



SONOMA COUNTY

RULES OF THE CIVIL SERVICE COMMISSION

Effective November 15, 2012

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COUNTY OF SONOMA
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RULES OF THE CIVIL SERVICE COMMISSION
COUNTY OF SONOMA

RULE 1

DEFINITION OF TERMS

The following words and terms used in these rules shall have the meaning indicated below unless the context clearly indicates otherwise.

"ADMINISTRATIVE MANAGEMENT" means an employee customarily having responsibility for formulating, administering or managing the implementation of County policies and programs.

"ALLOCATION OF CLASS" means the official determination that employees of a particular class shall be compensated at a specific salary or salary range.

"ALLOCATION OF POSITION" means the official authorization for a specific position to be utilized by a specific department.

"ALTERNATE POSITION" means a single position which may be filled alternatively by an employee in either of two or more classes, at the discretion of the appointing authority. The highest alternate class shall be construed as the normal working level of such position, and each lower alternate class shall be construed as a level suitable for recruitment and training.

"ANSWER SHEET" means a form of paper or machine scored form or similar material on which a candidate records responses to items contained on a written examination and which the candidate shall surrender to a proctor at the completion of the examination. The answer sheet shall constitute the official record of the candidate's response to each item.

"APPLICANT" means a person who, according to these rules, has made formal application for employment on the County's official application form.

"APPOINTING AUTHORITY" means the board, commission, group of persons, officer or person having the power by lawfully delegated authority to make appointment to or removal from positions in the County service and conduct or finalize employee performance appraisals.

"APPOINTMENT" means the designation of an individual for employment in a specific position, and is effective on the date the individual begins work in the position.

"CANDIDATE" means a person who has been admitted to an examination for County employment.

"CENTRAL PERSONNEL OFFICE" means the office of the Civil Service Commission of the County of Sonoma.

"CERTIFICATION" means the official notification to an appointing authority of those qualified candidates who may be appointed to a vacant position in the classified service.

"CLASS" or "CLASS OF POSITIONS" includes all positions which possess similar duties, responsibilities and qualifications.

"CLASSIFICATION PLAN" means an orderly arrangement of all positions into classes.

"CLASSIFICATION SERIES" means a series of closely related classes which have similar titles and duties and constitute a common progression for promotion for employees.

"CLASSIFIED SERVICE" means all positions in the County service except those specifically placed in the "unclassified" service.

"CLOSELY RELATED CLASS" means any class which has been determined by the Human Resources Director to have sufficiently similar duties and minimum qualifications to make a change of status compatible with Merit System Standards. (revised 7/1/10)

"COMPENSATION" as used in the Civil Service Ordinance, means the base salary (i.e., specific pay rate within the pay range) paid to an employee by reason of service in a classification but does not include such items as specialty assignment pay, premium pay, allowances, reimbursable employment expenses or any other form of consideration. This list of items excluded from the definition of "compensation" is illustrative only and not definitive.

The foregoing definition of "Compensation" shall not take effect until March 15, 1994 as to any case concerning the removal from a specialty assignment of an employee covered by the 1990-94 Memoranda of Understanding (MOUs) between the County and the SCSOEA Law Enforcement Nonsupervisory and Supervisory Units and the SCSOEA Corrections and Probation Nonsupervisory and Supervisory Units during the guarantee period specified in Article 8 of both MOUs. "Specialty Assignment" shall have the same meaning as used in Article 8 of those MOUs.

Prior to March 15, 1994, such cases shall be governed by the existing definition of compensation, which reads as follows: "Compensation' means the salary, wage, allowances, and all other forms of valuable consideration, earned by or paid to an employee by reason of service in any position, but does not include monetary reimbursement for necessary expenses incurred by employees."

"COMPENSATION PLAN" means a schedule of salaries established by resolution or ordinance for the several classes of positions included in the classification plan, so that all positions of a given class will be paid at the salary range established for the class.

"CONTINUOUS SERVICE" means continuous employment by the County, whether with or without pay status.

"COUNTY" means the County of Sonoma.

"COUNTY BUSINESS DAY" means a day when all County offices are open to the public for transaction of business.

"CUT-OFF POINT" means that point in a ranking of examination scores which is determined by the Human Resources Director as equaling the minimum passing grade established for that examination.

"DEMOTION" means the reassignment of an employee from a position in one class to a position in another class which is allocated to a lower salary or salary range.

"DEPARTMENT" means a branch of the County government with one or more employees under the charge of a specific individual, who is known as the "DEPARTMENT HEAD".

"DEPARTMENT HEAD" means a person in charge of a specific branch of County government, or his/her designee.

"DISMISS OR DISMISSAL" can be synonymous with the definition of separation, or could mean release from probation or removal from a classification, and the individual may not necessarily separate from County service. If the result for the individual is not separation, then the terms of the dismissal must be in accordance with these Rules. (Added 7/1/10)

"DUAL POSITION" means a position established to permit replacement of an employee who receives payment for unused leave or overtime credit upon separation; and for a period of time not greater than the amount of such leave or overtime. A dual position may also be established to permit the replacement of an employee for the duration of an authorized leave of absence. An employee in a dual position shall have either permanent, probationary or provisional status, to be determined as provided in these rules for employees in permanent positions. (See Section 5.4 of Salary Resolution.)

"ELIGIBLE CANDIDATE" or "ELIGIBLES" means candidates whose names are on the employment list for a given class.

"EMPLOYEE" includes any person legally defined as an officer or employee of the County of Sonoma.

"EMPLOYMENT LIST" means a list of names, arranged in order of total examination score, of persons who have been found qualified for employment in a specific class.

"EXAMINATION" means one or more of the test methods authorized by these rules to determine the qualifications of one or more applicants and/or candidates.

"EXAMINATION ITEM" means any subdivision of an examination.

"EXTRA-HELP EMPLOYEE" means a person who is employed for the purpose of relieving or augmenting permanent staff in the accomplishment of work. Extra-help employees shall not be used to circumvent filling of permanently allocated positions. Extra-help employees shall be in the unclassified service and shall not have property rights to permanent or continued employment.

There are five types of extra-help employees:

1. Temporary - Temporary extra-help employees relieve or augment permanent staff on a continuous basis for a period not to exceed one calendar year without a substantial break in service (three continuous months), unless approved by the Human Resources Director and the County Administrator. Examples of the use of temporary employees include but are not limited to vacation, pregnancy and disability relief, and temporary assignment to assist a department with a workload that is too great to be dealt with expeditiously by permanent employees of the department.
2. Intermittent - Intermittent extra-help employees augment permanent staff when there is a need to maintain adequate work coverage either for short periods of time at recurrent intervals, or for ongoing periods of time for fewer than 4 days per pay period on a regular basis. Examples of intermittent employment include, but are not limited to, "on-call" and "pool" staffing. The total number of hours an intermittent employee shall work in any twelve (12) month consecutive period cannot exceed the number of hours equivalent to what a full-time employee would work in eight (8) months, (i.e., 1380 hours excluding overtime).
3. Seasonal - Seasonal extra-help employees augment permanent staff by performing duties that are required at certain times or seasons of the year. Seasonal employment shall not extend beyond six (6) calendar months in any twelve (12) month consecutive period.
4. Emergency - Emergency extra-help employees are hired to meet the immediate requirements of an emergency situation in order to prevent stoppages of public business, loss of life, or damage to person or property. Such appointments are limited to 40 working days. Emergency employment must be approved by the County Administrator.
5. Intern - means a student who is enrolled in a full-time or part-time academic or vocational curriculum which is directly related to the work the Intern performs for the County. An Intern may not work in excess of 1560 hours in a twelve month period from date of hire. An internship may extend beyond the initial twelve-month period to a maximum of thirty-six (36) consecutive months provided the Intern remains enrolled in the related academic curriculum throughout the thirty-six month period. Graduates of Law School may be employed as Graduate Law Clerks as long as their total employment does not exceed three consecutive years. Each individual who is employed as an Intern in excess of twelve consecutive months must be approved by the Human Resources Director beyond that period of time.

