make a determination as to whether or not the eligible's name should be permanently removed from such eligibility list. In the event that the Commission determines that the eligible's name should be removed from the eligibility list, the certification and appointment shall be deemed null and void, and the employee shall be separated from the service of the County on the order of the Commission, provided that:

1. It shall be noted after the eligible's name at the time of the creation of the eligible list that the eligible is placed on the list subject to completion of such investigation and evaluation.

2. The eligible shall be notified that his place on the eligibility list is subject to such investigation and evaluation upon being notified of his final examination results.

RULE 7. Section 6. (continued)

3. The eligible shall be notified in writing at the time of certification that his certification and appointment are subject to such investigation and evaluation.

4. The Appointing Authority is notified in writing at the time of the certification that the certification and appointment are subject to such investigation and evaluation.

5. The investigation and evaluation shall be completed within ninety days after the appointment and the eligible and the Appointing Authority shall be notified by the Director within ten days of the completion of the investigation and evaluation and action of the Civil Service Commission, if any. (Added by Rev. 12/28/65)

RULE 8. APPOINTMENTS

Section 1. Appointment after Certification

Upon receipt of the certification of Eligibles, the Appointing Authority shall proceed with any interview and investigations he may deem necessary.

The Appointing Authority shall be permitted to examine applications and any reports of investigation of the Eligible(s) certified.

Upon determination of his selection, the Appointing Authority shall notify the Director of his decision.

Section 2. Provisional Appointments

Whenever there are sufficient reasons for filling a vacancy in a position for which no eligibility list exists, the Appointing Authority, with the approval of the Director may appoint any person who has filed an application and meets the minimum qualifications to fill the vacancy for a period not to exceed six (6) months. Whenever practicable the Director shall publicly announce an examination with thirty (30) days of the provisional appointment, but in no case shall the announcement of the examination be delayed longer than ninety (90) days from the date of provisional appointment without prior approval of the Civil Service Commission.

Provisional appointments to a position shall be terminated by the Director within thirty (30) days after date of certification of eligibles from an appropriate eligibility list. Provisional appointees are subject to removal at the will of the Appointing Authority and no time served as a provisional appointee shall contribute toward completing the probationary period. With the approval of the Civil Service Commission, successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made subject to the following conditions:

a. That recruitment difficulties exist evidenced by the lack of qualified applicants applying for the positions.

b. That an examination is publicly announced or will be announced by the Director within ninety (90) days after the beginning date of the provisional appointment.

c. That in the absence of a definite examination date, the examination is placed on the continuous examination schedule.

In no case shall a provisional employee be given a probationary appointment unless he is eligible for certification in accordance with Rule 7. (Rev. 12/2000)

Section 3. Appointments 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 Appointing Authority may

appoint a person without reference to eligibility lists for a period not to exceed three calendar weeks, provided that the Appointing Authority shall immediately notify the Director of such action and shall submit required appointment papers on the first working day following appointment.

The Appointing Authority shall requisition a regular or temporary certification if the position is to be filled for more than three calendar weeks.

Section 4. Permanent Appointments

An appointment from an eligibility list to a position which it is contemplated will not be temporary but will continue indefinitely, is referred to as a permanent appointment subject to the probationary period as provided in these rules.

Any appointment to a permanent position in the Classified Service upon certification from an eligibility list shall be a permanent appointment subject to the probationary period as provided in these rules.

Section 5. Temporary Appointments

A temporary appointment is one made from a suitable list or upon authorization by the Director to appoint any person who meets the minimum qualifications of the class 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 one day less than nine months in any twelve month period. Service in a temporary appointment shall give no right or preference to regular or permanent appointment.

Section 6. Reports of Appointment

All appointments to positions in the Classified Service whether permanent, provisional, temporary, emergency, or part-time shall be promptly reported by the Appointing Authority to the Director on standard forms prescribed by the Director.

Section 7. Nepotism

a. Prohibited Appointment or Assignment: An Appointing Authority shall not appoint, promote, or transfer into or within his department anyone related to him within the third degree whether by blood or marriage. The degree of relationship shall be determined according to the approved relationship chart. In addition, an Appointing Authority shall not appoint, promote, or transfer into or within his department any relative of an employee so related when such action would result in one of them supervising, completing or checking the work of the other.

This section shall not be applied retroactively to any current assignment, but shall be applied in the event that the related employees are to be promoted, demoted, or transferred into or within the department. The Civil Service Commission may

RULE 8. Section 7. (continued)

waive this portion of the rule with an acceptable showing of unusual or exceptional circumstances when an in-law relationship would otherwise prohibit the promotion, transfer, or demotion of a permanent employee. To be considered such action must be initiated by the employee, requested by the department head, and recommended by the Human Resources Division.

Additional limitations may be established by Appointing Authorities under the provisions of Rule 14.

Appointees in violation of this rule shall be separated from county service or reassigned within a department by the Appointing Authority by order of the Civil Service Commission.

b. Certification of Relatives from Eligible Lists: The Director of Human Resources shall determine the degree of relationship, as stated on the application forms, of persons on eligible lists before certification is made to an Appointing Authority. He shall not certify eligibles when it appears that their appointment would result in a violation of this rule.

(Entire rule revised 8/25/70)

RULE 9. PROBATIONARY PERIOD AND PERMANENT STATUS

Section 1. Purpose of Probation

The probationary period is the final phase of the examination and selection process. The probationary period shall be used by the Appointing Authority to determine newly hired or promoted employees that will be successful in the job and to remove from the position any probationary employee whose performance does not meet the required standard of work.