"FINAL FILING DATE" means the last date on which a person may submit a formal application for employment.

"FORM TEST" means any examination which is prepared for the purpose of repeated administration to a different group of candidates.

"FREE NAME" means a certifiable eligible who has no standing or priority.

"FULL-TIME EMPLOYEE" means an employee who is appointed to a permanently allocated position which is regularly scheduled for 80 hours of work in a bi-weekly pay period.

"HEARING" means a public meeting of the Civil Service Commission at which the adoption or amendment of these rules, and/or other personnel matters, may be considered.

"LAY-OFF" means the involuntary full or partial abolition of an employee's permanently allocated position due to lack of funds or lack of work, which may lead to the full or partial separation of the employee or the employee displacing to another position.

"TO BE LAID OFF" means to be subjected to lay-off.

"OPEN EXAMINATION" means a competitive examination in which any qualified person may participate.

"PART-TIME EMPLOYEE" means an employee who is appointed to a permanently allocated position which is regularly scheduled for less than 80 hours of work in a bi-weekly pay period.

"PAY STATUS" is defined in the Salary Ordinance of the County of Sonoma.

"PERMANENT EMPLOYEE" means an employee who has permanent status.

"PERMANENTLY ALLOCATED POSITION" means any position in the classified service which is allocated to a department by the Board of Supervisors in the current annual budget and is likely to require the services of an employee without interruption for more than one year.

"PERMANENT STATUS" means the status of an employee who is lawfully retained in a permanently allocated position after the completion of the probationary period provided for in these rules.

"PERSONNEL TRANSACTION" means the appointment, separation or reassignment of an employee.

"POSITION" means a group of duties and responsibilities requiring the full-time or part-time employment of one individual.

"PROBATIONARY EMPLOYEE" means an employee who is serving a probationary period.

"PROBATIONARY PERIOD" means a period which is used to determine the employee's fitness for permanent status.

"PROCTOR" means a person designated by the Human Resources Director to conduct an examination.

"PROJECT OR LIMITED TERM POSITION" An allocated position which exists only for a limited period of time for purposes of accomplishing a specific project, grant, or functions. Such positions shall be designated as project or limited term by job class title, attached to a specific project and/or funding source, and limited in duration to 60 consecutive months from the date the position(s) are allocated by the Board of Supervisors. (Revised 3/5/97; Corrected 6/1/04)

"PROMOTION" means the reassignment of an employee from a position in one class to a position in another class which is allocated to a higher salary or salary range.

"PROMOTIONAL EXAMINATION" means a competitive examination in which only qualified permanent and/or probationary County employees may participate.

"PROVISIONAL APPOINTMENT" means the appointment of a qualified person to a vacant position, pending a competitive examination for the class.

"REASSIGNMENT" means the separation of an employee from one position and the employee's concurrent appointment to another position.

"RECLASSIFICATION" means a change in allocation of a position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty, or responsibility of duties performed in such position. It includes abolition of a position and replacement with a position in another class in order to change classification.

"RECURRING DEFINED TERM" means a position where the incumbent's term is limited to a defined period of time coinciding with the term of the department head where the classification is authorized. The incumbent's employment ends upon the expiration of that defined period of time, unless the incumbent is reappointed by his/her department head. The defined term is designated within the particular job specification for that position. The termination of an incumbent's employment at the expiration of the defined term provided for herein, shall not be deemed or considered a dismissal, suspension or reduction in rank within the meaning of the Civil Service Ordinance. Neither the adoption nor the application of this definition shall affect the civil service status of any person holding any position of employment with the County at the time of this definition's adoption by the Commission. (Revised 7-7-05, 10-21-10)

"REQUEST FOR CERTIFICATION" means the official authorization for the Human Resources Director to certify candidates for appointment to a vacant position in the classified service.

"RESIGNATION" means the voluntary termination by an employee of the employee's employment.

"RESTORATION" (TO BE RESTORED) Pursuant to Rule 11.4, means an employee who has been re-employed in a job class due to layoff or displacement. Restoration only applies to the vacancy in a job class to which the employee has restoration rights, and only occurs in the department from which the employee was laid off/displaced. Restoration may only occur within two years of the effective date. (Added 11/15/12)

"RETITLE" means changing the title of a classification when duties and responsibilities are not substantively changed and the salary range is unchanged.

"SEPARATION" means the termination of employment of an individual.

"STANDING" means the order of priority on an employment list of each candidate who passes an examination. All candidates who have the same final examination score for the same examination shall be given the same standing.

"SUBSTITUTE POSITION" means a position established in lieu of a permanent position, and authorized in a closely related class which is allocated to the same or a lower salary or salary range. An employee in a substitute position which is established for a period of six months or longer shall have either permanent, probationary or provisional status, to be determined as provided in these rules for employees in permanent positions. (See Section 5.3 of Salary Resolution.)

"SUPERVISORY EMPLOYEE" shall be defined in the County of Sonoma's Employee Relations Policy.

"TEST" means examination.

"TEST KEY" means a copy of every item used in a specific written examination showing the correct answer to each.

"TITLE" or "CLASS TITLE" means the official name of each class of positions.

"TRANSFER" means the reassignment of an employee from one position to another position in the same class, or from a position in one class to a position in another class which is allocated to the same salary range or which has a maximum difference of plus or minus four percent. (revised 7/1/10)

"UNCLASSIFIED SERVICE" is defined in the Civil Service Ordinance of the County of Sonoma.

"WAIVER" means the voluntary written relinquishment by a candidate of the candidate's standing on an employment list.

END OF RULE 1

RULE 2

ORGANIZATION AND ADMINISTRATION

SECTION 2.1 CIVIL SERVICE SYSTEM

Administration of the Civil Service System of the County of Sonoma shall be based on the principle of employment and promotion on a merit basis for the purpose of obtaining the highest efficiency and assuring that the best qualified persons available shall be employed in the service of the County.

SECTION 2.2 CIVIL SERVICE COMMISSION

A. Officers

- (1) The officers of the Civil Service Commission shall be Chairperson and Vice-Chairperson.
- (2) The Civil Service Commission shall, at its first meeting in January of each year, elect one of its members to serve as Chairperson for a period of one year, or until the election and qualification of a successor.
- (3) At the same time, and in the same manner, the Civil Service Commission shall elect one of its members to serve as Vice-Chairperson.
- (4) The Chairperson shall be the presiding officer at all regular and special meetings of the Commission. In the event of the absence of the Chairperson, the Vice-Chairperson shall preside. In the event of the absence of both the Chairperson and the Vice-Chairperson, the members present shall elect an Acting Chairperson.

B. Meetings

- (1) Regular public meetings shall be held on the first and third Thursday of each month at 3:30 p.m. at the Human Resources Department or at a place and time so designated in a posted agenda. If the regular meeting falls on a holiday, the meeting shall be held at the call of the Chairperson. (revised 1/20/00)
- (2) Special meetings shall be held at the call of the Chairperson or any three members of the Civil Service Commission.
- (3) Three members shall constitute a quorum for the transaction of business. A majority of the quorum shall be required to take an action. (revised 1/20/00)
- (4) Written notice of each special or adjourned meeting of the Commission shall be posted at least seventy-two hours in advance thereof in the lobby of the Central Human Resources Department, and shall be mailed or delivered at the time of the posting to each person entitled to such notice.
- (5) Each meeting shall be conducted in accordance with the most current edition of Robert's Rules of Order, except as may be provided in these rules. (revised 1/20/00).
- (6) Communications and requests to the Civil Service Commission shall be made in writing. The substance of such requests and the action taken thereon shall be incorporated in the minutes.
- (7) A member of the Commission may vote aye no or abstain. A vote of abstain does not constitute concurrence, does not constitute a no vote. (1/20/00)
- (8) A Commissioner recognizing a conflict of interest shall recuse him/herself from the discussion as soon as the conflict is recognized. (1/20/00)

SECTION 2.3 COUNTY HUMAN RESOURCES DIRECTOR

The Human Resources Director shall:

- A. Perform and discharge, under the direction and control of the Civil Service Commission, such authority and duties as are delegated.
- B. Carry out all procedures in the administration of the County personnel system in conformity with the provisions of the Civil Service Ordinance and the Rules of the Civil Service Commission.
- C. Check department payroll documents for legality and accuracy of appointment of persons named therein and certify the names to the Auditor- Controller.

- D. Conduct recruitment and examinations, prepare employment and re-employment lists, and certify the names of candidates for employment.
- E. Maintain various personnel records and other records of the Civil Service Commission, and prepare minutes of each meeting of the Commission.
- F. Shall be appointing authority for the staff of the Human Resources Department.
- G. Administer, maintain and adjust the Classification Plan and recommend rates of pay for each classification of position.
- H. Maintain the central roster of employees and positions.
- I. Maintain an official record of all actions taken by the Commission and shall prepare an annual report which summarizes such actions. After Commission review, this report shall be submitted to the Board of Supervisors.
- J. Prepare such special reports and studies as requested by the Civil Service Commission.
- K. Officially interpret Civil Service Rules prescribed by the Commission. Such interpretation shall be given great deference by the Commission when enforcing or amending these rules.

SECTION 2.4 ROSTER OF EMPLOYEES AND POSITIONS

A central roster of employees and positions shall be maintained in the Central Human Resources Department. It shall include the record of employment of each employee in the classified service, including dates of service, positions held, salaries received, and such other information as may be deemed appropriate.

SECTION 2.5 REPORTS BY APPOINTING AUTHORITIES

Each appointing authority shall promptly report the following matters to the Human Resources Director:

- A. Requests for certifications.
- B. Appointments of any and all employees.
- C. Separations of any and all employees.
- D. Promotions, demotions and transfers of employees.
- E. Leaves of absence, whether with or without pay.
- F. Disciplinary actions, together with reasons therefore.
- G. Refusal or failure of certified candidates to accept employment.
- H. Other matters which the Civil Service Commission may direct.

SECTION 2.6 EX PARTE RULE

Neither the Civil Service Commission, nor any member thereof, nor if applicable, the designated hearing officer, may communicate, directly or indirectly, upon the merits of a contested matter while the proceeding is pending, with any party, including any agents or employees of either party, or with any person who has a direct or indirect interest in the outcome of the proceeding, without reasonable notice and an opportunity for all parties to participate in the communication. (revised 7/20/94)

END OF RULE 2

RULE 3
CLASSIFICATION

SECTION 3.1 CLASSIFICATION OF POSITIONS

All positions established by the Board of Supervisors shall be classified and given appropriate class titles upon recommendation by the Civil Service Commission. Each class established pursuant to these rules shall include all positions sufficiently similar in duties and responsibilities to meet the requirements as specified under the definition of "Class." Emphasis will be on broader classifications wherever possible as provided by the above criteria. (1/20/00, revised 7/1/10)

SECTION 3.2 CHANGES IN CLASSIFICATION OR POSITIONS (revised 1/20/00, 7/1/10)

- A. Whenever a department head proposes that a new position be created or an existing position abolished, he/she shall report the justification therefore, in writing, to the County Administrator with a copy to the Human Resources Director. Should the County Administrator and Human Resources Director concur with the recommended change, the Human Resources Director will direct that a report will be prepared. The report will be shared in accordance with this Section, Rule E. If the recommendation requires Board of Supervisor approval, a copy of the report and recommendation to the Board of Supervisors shall be furnished in advance to the appropriate employee organization. (revised 7/1/10)
- B. The Human Resources Director may review the classification of any existing position because: of a significant change in the duties and responsibilities of the position, the creation or establishment of a new job class in which such position may more appropriately be classified or because of the abolition or combination of any existing positions or classes. (revised 1/20/00)
- C. Whenever a department head, employee, or employee organization believes that a significant change has occurred in the duties and responsibilities of an existing position, which are outside the duties of the current classification, he/she/it shall report the significant facts in writing to the Human Resources Director, with a copy to the County Administrator and as applicable to the appropriate employee organization. (revised 1/20/00, 7/1/10)
- D. The Human Resources Director shall determine if the requesting party has made a prima facie case for the classification review requested and shall so notify the party who may appeal as provided in Section F. (revised 1/20/00)
- E. If a prima facie case is made, the Human Resources Director will direct that a report will be prepared and shared with the requesting party, as well as the department and the employee organization representing the class, at least ten (10) County business days prior to any Board of Supervisors or Civil Service Commission meeting at which a classification recommendation is being made. If the reclassification action will change the bargaining unit representative of the position, both the current and the proposed representative must be notified as provided in this section.