Section 2. Duration of Probation

The probationary period begins on the date of appointment to probationary status. It shall not include the time served as provisional, temporary, or emergency appointee, nor time off during suspension or other leave without pay. Individuals entering the classified service, or promoting within the classified service, serve a probationary period of one (1) year in the position. Individuals entering the classified service in the classification of Deputy Sheriff Trainee serve a probationary period of eighteen (18) months. (Rev 6/19/07)

a. Promotion:

1) Employees who promote while still serving a probationary period in the pre-promotion class will attain permanent status in the pre-promotion class after completion of one year of service in the combination of pre-promotion and promotion classes. Such employees must serve a full one (1) year probationary period in the promotion class to attain permanent status in that class. This section does not apply to employees covered in Section 2.g. of this rule. (Rev 6/19/07)

2) Employees who are returned to their pre-promotion class in accordance with Rule 10, Section 5, must complete a combined total of one year of service before attaining permanent status in the pre-promotion class or the class to which they are demoted. Any employee so returned who had permanent status in the pre-promotion class shall resume permanent status in that class.

b. Voluntary Demotion:

Employees who voluntarily demote and have less than one (1) year of Classified Service must complete the balance of the probationary period in the demotion class prior to attaining permanent status in that class. Demoted employees with permanent status shall retain that status in the demotion class.

c. Transfer:

Probationary employees who transfer will attain permanent status in the transfer class after completing a combined total of one (1) year of service in the pre-transfer and transfer classes. Permanent employees who transfer will retain their permanent status in the transfer class.

RULE 9. Section 2. (continued)

d. Layoff:

A probationary employee who is laid off in accordance with Rule 17 during the probationary period, in the event of re-employment in the same classification, shall be required to complete only the balance of the one year probationary period. Permanent employees who are laid off and then re-employed in the same classification or lower classification in the same series shall resume their permanent status in that classification.

e. Status After Reinstatement:

Employees reinstated to a position in a class in which they held permanent status within one year from the date of their separation from County service shall be granted permanent status. All others must serve a new probationary period.

f. Disciplinary Demotion or Suspension:

Employees permanently demoted in accordance with Rule 18 shall have permanent status in the demotion class and any promotions from that class shall be in accordance with Rule 10. An employee who returns to work following a disciplinary suspension shall resume the status held in that class prior to the suspension.

g. Extended Probationary Period:

Individuals entering the classified service in the classification of Deputy Sheriff Trainee serve a probationary period of 18 months. This extended probationary period includes the POST Academy training that is a required prerequisite before the employee actually begins work in the Deputy Sheriff I classification. The extended probationary period of eighteen (18) months allows for the appointing authority or designee to fully implement section 1 of this rule. (Section Added 6/19/07)

Section 3. Separation of Probationer

A probationary employee may be separated from the position by the Appointing Authority any time during the probationary period without right of appeal or hearing. An employee who has probationary status in the class but permanent status in the classified service may be separated from the service only in accordance with Rule 18 or Rule 16. Promoted employees serving a probationary period may be demoted in accordance with Rule 10, Section 5.

RULE 10. PROMOTION OR DEMOTION

Section 1. Promotion to Vacant Positions

Promotion of employees to vacant positions in the Classified Service shall be based on competitive examination. Candidates who obtain a passing score in a promotional examination shall have their names placed on a promotion list and appointment shall be made therefrom as provided in Rule 7, Section 2.

Section 2. Kinds of Promotional Examinations

The Director shall determine when a position can best be filled by promotion and may order a promotional examination or certification as follows:

a. Department Promotional Examination:

Competition restricted to eligible employees of the department where the positions concerned exist, or to a division which is headed by a designated appointing authority.

b. Inter-Department or County-wide Promotional Examination:

Competition restricted to eligible employees in several specified departments or in the entire Classified Service.

c. Promotional Certification from an Open Eligible List:

As provided by Rule 7, Section 4 and Rule 6, Section 13.

Section 3. Eligibility for Promotional Examinations

To compete in a promotional examination, an employee must:

a. Meet the minimum qualifications of the class on or before the final filing date for filing applications.

b. Meet one of the following qualifying service requirements:

1) Have permanent status in the Classified Service.

2) If a probationary employee in Classified Service, must have served twelve (12) continuous and consecutive months immediately prior to the final filing date. Qualifying service under this rule may have been in either the Classified Service or in any combination of Classified Service and service under a public employment program.

RULE 10. Section 3. (continued)

3) Public employment program employees who have served at least twelve (12) continuous and consecutive months immediately prior to the final filing date are eligible to compete in promotional examinations for entry level classes or a class equivalent to their current public employment class. For the purpose of this rule, an entry level class is defined as the lowest class in each class series excluding classes designated as trainee classes in the class title.

4) Employees in the Classified Service who have six (6) continuous and consecutive months service in trainee classes or entry level classes, as defined above, shall be eligible for promotional examinations to the next higher class in that same series.

5) Temporary, contract, or exempt employees who have at least six (6) months of full-time service with the County within the last twenty-four (24) months and are currently employed with the County immediately prior to the final filing date are eligible to compete in promotional exams for entry level or trainee classes.

6) Contract or exempt incumbents of positions which are converted to classified service are eligible to compete in promotional exams for the classes of positions which they occupy if they have served 2080 continuous and consecutive payroll hours (equivalent to one (1) year) in the same or related classes of positions as the promotional class immediately prior to the final filing date.

7) A Part-time employee who is actively employed (on payroll) and who has worked 2080 continuous and consecutive hours in a class that is above entry level may compete in promotional recruitment for that classification. (Rev. 12/2000)

c. Have a rating of satisfactory or better on the last performance evaluation, if applicable.

d. If a person whose name is on a promotional list is separated (except for layoff) the name shall be removed from the promotional list.