Any issues regarding the reclassification of the individual with their position falls under Rule 3.3B. (revised 1/20/00)

F. Classification Appeal Process

- 1. An employee or employee organization representing the class who wishes to appeal the Human Resources Director's decision and/or staff report and classification recommendations or notification of denial may do so in writing in care of the Human Resources Director within seven (7) County business days of notification. (1/20/00)
- 2. The Commission shall hear the appeal and determine if there is sufficient change or difference in the duties and responsibilities of the appellant's position to justify a reclassification to another class or to require the creation of a new class. (1/20/00)
- 3. The Commission shall determine if a classification study should be performed when denied in D above. (1/20/00)

- G. Where the Civil Service Commission finds that there are significant factors which justify a change in classification of a position, it may recommend to the Board of Supervisors that the position be placed in the appropriate class. (revised 1/20/00)
- H. Where the Commission finds that a change in classification is not justified, it shall so inform the department, employee, and/or employee organization. (revised 1/20/00)

SECTION 3.3 STATUS OF INCUMBENT OF POSITION AFTER CHANGE IN CLASSIFICATION

- A. When a position is reclassified, it shall be filled through certification from the employment list unless the Civil Service Commission provides for retention of the incumbent in accordance with this section.
- B. The Civil Service Commission may provide that the incumbent of a reclassified position retain the position when it finds that the incumbent has satisfactorily performed the duties of that position for a continuous period of not less than one year prior to the date the position is reclassified. Possible waiver of probation period is covered by Rule 9.5 A (2). (revised 3/15/95)
- C. When a new class or class series is established, resulting in the abolition (deletion of class allocation(s) in the department or abolition of classification(s) by the Civil Service Commission and Board of Supervisors) of a previously existing class or class series, incumbents who are reclassified and retained in the equivalent level of the new class or series (as identified in the classification study and recommendations) shall retain the status they held prior to the reclassification. (revised 8/21/03, 7/1/10)

SECTION 3.4 CLASS SPECIFICATIONS

For each class or position, the Civil Service Commission shall adopt and maintain written class specifications, which shall include the following:

- A. A definition of the class. The definition shall be a general description of the kind of work performed by employees of the class. It shall not be construed as prescribing or limiting the duties of any employee.
- B. A statement of characteristics which differentiate the class level from other classes with which it is commonly associated. It shall be used with other portions of the class specification to reflect an overall class concept in which work is assigned and performed.
- C. A summary of duties typical of the class, which will illustrate examples of work typically performed. The summary need not include all duties typical of the class. The presence or absence in the class specifications of duties performed in a given position shall not be construed as conclusive evidence of the classification of the position.
- D. The knowledge and abilities and a statement of minimum qualifications required to perform the duties of the class.

SECTION 3.5 CLASS QUALIFICATIONS

- A. For each class of positions, the Civil Service Commission shall establish minimum qualifications, which shall be met by each person thereafter newly appointed in the class.
- B. Whenever applicable, any qualifications which may be prescribed by law for any class of positions shall be met in the qualifications established by the Civil Service Commission, and shall govern in the absence of such establishment by the Commission.

SECTION 3.6 USE OF CLASS TITLES AND WORKING TITLES

The official class title of each position shall be used in all official personnel and fiscal records, and in all official personnel transactions. However, department heads are encouraged to assign other appropriate working titles which do not conflict with official class titles.

SECTION 3.7

TEMPORARY CLASSIFICATIONS

Temporary classifications may be created by the Human Resources Director if all of the following conditions are present:

- (1) the temporary classification would, if permanent, be categorized as administrative management;
- (2) there is no closely related administrative management classification in existence at the time;
- (3) an employee in another administrative management classification has been or shortly will be assigned the duties covered by the temporary classification; and
- (4) the purpose of the temporary classification is to permit the immediate temporary assignment of such administrative management employee into such classification.

In creating a temporary classification, the Human Resources Director shall also prepare a class specification containing the information required under Section 3.4 of these rules.

The duration of a temporary classification shall not exceed 180 days without the authorization of the Civil Service Commission, which may extend it for additional periods of up to 180 days each. (8/4/93)

Time served in a temporary classification shall be treated in the same manner as time served in any other classification to which an employee may be temporarily promoted.

END OF RULE 3

RULE 4
ANNOUNCEMENTS AND APPLICATIONS

SECTION 4.1 ANNOUNCEMENTS

- A. The Human Resources Director shall make a public announcement of each class for which a request for examination to fill permanently allocated positions is anticipated. Such announcement shall be made public, in appropriate locations, for a minimum of five working days.
- B. For each such class, he/she shall prepare and distribute a written bulletin, which shall include the following information:
- (1) the class title, or class title and working title;
 - (2) the salary range;
 - (3) the final filing date, and method of filing applications to comply with such date;
 - (4) the location(s) at which applications may be filed;
 - (5) a statement that reference information from prior employers and other background information obtained on a confidential basis will not be made available to applicants;
 - (6) the minimum qualifications;
 - (7) a summary of typical duties of the class;
 - (8) the selection process to include the minimum passing scores, and the weights assigned to different tests;
 - (9) such other information which may help prospective applicants to understand the nature of the employment and the procedure necessary to participate in the competition.

SECTION 4.2 APPLICATIONS

A. Application Forms

- (1) The Human Resources Director shall prescribe official application forms to be completed by each applicant for Sonoma County employment. Each completed application form and attachments shall be treated as a confidential record of the Civil Service Commission and shall not, under any circumstances, be returned to the applicant.
- (2) An outline of the applicant's employment history and relevant personal data shall be included on the application form completed by each applicant for all examinations.

B. Filing Period

All applications shall be filed at the location shown on the official employment application form in the manner prescribed by the examination announcement. Applications may be accepted on a continuous filing basis when so announced, and shall be subject to appropriate cut-off dates determined by the Human Resources Director.

C. General Qualifications

The following qualifications shall be met by each candidate for employment with the County of Sonoma.

- (1) Each candidate shall comply with citizenship qualifications specified by law.
- (2) Each candidate shall meet any minimum qualifications established and announced for the class for which he/she applies.
- (3) Each candidate shall possess the skills, knowledges, abilities, and other qualifications necessary to perform the duties of the class.

SECTION 4.3 DISQUALIFICATION

A. Reasons for Disqualification

The Human Resources Director may refuse to examine an applicant or after examination may disqualify the candidate, or remove his/her name from the employment list, or refuse to certify him/her for any of the following reasons and shall promptly mail a notice of disqualification to such applicant and/or candidate.

- (1) If he/she fails to comply with the requirements set forth in the examination announcement or violates any

written or oral instructions given by the examination proctor.

- (2) If he/she is found medically unqualified to perform the duties of the class.
- (3) If he/she has made a false statement of material fact or has practiced or attempted any deception, fraud or misconduct in connection with his/her application or any part of the examining process.
- (4) An applicant, and/or candidate, may be disqualified for reasons of public safety as provided for in State laws and regulations.
- (5) If he/she has used or attempted to use political pressure or bribery to secure an advantage in an examination or appointment.
- (6) If he/she is found to be ineligible to compete in or to be certified from a promotional examination.
- (7) If he/she was terminated from County service for cause or during the probationary period in the same classification during the previous twelve (12) months. (Appeal of termination to the Civil Service Commission shall stay this provision until a final action by the Commission.)

B. Appeal of Disqualification

Whenever an individual is disqualified for any of the reasons provided in this section, the individual may appeal in writing to the Human Resources Director. Any such appeal shall contain the reasons why the individual believes the appeal should be granted. It shall be delivered or postmarked not later than seven regular County business days after the mailing to him/her of a notice of disqualification. The Director shall investigate the facts involved, and shall grant or deny the appeal, and so inform the individual in writing not later than seven regular County business days after it is filed. If the appeal is denied, the individual may further appeal in writing to the Civil Service Commission not later than seven regular County business days thereafter. The Commission shall hear the facts involved and shall grant or deny the appeal not later than one month after it is filed with the Commission.