Section 3.1 Seniority Credits

Candidates who obtain a passing score in a promotional examination shall be credited with .01 points for each month of continuous and consecutive County service as of the final filing date.

Section 4. Promotion in Multi-Allocated Positions

Probationary or permanent employees who are incumbents of multi-allocated positions may be promoted in such positions through regular certification from an appropriate eligible list or

after passing a qualifying examination if they meet the requirements of Section 3 of this rule. At the discretion of the Director the qualifying examination may be unassembled and is not competitive. The examination process will include a certification from the appointing authority that the candidate is satisfactorily performing the duties of current classification and is ready and recommended for promotion.

Section 5. Failure to Complete Probation

A promoted employee who fails to complete the probationary period in the promotion class shall have the right to be returned to the pre-promotion classification and department subject to the seniority provisions of Rule 17, unless the employee is discharged for misconduct. The status of an employee so returned shall be determined as provided in Rule 9, Section 2a.

Section 6. Voluntary Demotion

An employee may, at any time, demote to any position throughout the County which has a lower salary range, provided the employee meets the minimum qualifications of the class, requests the demotion, and the action is approved by the Director and the Appointing Authority of the department to which the demotion is made. Demotions which are not voluntary must be completed in accordance with Rule 18 or with Section 5 of this Rule.

Section 7. Status after Promotion or Voluntary Demotion

Any County employee who is certified and appointed to a higher level position in any County department from an open or promotional eligible list or who voluntarily demotes shall retain the benefits of continuous and consecutive service, including seniority for layoff purposes. The status of such employees shall be determined as provided in Rule 9, Section 2.

Section 8. Interdepartment Action Agreements

The employees, the Appointing Authorities, and the Director must all have indicated agreement in writing to any inter-department promotion or voluntary demotion before the change is made. The agreement shall contain a statement of the employees' rights, benefits, and status upon completion of the action.

Revised 7/03/96
Adopted 7/10/96

RULE 11. TRANSFER

Section 1. Interdepartment Transfer

An eligible employee may apply to the Director of Human Resources for transfer to another position in the same class the employee currently occupies or to a position in any class which is at a salary range which is the same (lateral transfer), or lower (transfer-demote) than that of the employee's present class.

Section 2. Eligibility to Transfer for Interdepartment Transfer

To be eligible for transfer to a class at the same salary range, the employee must meet the following standards:

a. Meet the minimum qualifications of the class.

b. Meet one of the following requirements for permanent status:

   1) hold permanent Civil Service Status in the present class,

   2) have 12 months' continuous probationary service in San Joaquin County, or

   3) have held permanent Civil Service status during current term of service with San Joaquin County,

   4) be laid off from a civil service classification with less than 12 continuous and consecutive months in classified service

c. Have a rating of satisfactory or better on the last performance evaluation. Names of employees approved for such transfer shall be maintained, without rank, in a transfer request file.

Section 3. Interdepartment Transfers

An Appointing Authority may transfer any employee in the department from one position in a class to another position in the <u>same</u> class at any time. With the concurrence of the Director, the Appointing Authority may also agree to employee requests for transfer to equivalent classes within the same department, providing there is no increase in salary and the employee meets the minimum requirements.

Section 4. Consideration of Transfer Requests Prior to Use of Eligible Lists

The Appointing Authority may request to consider interdepartment transfer employees prior to certification of eligibles from an open competitive eligible list or in lieu of certification from an open competitive eligible list for that class. The Director shall then refer all or selected names of employees of eligibles who have requested transfer provided that:

RULE 11. Section 4. (continued)

a. There are no available eligibles on a department re-employment list.

b. There is not a valid department promotional eligible list of five or more names.

Section 5. Status and Rights After Transfer

An employee's status after transfer shall be determined as provided in Rule 9, Section c. Employees transferred in accordance with the above sections have no rights to return to their former positions.

Revised 7/03/96
Adopted 7/10/96

RULE 12. LEAVE OF ABSENCE

Section 1. Leave Without Pay, General Provisions

a. Administrative Leave: A leave of absence not to exceed thirty (30) calendar days may be granted by the Department Head to an employee occupying a permanent position for reasons acceptable to the Department Head (except maternity leaves). Successive administrative leaves are not permissible. The Department Head shall immediately notify the Director of Human Resources by the use of the appropriate personnel action form of the effective date of the employee's leave and the date of his return (for illness or disability leaves see Section 6 of this rule).

b. Leaves over Thirty (30) Days: An employee may be granted a leave of absence in excess of thirty (30) days (subject to the limitations in Section 3 of this rule) if recommended by the appointing authority and approved by the Director of Human Resources.

Section 2. Reasons for Granting Leave

Leave of absence without pay may be granted to an employee for the following reasons:

a. Illness or disability not covered by sick leave.

b. Education or training which will benefit the county.

c. Personal reasons which do not cause inconvenience to the department or county.

Section 3. Duration and Eligibility for Leave

a. Any probationary or permanent status employee is eligible for administrative leave (up to thirty (30) days) or leave without pay up to sixty (60) days (including any administrative leave).

b. Maximum leave of one year (except for educational leaves): an employee with permanent status in present classification, or an employee who has had twelve continuous and consecutive months of probationary service is eligible. An additional one year may be granted for the attainment of bona fide educational goals of value to the county, when approved by the department head and the Director of Human Resources.

c. Last overall performance evaluation must be "satisfactory" or better. An employee who is ineligible for a leave of absence and who is unable to work may resign or be terminated in accordance with Rule 18, Section 1 (a).

Section 4. Procedure and Form of Request

a. Requests for leaves shall be submitted on the forms specified by the Director of Human Resources. Request for a leave shall be submitted sufficiently in advance

of the proposed effective date to permit the Director of Human Resources to take action prior to that date. Information included on the request shall include the reasons for absence, beginning and terminal dates, signature of the employee, or in the event he is incapable of doing so, the signature of his representative, and affirmative recommendation by the Department Head (a leave which is not recommended by the Department Head should not be submitted to the Director of Human Resources).

b. Requests for illness or disability leave shall be accompanied by a statement from the employee's physician specifying the nature of the illness or disability, the prognosis, and the anticipated time of release for return to active duty.

Section 5. Extension

The Director of Human Resources may extend a leave subject to the limitations in Section 3 of this rule. A total leave, including extensions, may not exceed one year. The procedure in requesting and granting extensions shall be the same as that for the original leave.

Section 6. Return from Illness or Disability

Prior to his return to active duty, the employee shall submit a statement from his physician certifying that he is able to resume the duties of his position.

Section 7. Early Return from Leave

Whenever an employee has been granted a leave without pay and desires to return before the expiration of such leave, he shall notify the appointing authority who shall determine whether to authorize the early return. The appointing authority shall notify the Human Resources Division of the return.

Section 8. Failure to Return at Scheduled Time

Failure to report for duty after a leave of absence has expired, or has been disapproved, or revoked, or any failure to report for duty as scheduled, is cause for disciplinary action, or after three (3) days absence may be considered an automatic resignation. (See Rule 16, Section 2)

Section 9. Revocation of Leave

Any leave of absence may be revoked by the Director of Human Resources upon written request of the Department Head supported by evidence that the reason for granting leave was misrepresented or has ceased to exist.

RULE 12. (continued)

Section 10. Leave for Compensable Disability

Notwithstanding any provisions of this Rule, an employee who, as a result of injury during employment, is ruled eligible for Workman's Compensation Insurance shall have an automatic leave until it is ruled that recovery from disability is sufficient to release the employee as recovered.

A leave shall be considered canceled when permanent disability is established. If, later, a recovery is made to the point where the employee can work again, his name shall be placed on appropriate lists to facilitate return to work.

Section 11. Sick Leave with Pay

See current Salary Ordinance.

Section 12. No Accruals While on Leave Without Pay

No employee who has been granted a leave without pay shall accrue any vacation, sick leave, or holiday during the time of such leave, nor shall such time count towards gaining permanent status. See current Salary Ordinance.

Section 13. Appointments for Duration Of Leave Of Absence

In the event that any employee is granted a leave of absence or military leave in excess of sixty (60) days, his position may be filled in the same manner as any other vacant position, subject only to the right of the original holder of the position to return to the position. In the latter event, the person so appointed may without loss of any rights which may have accrued and subject to the provisions of these rules replace another employee within the same department with less seniority or be separated from county employment. If such appointee to a leave-of-absence vacancy is subsequently displaced from the leave-of-absence position by the return of the original holder, the Reduction in Staff provisions of Rule 17 shall apply. (Revised 10/22/68)

Section 14. Vacation

See current Salary Ordinance.

Section 15. Military Leave

Military leaves shall be granted as required by the Civil Service Ordinance, Federal and State legislation.

Section 16. Educational Leave with Pay

Educational leaves with pay shall be granted as required by Board policy and State regulations. (Added by Rev. 9/7/65)

RULE 12. (continued)

Section 17. Compulsory Leave (Added by Rev. 10/22/68)

If an Appointing Authority believes that one of his employees is unable to properly perform his regular duties because of mental or physical illness or disability, he may require the employee to be examined by a physician designated by the Commission. If the physician's report indicates that the employee is not physically or mentally capable of performing his regular duties, the Appointing Authority may, subject to approval of the Commission, compel said employee to take leave of absence until he does meet the physical and mental requirements of is position.

The employee may request a voluntary demotion to a class of position for which he is physically fit and otherwise qualified in lieu of accepting the compulsory leave of absence if such a position is vacant. The Appointing Authority shall make every effort to place the employee in a position within his department for which the employee is physically and otherwise qualified. In the event that such a position is not vacant, he may be placed on a re-employment list for such class upon recommendation of the Appointing Authority and approval of the Civil Service Commission. (Entire rule is revised 3/23/71. Sections numbered 5 through 12 have been renumbered 10 through 17 respectively.)

Revised 3/23/71

RULE 13. EMPLOYEE PERFORMANCE REPORTS

Section 1. Employee Performance Reports

The performance of each employee in the classified service shall be regularly evaluated by the Appointing Authority or his designated representative. The reports shall be submitted to the Human Resources Division on forms designated by the Director of Human Resources.

Section 2. Frequency of Reports

a. Permanent Status Employees: Reports shall be prepared and submitted at least once each year.

b. Probationary Status Employees: Reports shall be prepared and submitted at the end of the 4th, 7th, and 11th months of the probationary period.

c. Special Reports: The appointing authority may also submit special reports on any employees at any time.

Section 3. Preparation of Reports

Whenever possible, reports shall be prepared by the immediate supervisor. Each employee shall be given a copy of his Performance Evaluation Report following a discussion of the report with the rater. The employee will sign the report as an indication that it was discussed with him by the rater. Signature of the ratee does not necessarily indicate agreement with the rating. He may choose to discuss the report with a Reviewing Officer designated by the appointing authority.

Section 4. Uses of Reports

Employee Performance Reports shall become a part of the official personnel record of the employee. Employee Performance Reports may be considered along with other pertinent information when salary step increase or a disciplinary action is being contemplated.