SECTION 4.4 QUALIFICATIONS FOR VETERANS PREFERENCE

In order to qualify for Veteran's Preference credit of five points, a person shall:

- (1) Demonstrate eligibility for veteran's preferences by:
 - a. having (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or having been on continuous active duty for more than 180 days, and (2) having received a discharge or release from active duty under honorable conditions; or
 - b. being a disabled veteran; and
- (2) have competed in an open recruitment/examination process;
- (3) have submitted acceptable documentary evidence demonstrating eligibility prior to the final filing date of the recruitment period, unless having already received confirmation from the County of Sonoma Human Resources Department of having documentary evidence on file; and
- (4) have achieved a minimum passing final examination score and being eligible for placement on the employment list.

Persons who meet the requirements as stated above will receive five additional points to their final examination score and will be certified in accordance with Rule 6.4 A (2) and 7.2 A. Veteran's Preference points shall not be received by candidates in an examination which is limited to employees of the County of Sonoma. (revised 7/1/10)

END OF RULE 4

RULE 5
EXAMINATIONS

SECTION 5.1 SCHEDULING OF EXAMINATIONS

- A. The Human Resources Director shall schedule competitive examinations as the needs of the service require. Examinations may be scheduled in anticipation of future vacancies.
- B. An examination may be scheduled and conducted as a promotional examination or as an open examination. Only a promotional examination need be conducted for any class the qualifications of which are met by a sufficient number of County employees who occupy permanently allocated positions in order to provide reasonable competition among candidates and reasonable choice of candidates for appointment.
- C. The Human Resources Director may decline to permit a candidate who has competed in an examination to compete within three months thereafter in another examination for the same class.

SECTION 5.2 TYPES OF EXAMINATIONS

- A. Each examination may consist of any of the following parts which will test for job knowledge, ability, skill, and other qualifications of candidates, in any combination.
 - (1) WRITTEN examination, to evaluate the knowledge, abilities, and skills of candidates, insofar as such factors are related to the particular class. They may be different tests each time an examination is given for the class.
 - (2) ORAL examinations to evaluate the knowledge, abilities, skills, and other qualifications of candidates. Individual ratings of candidates by this means shall be confidential and shall not be available for review by candidates, except as provided below.
 - (3) APPLICATION APPRAISAL examinations, to evaluate the extent, relevance, level, and quality of experience and education of candidate; through reference to applications for employment, any license or other evidence of professional standing. (revised 7/1/10)
 - (4) BACKGROUND examinations, to investigate the employment, education, and/or personal fitness of candidates. This may include reports from former employers, educational institutions, law enforcement agencies, or other suitable sources. Notwithstanding any other provision of these rules, records of such examinations shall be confidential and shall not be available for review by candidates.
 - (5) PERFORMANCE examinations, to determine the skills, knowledge, abilities and other qualifications of candidates to perform the duties of the class, and/or to measure the candidates speed and accuracy as they pertain to job requirements.
 - (6) PHYSICAL AGILITY examinations, to determine and evaluate the physical agility, strength, coordination and fitness of candidates as they pertain to the class.
 - (7) MEDICAL examinations, to determine freedom from physical incapacity to perform the duties of the class. Such examination shall be performed under the direction of the Medical Director of designated medical center. Failure to pass such examination may not be disqualifying if accommodation can be provided. Except as otherwise required by law, records of such examinations shall be confidential and shall not be available for review by candidates, employees, appointing authorities, or members of oral interview boards. These records shall be kept at designated medical center and will be treated as medical records. To the extent permitted by law, information by such examination may be disclosed to appointing authority.

Alcohol and/or drug testing of candidates for initial employment may also be conducted. Candidates with positive tests shall be disqualified from County employment for six months. (Revised 7/1/10)

SECTION 5.3 CONDUCT OF EXAMINATIONS

- A. Each examination shall be so conducted as to afford each qualified candidate with an equal opportunity to compete.
- B. The Human Resources Director shall designate the time, place and type of each examination; the conditions under which it shall be conducted; and the proctor to conduct the examination. The Director shall inform each candidate in writing of the time and place of each examination for which the candidate's presence is required. Written notification may be waived by the Human Resources Director when found appropriate and only if other suitable notification may be arranged.
- C. Each candidate who competes in a written examination shall use or be assigned an identification number which shall be used in lieu of his/her name or other identifying data on each answer sheet.
- D. For each oral examination, the Human Resources Director shall appoint one or more oral interview boards, as needed. At least one member of each board shall be technically familiar with the work of the class. Such an individual shall be considered a subject matter expert.
- E. For each application appraisal examination which consists of an application appraisal as part of the overall selection process, the Human Resources Director may appoint an examination board, as needed. At least one member of each board shall be technically familiar with the class. Such an individual shall be considered a subject matter expert.
- F. Each candidate in an examination which includes physical exertion or other activity which may result in the injury or damage to the candidate or to the candidate's property may be required to sign a document disclosing risks present by such a test. Failure to sign such a document when requested to do so shall result in disqualification of the candidate in this specific examination.
- G. Candidates who fail to follow instructions of examination process or in any other way interfere with the orderly conduct of an examination, may be disqualified by the Human Resources Director.

SECTION 5.4 SCORING OF EXAMINATIONS

- A. The Human Resources Director shall determine a procedure for scoring each examination which will give due weight to each portion of the examination.
- B. The Human Resources Director shall establish for each written, oral or performance examination a minimum passing grade, which shall be set forth in the examination bulletin. Failure by any candidate to attain the minimum passing grade in any portion of an examination shall eliminate the candidate from competition in any further portion of the examination. Any candidate so eliminated shall be notified promptly in writing.
- C. A cut-off point shall be established for each written examination and shall be recorded before the name of any candidate is revealed.
- D. Each application appraisal, performance, physical agility and medical examination shall be recorded in a manner which will determine:
 - (1) the successful candidates, with their rankings, who may compete further;
 - (2) the unsuccessful candidates, who shall be eliminated from further competition.
- E. (1)
The Human Resources Director may accept the records of performance tests given by any employment agency, firm or academic institution whose test content and administration standards is equivalent to or exceeds those of the County of Sonoma. (revised 7/1/10)
- F. The Human Resources Director shall notify each candidate in writing of his/her final examination score and his/her standing on the resultant employment list.

SECTION 5.5 REVIEW OF EXAMINATIONS

- A. Review of Test Keys
A copy of the test key for each written examination, other than form tests, shall be made available in the County Human Resources Department during the test review period, for review during business hours by candidates competing in the test. The test review period shall consist of the first seven regular County business days immediately following the day the written test is given.
- B. Review of Answer Sheets
Each candidate may review his/her own answer sheet, together with the test key, in the County Human Resources Department during business hours at any time within seven (7) regular County business days after the postmark date to him/her of a notice of examination results. Each candidate who competes in a form test may review his/her answer sheet but not the test key.
- C. Upon request to the Human Resources Director, a summary of a candidate's performance on any examination except a background or medical examination may be made available to that candidate.