The Employee Performance Reports shall be used for layoff purposes in accordance with Section 17 (a), 3.

In addition, the last available Performance Report must have an overall rating of at least satisfactory if the employee is:

a. To be granted a Leave of Absence.

b. To participate in a promotional examination.

c. To be transferred, transfer-promoted, promoted, reinstated, or restored to an eligible list.

(Entire rule revised 8/25/70.)

RULE 14. STANDARDS OF CONDUCT AND PERFORMANCE

The Director shall collaborate with Department Heads in establishing for each department specific regulations governing the conduct, appearance and performance of employees. 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 cause of disciplinary action or dismissal, both in accordance with Rule 18.

RULE 15. IN-SERVICE TRAINING

It shall be the duty of the Director and the Appointing Authorities to develop courses of In-Service Training to instruct employees in the better performance of their duties and the policies and objectives of the department and County government, in good safety practices, in supervisory methods, and to prepare those in the lower ranks for advancement into positions of higher responsibility.

This 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.

RULE 16. RESIGNATION AND REINSTATEMENT

Section 1. Voluntary Resignation

a. Resignation in Good Standing: Normally a written notice of two weeks must be given; however, for reasons acceptable to him, an Appointing Authority may accept a resignation with less notice as being in good standing. An employee who does not resign in good standing is ineligible for reinstatement and may be ineligible for re-employment.

b. Resignation Not in Good Standing: An employee who leaves his position without written notice, or who gives notice of less than two weeks without acceptable reasons, or who terminates his employment by automatic resignation has not resigned in good standing.

Section 2. Automatic Resignation

Absence without leave, whether voluntary or involuntary, is an automatic resignation from county service as of the last day on which the employee worked when:

1. The employee is absent for three (3) consecutively scheduled eight-hour working days; or

2. Is absent for two consecutively scheduled twenty-four (24) hour duty days.

a. Reinstatement by Appointing Authority for Good Cause: Within twenty (20) calendar days after the effective date of the automatic resignation, an individual may file with his/her Appointing Authority a written request for reinstatement. The Appointing Authority shall reinstate the person if he finds that the absence was caused by bona fide illness, injury, or similar circumstances beyond his/her control.

b. Reinstatement for Reasons Acceptable to the Director of Human Resources Subject to Approval of the Civil Service Commission: An individual who had permanent status but is not eligible for reinstatement as provided in paragraph (a), upon written request to the Appointing Authority and on his affirmative recommendation, may be:

1) Reinstated;

2) Placed on an open competitive eligible list; or

3) Allowed to resign in good standing.

RULE 16. Section 2. (continued)

The above actions may be taken only for reasons that are acceptable to the Director of Human Resources and approved by the Civil Service Commission.

c. Effective of Reinstatement on Status of Employee: Except for sick leave, accrued vacation or compensatory time which an employee would have been otherwise eligible to receive, an employee who is reinstated in accordance with paragraph (a) or (b) of this section shall not be paid salary for the period of his/her absence. The period of absence not covered by paid sick leave, accrued vacation, or compensatory time shall be a retroactive leave of absence without pay.

Section 3. Reinstatement After Resigning in Good Standing

Upon application to an Appointing Authority an individual may be reinstated to a class (or to a lower class in the same series) in which he had permanent civil service status within three (3) years from the date of his resignation in good standing, providing that:

1. There is a vacancy in the class.

2. His reinstatement is recommended by the Appointing Authority of the last department in which he had permanent status in the reinstatement class. Normally reinstatement can only be made in the department from which the individual resigned; however, upon special request from another department reinstatement may be made to that department only.

3. There are less than three (3) names on a promotional eligible list for the class in which he is making application for reinstatement.

4. Acceptance of reinstatement to any class is a waiver of any potential reinstatement to other classes. Reinstatement will be granted in only one class.

(Entire rule revised 3/23/71)

RULE 17. REDUCTION IN STAFF

When it is necessary to reduce staff for lack of work or lack of funds or in the interests of economy, the Appointing Authority after consultation with the County Administrator, shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The County Administrator shall furnish such information to the Director who shall then designate the persons to be laid off according to the following method:

1. All lay-offs shall be made in the following order:

    a. Employees who have a temporary status only.

    b. Employees who have a provisional status only.

    c. Permanent and probationary employees.

        (1) Among permanent and probationary employees (except in classifications identified in Section 1.c. (2), those having the lowest seniority in continuous service of the County shall be laid off up to the number necessary, provided that, in the event that there are more than one with the same seniority, they shall then be arranged in the order of their last service evaluation, and provided that seniority credit for lay-off purposes shall be granted only for periods of employment covered by service evaluations, which are at least satisfactory.

        (2) Among permanent and probationary employees in the classifications of Correctional Sergeant, Sergeant, Correctional Lieutenant, Lieutenant, Correctional Captain and Sheriff's Captain, the order of layoff will be determined by total time in the "layoff" classification, without regard to total county seniority. Total time in each classification will include time spent in the higher classification so that seniority will be cumulative as an employee bumps through the series. The order of layoff will be determined by length of service in the classification, or cumulative length of service to the level in the series the layoff occurs. Where two or more employees have equal seniority, based on either length of service in classification, or cumulative length of service in the series, then total county seniority shall determine the order of layoff as outlined in Section 1.c.(1) of this rule. Seniority credit for layoff purposes shall be granted only for periods of employment covered by service evaluations, which are at least satisfactory.

2. Reduction in forces in a department shall not affect employees working in the same classification in another County department, or in any other series. The classes that constitute a series shall be established by the Director of Human Resources.

RULE 17. (continued)

3. An employee may displace an employee of the department in the lower classification in accordance with their standing in section 1.c., paragraph (1) or (2) above. In the same manner, the employee thus displaced may likewise displace another employee, and so on.

4. The names of permanent or probationary employees laid off under this procedure, arranged in the order of their relative service evaluation and seniority as outlined above, shall constitute a Re-employment Eligibility List and all persons on such Re-employment Lists for a given class shall be given the opportunity of employment before any other person is considered for employment in that class.

5. Eligibles on the Re-employment List shall be hired in the reverse order of their layoff.

Revised 09/13/95
Revised 03/01/11

RULE 18. DISMISSAL, SUSPENSION, DEMOTION, OR REDUCTION OF SALARY

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

In the event of dismissal, suspension, or demotion or reduction of salary of any employee in the Classified Service, the Appointing Authority taking such action shall, as prescribed in the Enabling Act, state the reasons therefor. The following reasons shall be deemed sufficient for dismissal, suspension, demotion, or reduction in salary, provided that such action shall not be limited to these reasons and provided that they are adequately documented by evaluation reports or supporting data:

a. Absence without leave.

b. Conduct unbecoming an employee in the public service.

c. Disorderly or immoral conduct.

d. Incapacity due to mental or physical disability. A medical examination may be required by the Appointing Authority. The Commission shall in this case designate the physician to make such examination.

e. Incompetency or inefficiency.

f. Insubordination.

g. Intoxication while on duty.

h. Neglect of duty.

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

j. Violation of any lawful or reasonable regulation or order made and given by a superior officer.

k. Fraud in securing appointment.

l. Dishonesty.

m. Addiction to use of narcotics or habit-forming drug.

n. Conviction of a misdemeanor or a felony.

o. Willful violation of any of the provisions of the civil service law or of these rules.

RULE 18. (continued)

Section 2. Order of Dismissal, Suspension, Demotion or Reduction in Salary

a. An employee in the Classified Civil Service may be dismissed, suspended, or reduced in rank or compensation by the Appointing Authority after appointment or promotion is complete by written order, stating specifically the reasons of the action and the employee's right of appeal. The appointment or promotion shall not be deemed to be complete until the employee has served the required probationary period of one year. The order shall be immediately filed with the Director of Human Resources and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced in rank or compensation.

b. The Appointment Authority may not substitute other forms of disciplinary action for dismissal, suspension, demotion, or reduction of salary. (Rev. 3/21/72)

Section 3. Appeal and Answer

The employee, within seven (7) calendar days after the order is furnished to the employee, may appeal the order in writing to the Director of Human Resources. The employee, in making the appeal, shall designate in writing whether the matter will be heard by the Civil Service Commission in accordance with Section 4, 4.1, 5, and 8 of this Rule or whether the matter will be submitted to binding arbitration in accordance with Sections 6, 7, and 8 of this Rule. (Rev. 2/28/84)

Section 4. Hearing

Within twenty days from the filing of the appeal the Commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing. The hearing shall be informal and the Commission shall not be bound by any of the rules of evidence governing trial procedure in State Courts; provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code save and except that the employee may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code. (Rev. 3/21/72)

Section 4.1. Withdrawal of Appeal

An appellant or his authorized representative may withdraw his appeal without prejudice provided that such withdrawal is filed with the Director of Human Resources at least twenty-four (24) hours prior to the time set by the Commission for the hearing of the appeal.

RULE 18. (continued)

Section 5. Findings and Decision

The Commission shall, within ten working days after completion of the hearing, determine a verdict. The verdict by the Commission shall specify a finding as to each ground or reason charged. By specific decision the Commission shall affirm, revoke or modify the order and the Appointing Authority shall forthwith enforce and follow the Commission's decision. If it is found that the charges are not supported by the facts, then the employee shall be restored forthwith to his previous position with all rights and privileges pertaining thereto and with full back pay for the time lost.

Section 6. Arbitration

When an employee designates the matter to be determined by arbitration, the timing and procedure of such arbitration shall be established by agreement of the parties to the arbitration. Unless otherwise agreed, the arbitrator shall be selected from a list of five (5) individuals. Each party shall name two (2) such individuals and the fifth individual shall be a member of the State Office of Administrative Hearings. The parties then shall use a striking procedure to select the arbitrator. The Director of Human Resources shall assist the parties in the administration of the arbitration but shall not be a party to the arbitration or otherwise be involved in the arbitration. The costs of the arbitration shall be borne equally by the parties. (2/28/84)

Section 7. Enforcement of Arbitration Award

If an award by an arbitrator requires action by the Civil Service Commission or the Board of Supervisors before it can be placed in effect, the Director of Human Resources will recommend to the appropriate body that it act to make such award effective. (2/28/84)

Section 8. Exclusivity of Procedure and Appeal

An employee shall have the employee's appeal determined by the Civil Service Commission or by arbitration but an employee shall not have the right to have the matter determined by both the Civil Service Commission and arbitration and a matter determined by one procedure may not be appealed through the alternate procedure. The determination by the Civil Service Commission or by arbitration is final and binding upon the parties and any appeal therefrom shall be to a court of competent jurisdiction within ninety (90) days of the decision of the Civil Service Commission or arbitrator. (2/28/84)

Section 9.

Provisions of Sections 6, 7, and 8 of the Rule shall not abridge any rights to which an employee may be entitled under other sections of the Civil Service Rules and Regulations regarding hearings before the Civil Service Commission. (2/28/84).