SECTION 5.6 APPEAL OF EXAMINATIONS

- A. Any applicant may appeal an examination in writing to the Human Resources Director on any basis permitted by this section. Any such appeal must identify the specific basis on which it is submitted, a description of the item or incident(s) to which it refers, and why the applicant believes it should be granted. The burden of proof in substantiation of an appeal shall be upon the applicant. Appeals submitted on a basis other than permitted by this section or incomplete appeals, will not be accepted. Appeals may be accepted only if delivered or postmarked within the time period(s) specified within this section.
 - (1) Any applicant may appeal specific test items in a written or performance examination prior to notification of examination results by requesting the correction or elimination of any such item(s) which the applicant has completed, on any of the following bases:
 - (a) typographical error;
 - (b) incorrect keying;
 - (c) factual error.

Appeals of specific test items will be accepted only if delivered or postmarked within seven (7) regular County business days immediately following the days the examination is given.

- (2) Any applicant may appeal the results of an examination after written notification of such results on any of the following bases:
 - (a) erroneous scoring of examination is defined as a computational error in calculating a candidate's final score in an examination process, or the erroneous assignment of a candidate's standing on an employment list;
 - (b) improper conduct of examination is defined as a departure from the announced selection process for the position or any deviation from the Rules of Examination conduct prescribed in Civil Service Rule 5.3 which has adversely affected the final score and standing of any candidate or group of candidates;
 - (c) fraud in rating resulting from an oral, application appraisal, performance, physical agility, or medical examination.
Appeals of examination results will be accepted only if delivered or postmarked within seven (7) regular County business days immediately following the issuance of written notification of examination results by the County Human Resources Department. Issuance of written notification shall be defined as the postmark date the notice is mailed, or the date the examination results are announced to candidates.

- B. The Human Resources Director shall investigate each appeal, and may grant each appeal which he/she finds to be justified. If the Director does not grant an appeal, the individual may, within seven (7) regular County business days after postmark of written notice of the Director's decision, appeal such decision to the Civil Service Commission by filing such appeal in writing citing a specific basis for the appeal to the office of the Civil Service Commission (County Human Resources Department). When appropriate, the Commission may also receive or request a recommendation from the author of the examination. The Commission shall grant or deny

the appeal not later than thirty (30) regular County business days after it is filed.

- C. When an appeal is granted due to typographical error, incorrect keying, factual error, or erroneous scoring, all applicable examination records shall show each applicant's corrected score and standing.
- D. When an appeal is granted due to improper conduct of an examination or due to fraud in rating, applicable examination records shall be changed to reflect the decision of the Commission. In such instances, the Commission may elect to have the appellant(s) name placed on the resulting employment list or to cancel the list, or to order a particular part of the examination to be re-administered.
- E. Appeals of examination based on alleged unlawful discrimination must be filed in accordance with the Discrimination Complaint Procedure specified in the County's Affirmative Action Plan.

SECTION 5.7 COPYING OF EXAMINATION RECORDS

No candidate may copy any portion of any examination records or materials made available for his/her review, without authorization from the Human Resources Director. Unauthorized copying may result in removal from employment lists, dismissal from Sonoma County employment, and/or exclusion from future employment.

SECTION 5.8 RETENTION OF EXAMINATION RECORDS

- A. Each completed application shall be retained for not less than three years after the date of completion of examination for which it is submitted, and shall be made available for inspection by appointing authorities to whom the candidates are certified. Applications of those candidates appointed shall be filed with the reports of their appointment in the County Human Resources Department.
- B. Answer sheets, test keys, and other examination records shall be retained for not less than three years after the date of completion of the examination to which they pertain, and may be retained thereafter for a period of time to be determined by the Human Resources Director.
- C. For the purposes of this section, the date of approval of an employment list resulting from an examination shall be considered as the date of completion of an examination, and the last step in the County Human Resources Department examination process.
- D. All examination records and related papers are the property of the Civil Service Commission except as provided by these rules. They shall be confidential records which may be inspected or copied only under such conditions as may be specified by the Civil Service Commission, the Human Resources Director, or competent judicial authority.

END OF RULE 5

RULE 6
EMPLOYMENT LISTS

SECTION 6.1 ESTABLISHMENT OF EMPLOYMENT LISTS

An employment list shall be established for each class. The employment list shall contain the names of all persons eligible for employment in permanently allocated positions in the class. It shall be composed of the names of all eligible candidates which appear on employment lists provided for in these rules, and of all free names.

SECTION 6.2 EMPLOYMENT LISTS-ORDER OF PRIORITY

A. Candidates Who Occupy Alternate Positions

Upon request of the appointing authority, an employee who occupies an alternate position may be appointed to the next higher alternate class into which his/her position is classified. Before approving such requests, the Human Resources Department shall require evidence that the employee possesses the minimum qualifications for the higher class. An employment list is not necessary in order to make such appointment.

B. Employment lists shall be utilized in the following priority order:

- (1) Restoration Lists
- (2) Promotional Employment Lists
- (3) Freename Lists (revised 7/1/10)
- (4) Open Employment Lists

C. The names of candidates successful in examinations for the same class may be placed on the employment list in the order of scores, beginning with the highest score, without priority as to date of examination.

SECTION 6.3 PROMOTIONAL EMPLOYMENT LISTS

The names of candidates successful in promotional examinations shall be placed on promotional employment lists in the order of their final examination score as determined in the manner provided herein for open employment lists.

SECTION 6.4 OPEN EMPLOYMENT LISTS

A. The names of candidates successful in open examinations shall be placed on open employment lists in the order of their final examination scores, beginning with the highest score, as determined in the following manner:

- (1) For each candidate who attains the announced minimum passing grade on each portion of the examination the grades on all portions shall be combined in accordance with the announced weights.
- (2) For each candidate who qualifies for Veterans Preference, five Veterans points shall be added to his/her combined score which shall be used in the certification of eligible candidates in accordance with Rule 7.2A.
- (3) For each candidate who occupies an allocated position in the County budget one County service point shall be added to his/her final examination score for each completed full year of continuous service with permanent or probationary status. County service points are computed to the final filing date, to a maximum of five points for up to five years continuous service.
- (4) Promotional points shall be given to an employee who was laid off and reinstated within two years of the date of layoff. The time between layoff and reinstatement shall not be counted as service.
- (5) The final examination score for each candidate shall be a whole number of points, not to exceed one hundred points. For this purpose, each score which is greater than a whole number by 0.5 or more shall be counted as the next greater whole number. Each score which is greater than a whole number by less than 0.5 shall be counted as the nearest whole number.

B. If two or more candidates attain the same final score in any examination for the same class, their names shall be placed in the same standing on the employment list.