RULE 19. VIOLATION OF RULES

Any employee who believes that his rights or benefits, as provided for in these rules or in departmental rules promulgated under these rules is being violated, may appeal in writing through his immediate supervisor to the appointing authority within ten (10) days of the alleged violation. If the Appointing Authority is unable to make an adjustment within ten (10) days of the date of the appeal addressed to him, the employee may appeal in writing to the Director of Human Resources. If the Director of Human Resources is unable to make an adjustment within ten (10) days of the date of the appeal addressed to him, the employee may appeal in writing to the Civil Service Commission. Upon receipt of the appeal, the Civil Service Commission, at its next regular meeting, shall take the appeal under advisement and may hold a hearing. The findings and decisions of the Civil Service Commission shall be final.

RULE 20. DISCRIMINATION PROHIBITED

Section 1. General Provisions

No employee of the County or any job applicant seeking employment with the County shall be discriminated against in any aspect of employment because of age, ancestry, color, creed, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex, or sexual orientation.

Section 2. Discrimination Complaints

These procedures are intended to provide a method for resolution of complaints alleging discrimination on one or more of the basis cited in Section 1 of this Rule. Complaints that are not based on the types of prohibited discrimination cited in Section 1 shall not be processed under this Rule.

Section 3. Informal Complaint Process

The intent of the informal complaint process is to provide for early intervention and resolution of discrimination complaints in an informal manner or through a mediation process at the departmental level.

Prior to the filing of a formal complaint, an employee alleging discrimination in violation of this Rule shall report the discrimination to the Department EEO Coordinator (Coordinator). Complaints must be reported within sixty (60) days of the date the alleged discrimination occurred. A job applicant alleging discrimination under this Rule shall report the discrimination to the County Equal Employment Opportunity Office (EEO Office) within sixty (60) days of the date the alleged discrimination occurred.

The Coordinator will meet with the person making the complaint within ten (10) days of receipt of the report in order to:

(a) Understand the nature of the complaint;
(b) Undertake efforts to informally resolve the complaint;
(c) Identify the Complainant's requested remedy; and
(d) Give the Complainant a copy of Civil Service Rule 20.

The Coordinator shall notify the EEO Office of the complaint within five (5) days of the initial meeting with the Complainant.

The Coordinator will make reasonable efforts to resolve the complaint if the complaint appears to have merit. When mutually agreed to by both the Complainant and the Appointing Authority of the affected department, the Coordinator may seek the assistance of a mediator

available through the San Joaquin County Mediation Center to help resolve the complaint. The Coordinator shall provide written notice to the Appointing Authority indicating whether the complaint was resolved or the specific actions recommended by the Coordinator and/or Complainant to resolve the complaint. Within ten (10) days of the receipt of the written notice, the Appointing Authority will make the departmental decision regarding any actions requested by the Coordinator and/or Complainant that are within the Appointing Authority's authority.

Within three (3) days of receipt of the Appointing Authority's departmental decision, the Coordinator shall provide written notice to the Complainant and Respondent of the results of the informal complaint process. The written notice to the Complainant shall also inform the Complainant of his or her right to file a formal written complaint if he or she is not satisfied with the results of the informal process. The Coordinator shall also notify the EEO Office in writing within three (3) days of the conclusion of the informal complaint process of the results and provide all documentation received during the course of the informal complaint process.

Unless otherwise agreed to by the Complainant and the Coordinator to extend the timeframe, the informal complaint process shall be concluded within thirty (30) days of the Coordinator's initial meeting with the Complainant.

In the case of a complaint from a job applicant, the EEO Office shall process the complaint in the manner set forth in Section 4.

Section 4. Formal Complaint Process

If a discrimination complaint is not resolved through the informal complaint process, or if the Complainant is not satisfied with the results of the informal complaint process, the Complainant may file a formal written complaint with the EEO Office within fifteen (15) days of notice of the results of the informal complaint process.

A formal complaint of discrimination shall be in writing and should be filed on the County's Discrimination Complaint form. The Complainant shall describe in detail the alleged discrimination and the action the Complainant requests to resolve the matter. The complaint must be signed and dated and shall contain at least the name(s) of the individual(s) involved, the approximate date(s) of the event(s) at issue, the names of any witnesses to the alleged discrimination, the Complainant's requested remedy, and a description of the action(s) constituting the alleged discrimination.

An investigation will be initiated if the complaint meets the following requirements:

- The complainant alleges discrimination prohibited under Section 1 of this Rule and provides enough detailed information to determine the events constituting the discrimination.

- The complaint is filed within fifteen (15) days of the conclusion of the informal complaint process as set forth in Section 3 of this Rule.

RULE 20. Section 4. (continued)

Defective complaints shall be returned within five (5) days of receipt by the EEO Office with an explanation of why an investigation was not initiated under this Rule. If a complaint is returned because of lack of detail, the Complainant will be advised that he or she may submit an amended complaint within ten (10) days of receipt providing enough detail to determine the events constituting the discrimination.

Within fifteen (15) days of receipt of a complaint filed in accordance with this Rule, the EEO Office or designee will meet with the Complainant to review the complaint and shall notify the Respondent and Appointing Authority that a written complaint has been received and a formal investigation has begun. The investigation will be conducted in a confidential manner. If the circumstances of the situation call for such action, the Investigator will consult with the Appointing Authority regarding reasonable steps that should be taken to protect the Complainant from discrimination or retaliation during the course of the investigation.

Within sixty (60) days from the date of the initial meeting with the Complainant, or unless there is mutual agreement between the Complainant and the EEO Office to extend the timeframe of the investigation, the Investigator shall complete the investigation and shall provide a written summary of the investigation to the Complainant and Respondent. The summary will indicate whether the alleged violation of this Rule is substantiated or is unsubstantiated.