C. The name of an individual who has permanent status in the classified service of a public agency operating a Civil Service or Merit System recognized by the California County Merit System may be placed on an open

employment list for a comparable class in the Sonoma County service as a free name under the following conditions:

- (1) The class for which the list is approved possesses the same or lesser minimum qualifications as the class in which the individual has held permanent status.
- (2) The individual has been employed by the other agency for at least one year prior to the date the list is approved.
- (3) The individual achieved his/her permanent status as the result of a qualifying or competitive examination.
- (4) The employment record of the individual has been entirely satisfactory, and he/she has not been separated nor is he/she being considered for separation due to fault of delinquency on his/her part.
- (5) There is written information submitted by the other public agency and on file in the County Human Resources Department confirming that the required conditions have been met, and stating that the individual is eligible for re-employment or continued employment in the class in which he/she holds permanent status.

- D. When the name of a qualified candidate has been removed from the employment list in accordance with paragraphs B, C, D, E, F, or G of Section 6.9 of this rule, and the candidate informs the Human Resources Director in writing that he/she is available and willing to accept employment, the candidate's name may be placed on the employment list in the same standing in which it appeared at the time of its removal.

SECTION 6.5 APPROVAL OF LIST

Each list shall be approved and signed by the Human Resources Director or by his/her designee.

SECTION 6.6 CORRECTION OF LISTS

- A. When it becomes evident that an omission or other error or irregularity has occurred in the preparation of a list, a corrected list shall be prepared and approved by the Human Resources Director and the erroneous list shall be canceled.
- B. The Civil Service Commission may suspend or cancel the approval of any list, should it discover error or irregularity.
- C. The cancellation of an erroneous list shall not invalidate any appointment made therefrom, if the name of the person appointed appears on the corrected list. Should such person's name not appear on the corrected list, he/she shall be treated as a provisional employee or a temporary promotion.

SECTION 6.7 ABOLISHMENT OF LISTS

The Human Resources Director may abolish any employment list in the event that fewer than three standings remain on the list. The name of any candidate remaining on such list shall remain on the employment list as a free name as below:

- A. The name of each candidate appearing on a promotional employment list which is abolished in accordance with these rules shall remain on the employment list as a free name until six months after the first approval of the list which was abolished, unless sooner removed in accordance with these rules or due to separation from County service.
- B. The name of each candidate appearing on an open employment list which is abolished in accordance with these rules shall remain on the employment list as a free name until three months after the first approval of the list which was abolished, unless sooner removed in accordance with these rules.
- C. Candidates who occupy standings on incomplete lists abolished in accordance with Rule 6.7 shall be placed on the appropriate eligible list.

SECTION 6.8 FREE NAME

The name of each candidate who is approved at the discretion of the Human Resources Director for placement on an employment list under any of the following categories shall be placed on the employment list as a free name, and shall not be counted as a standing when determining the order of standings on an employment list.

- A. An employee who resigns in good standing from an allocated position or has been laid off from an allocated position in which he/she has permanent or probationary status may request in writing, within five years after the date of resignation, to be considered for reappointment in the same class, or in a class the individual formerly occupied, or in a lower level class in the same series. (revised 7/1/10)

The Human Resources Director shall refer each such request to the appointing authority for which the person last worked for a written statement as to whether or not the person would be reappointed to a vacancy in the appropriate job class.

If the appointing authority would rehire the person, the Human Resources Director may place the name of the person on the appropriate employment list as a free name. The person will remain on the appropriate employment list for a period of no longer than six months unless removed sooner in accordance with these rules.

- B. An employee who is laid off from an allocated position in which he/she had permanent or probationary status may request in writing, within 90 days after the layoff effective date, to be considered for reappointment to a closely related class with the same or lower salary allocation for which he/she meets the minimum qualifications. (revised 7/1/10)

The Human Resources Director will determine the appropriate lists for which the person qualifies and place the name of the person on the appropriate employment list(s) as a free name. The person will remain on the appropriate employment list(s) for a period of two (2) years unless removed sooner in accordance with these rules.

- C. An employee who has voluntarily demoted may in writing, within two (2) years after the date of demotion, request reappointment to the class from which he/she has demoted. The Human Resources Director shall review each such request based upon the information submitted, and may place the name of the employee on the appropriate employment list as a free name. The employee will remain on the appropriate employment list for a period of six months unless removed sooner in accordance with these rules.
- D. At his/her request, an employee who has been found to be unable to perform the duties of his/her specific job assignment by competent medical authority and who may be able to perform the duties of another job assignment which will not result in a promotion, may be placed on an appropriate list as a free name. The employee will remain on the appropriate employment list for a period of six months unless removed sooner in accordance with these rules.

SECTION 6.9 REMOVAL OF NAMES FROM EMPLOYMENT LIST

The name of a candidate may be removed from the employment list by the Human Resources Director for any of the following reasons:

- A. For any of the reasons for disqualification set forth in Rule 4.3A;
- B. When notice of certification is returned as not deliverable at his/her last known address;
- C. Upon failure of the candidate to respond to certification or to proper correspondence from the Sonoma County Human Resources Department;
- D. Upon receipt of a written request from the candidate that his/her name be removed;
- E. Upon receipt of more than two written waivers of a certification for the same class, or upon evidence that the candidate has expressed non-interest in being considered for more than two employment opportunities for the same class, or a combination of one written waiver and one instance of non-interest;
- F. When, upon offer of appointment from a list established to fill a permanently allocated position, a candidate fails to accept such appointment without submitting a final waiver;

- G. Upon having been certified three times to the same department or a total of five times from an employment list to two or more appointing authorities. Removal for this reason requires the review and approval of the Human Resources Director.

SECTION 6.10 EXPIRATION OF LISTS

- A. Each promotional employment list shall expire six months after its approval, unless it is sooner abolished pursuant to Rule 6.7.
- B. Each open employment list shall expire three months after its approval, unless it is sooner abolished pursuant to Rule 6.7.
- C. The Human Resources Director may extend or reinstate any employment list, for any period of time, except that no list shall be in force longer than two years after it is first approved.

END OF RULE 6

RULE 7
CERTIFICATIONS AND WAIVERS

SECTION 7.1 REQUEST FOR CERTIFICATION

- A. Whenever an appointing authority wishes to fill a vacant permanently allocated position, other than through intra-departmental transfer or demotion, he/she shall notify the Human Resources Director in writing as far in advance as possible specifying the type of certification, promotional or open. (revised 7/1/10)

If a subsequent vacancy occurs and there are at least three names remaining on the certification in the department's possession, the department head has the option of hiring from those candidates already certified regardless of the number of remaining standings, or requesting an additional standing of names for each subsequent vacancy. (revised 1/30/92)

- B. Such notification shall be treated by the Human Resources Director as a request for certification, until such time as it is withdrawn in writing by the appointing authority. The employment of a provisional employee in a permanently allocated position shall constitute a request for certification until such employment is terminated.