The EEO Office shall submit a post-investigation report to the Appointing Authority within the 60-day timeframe stated above. The report shall indicate whether the alleged violation of this Rule is substantiated or is unsubstantiated. If the complaint is substantiated, the EEO Office may include in the report advisory recommendations to the Appointing Authority that are designed to deter further violation of this Rule. The EEO Office will also recommend remedial or restorative action(s) that are in conformity with these Civil Service Rules, the County's Memoranda of Understanding, work rules, policies and practices.

Within ten (10) days of receipt of a post-investigation report substantiating a violation of this Rule, the Appointing Authority shall respond in writing to the EEO Office and indicate as follows:

1. Whether the Appointing Authority agrees or disagrees with the conclusion of the Investigator that the violation of this Rule has been substantiated. If the Appointing Authority disagrees with the conclusion that this Rule has been violated, he or she shall include an explanation of the reason(s) for disagreement.

2. In addition, as to each advisory recommendation, the Appointing Authority shall report one of the following actions:

    a) That the recommendation has been implemented, with a summary of the implemented action.

b) That the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
c) That the recommendation will not be implemented, with an explanation therefore, but that alternative action(s) will be taken which is designed to deter further violations of the Rule, and is in conformity with these Civil Service Rules, the County's Memoranda of Understanding, work rules, policies and practices.
d) That the recommendation will not be implemented, with an explanation therefore.

Within five (5) days of receipt of the Appointing Authority's response, the EEO Office shall provide written notice of the Appointing Authority's decision to the Complainant and shall inform the Complainant of his or her right to file an appeal before the Civil Service Commission.

Section 5. Appeal Hearing Process

If, at the conclusion of the formal complaint process set forth in Section 4 above, the EEO Office concludes (1) that the allegation of discrimination under this Rule has not been substantiated, or (2) concludes that a violation has been substantiated; however, the Appointing Authority disagrees with that conclusion and indicates that he or she will not take any or all remedial or restorative action, a Complainant shall have the right to submit a written request for an appeal before the Civil Service Commission (Commission) within fifteen (15) days of receipt of the written notification from the EEO Office of the Appointing Authority's decision.

The written appeal request shall be filed on the Commission's Request for Appeal form and shall contain the facts and circumstances of the alleged discrimination and the remedy requested by the Complainant.

The Commission may hold a hearing on the appeal. The Complainant shall be notified of the date and time of the hearing or of the Commission's decision not to hear the appeal.

The Complainant may appear personally, produce evidence, and have counsel and a public hearing. The hearing shall be informal and the Commission shall not be bound by any of the rules of evidence governing trial procedure in State Courts; provided, however, that insofar as determined practicable by the Commission, the hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code, except that the Complainant may be examined and may examine and cause any person to be examined under Section 776 of the Evidence Code. Within thirty (30) days following the completion of the hearing, the Commission shall issue a written decision that the alleged act(s) did or did not constitute discrimination prohibited under this Rule and shall provide written notice to the Complainant, Respondent, Appointing Authority, and EEO Office of its decision.

If the decision of the Commission is that the alleged act(s) constitute discrimination under this Rule, the Commission shall issue an order requiring the person who has committed

the discrimination to cease and desist from such action in the future. Failure to cease and desist may constitute grounds for disciplinary action under Civil Service Rule 18. The Commission may also order appropriate remedial or restorative action(s) that is in conformity with these Rules, the County's Memoranda of Understanding, work rules, policies and practices. The Appointing Authority shall have ten (10) days from the receipt of the Commission's decision to implement said appropriate remedial or restorative action(s). The Appointing Authority shall notify the EEO Office, the Complainant and Respondent within three (3) days of the implementation of the action taken as outlined in the Commission's order.

Section 6. Retaliation Prohibited

Retaliation against an employee or job applicant for reporting an allegation of discrimination under this Rule, or against an employee for their support of such an employee or job applicant, is prohibited. However, intentionally making a false report or complaint under this Rule, or intentionally giving false statements or testimony in support thereof, may constitute grounds for disciplinary action under Rule 18 of these Civil Service Rules.

Section 7. Definitions

1. **Appeal:** A request by a Complainant made in writing to the Civil Service Commission to review the administrative determination regarding a complaint of discrimination.

2. **Complainant:** An individual who believe that he or she has been victim of discrimination.

3. **Days:** Calendar days, unless otherwise specified.

4. **Respondent:** An individual against whom a claim of discrimination is made.

RULE 21. CERTIFICATION OF PAYROLLS

Whenever the Director of Human Resources determines that any person is illegally holding a position or is otherwise not entitled to compensation for time worked, sick leave, vacation, overtime, shift differential, compensating time off, or any other additional compensation authorized by the Board of Supervisors, he shall so notify the County Auditor. (Rev. 12/28/65)

RULE 22. REPORTS AND RECORDS

To enable the Human Resources Division 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 Certifications

b. All appointments

c. Separation 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 directly, or by delegation to an assistant, cooperate with the Director and be responsible for properly reporting personnel transactions, for proper distribution within his department of personnel material and information including the posting of notices upon the department bulletin board.

The Human Resources Division shall keep such records as are necessary for transactions and reference and for making reports showing administrative actions including records of all examinations, Eligibility Lists, records and files of employment history of each employee, history of each position, classification plan book and correspondence, and Leaves of Absence.

The Director shall maintain an official roster containing the names, addresses, classification and department of all employees holding positions in the Service of the County. Each employee shall cause the Director to be notified of changes of name and/or address.