SECTION 7.2 CERTIFICATION OF CANDIDATES

- A. Upon receipt of a request for certification, the Human Resources Director shall, as soon as practical, certify to the appointing authority a list of names of those candidates having the three highest standings as determined by the final examination score on the employment list for the class, and of all candidates who appear as free names and transfers for the class. Certifications shall also include the names of any eligibles who by the virtue of addition of Veterans or promotional County service points would have a score that equals or exceeds that of any candidate certified by final examination score. The Director shall also furnish the appointing authority with the application and other pertinent information about each candidate whose name is certified. (revised 7/1/10)
- B. (1) For vacancies being filled from an open eligible list resulting from an entry or journey-level recruitment, the appointing authority may specifically request three, four or five standings as determined by the final examination score on the employment list for the class, along with all free names for that class. The request for four or five standings must be made on the request for certification for an entry or journey level (normal working level) recruitment or three standings will be sent. (revised 6/1/00)
- (2) In no event shall the number of standings that may be certified in connection with promotional examinations exceed three standings for one vacancy. See Ordinance 353 Section 6 (j). (revised 6/1/00)
- (3) If at the time of the request for certification, there is no active employment list and there is an active freename list, the appointing authority will receive a freename list certification in accordance with Rule 6.2 B. (added 7/1/10)
- C. If more than one vacancy exists, the certification shall contain one additional standing for each additional vacancy. (revised 6/1/00)
- D. Any candidate who waives a certification or who does not respond to a certification or indicates non-interest in the vacancy for which certification has been made shall be deemed not available. For Law Enforcement Departments which require extensive background investigations, candidates who fail the background investigation shall be deemed not available. Whenever all candidates with the same standing are not available, all candidates with the next highest uncertified standing, as determined by examination score, shall be certified if a supplementary certification is desired by the appointing authority. If all the candidates in the next highest standing were certified because of the addition of Veterans and/or County service points, an additional standing shall not be certified. (revised 7/1/10)
- E. Whenever there is no current eligible list for a class or insufficient eligible candidates for a full certification, the Human Resources Director may authorize the use of an eligible list in the same classification series which requires the same or greater qualifications. Such alternate eligible lists shall not be used for classes for which promotional examinations are given.
- F. The Human Resources Director shall mail to each candidate whom he/she certifies a written notification which shall include:
- (1) the fact of certification;

- (2) the class title, or class title and working title;
- (3) the name, address, and telephone number of the appointing authority, or designated representative.
- (4) a statement that the candidate is to contact the appointing authority within five (5) regular County business days after the date appearing on the notification;
- (5) a form upon which the candidate may enter a waiver of certification;
- (6) a statement that failure either to report or to waive may result in removal of his/her name from all Employment Lists on which it appears.

SECTION 7.3 SPECIAL CERTIFICATIONS

Whenever a vacant position requires an employee of a particular sex; with residence in a certain locality; willing and able to work certain unusual hours or at a certain location; able to speak, read or write a language other than English; or with other appropriate special qualifications, the Human Resources Director may, upon written request by the appointing authority, certify only those candidates who meet the conditions requested.

SECTION 7.4 PROMOTIONAL CERTIFICATIONS

- A. At the request of the appointing authority, and with the approval of the Human Resources Director, the incumbent of an alternate position may be promoted to the higher alternate class to which his/her position is classified without competitive process. (revised 7/1/10)
- B. General Promotional Certifications
When one or more county employees qualify for promotion or transfer, a certification which includes their names may be, limited to such employees, at the request of the appointing authority.
- C. Departmental Promotion Certifications
When one or more county employees qualify for promotion or transfer within the same department in which they are employed, a certification which includes their names may be, limited to such employees, at the request of the appointing authority.

SECTION 7.5 WAIVERS OF CERTIFICATION

To remain on an employment list, an eligible candidate who is certified to an appointing authority may waive consideration only twice for the same class by so notifying the Human Resources Director in writing.

SECTION 7.6 REPORT OF CERTIFICATION

- A. Upon appointment of a candidate from a certification, or upon exhaustion of a certification without appointment, the appointing authority shall promptly return a copy of the certification to the Human Resources Director, indicating thereon the action taken with regard to each candidate certified. The Human Resources Director shall retain said copy for not less than three years after the date of certification.
- B. The appointing authority or his/her designated representative shall inform each reporting candidate, other than the appointee, that the candidate has not been selected.

END OF RULE 7

RULE 8
APPOINTMENTS

SECTION 8.1 APPOINTMENT AFTER CERTIFICATION

- A. Upon receipt of a certification of eligible candidates, the appointing authority shall discuss employment with each such candidate available on promotional, open, and freename lists. Upon receipt of a certification of transfer candidates, the appointing authority has discretion to discuss employment with any available candidate, unless otherwise required by County policy or periodic layoff mitigation plans when applicable. (revised 7/1/10)
- B. The appointing authority shall be provided with the applications of each candidate certified and with any additional examination records information, other than confidential records, relating to the certification as he/she may request. He/she may proceed with any job related inquiries he/she may deem necessary to determine the suitability of such candidates.
- C. Upon determination of his/her selection, the appointing authority shall notify each candidate selected. The appointing authority may arrange for a medical examination, and shall designate the time for the candidate to begin work as an employee. Each candidate selected may undergo a medical examination on or before the date of appointment, unless a later date is authorized by the Human Resources Director. (revised 7/1/10)

SECTION 8.2 PROVISIONAL APPOINTMENTS

- A. Whenever it is necessary to fill a vacancy in a position in a class for which fewer than three candidates are eligible for certification and available for employment, the appointing authority may, with the approval of the Human Resources Director, appoint to the position any person who has filed an application and who meets the minimum qualifications for the class.
- B. A provisional appointment shall be terminated within one month after the date of certification to the appointing authority of candidates who are available for employment.
- C. The Human Resources Department shall make every reasonable effort to so schedule examinations that provisional appointments do not exceed six months.
- D. A provisional employee is subject to dismissal at the discretion of the appointing authority.

SECTION 8.3 REFERRALS FOR APPOINTMENT

Whenever a provisional appointment is planned, the Human Resources Director shall, upon request from the appointing authority, refer to him/her the names and other available information about those persons who appear to meet the qualifications for the class and who have made known their interest in such employment.

SECTION 8.4 TEMPORARY PROMOTIONS

- A. When an incumbent of a position is on extended leave, or a position becomes vacant and it is necessary to fill said position, the appointing authority may request the Human Resources Director to authorize him/her to make a temporary promotion from a directly related, lower level job class. If the temporary promotion is due to a position vacancy and there is no compelling reason to delay permanently filling the said position such as imminent or current fiscal crisis, then the appointing authority shall submit a request for certification within a reasonable amount of time, e.g. within 30-60 days. In no way should the temporary promotion be intended to delay certification for said position in order to augment the probationary period for the classification pursuant to these Rules. (revised 7/1/10)
- B. The employee temporarily promoted shall meet the minimum qualifications for the higher-level job class as determined by the Human Resources Director.
- C. Candidates for temporary promotion should be selected whenever possible from certifiable candidates on an established employment list. The individual selected does not have future restoration rights to the higher level class as a result of the temporary promotion.

- D. When the incumbent of the higher level class returns to work or is replaced on a permanent basis by another individual from an employment list, the individual promoted on a temporary basis will be returned to his/her former job class.

SECTION 8.5 EXTRA-HELP APPOINTMENTS

Extra-Help employees are hired for the purpose of relieving or augmenting permanent staff in the accomplishment of work. Four types of extra-help situations are as follows:

- A. Temporary extra-help employees relieve or augment permanent staff on a continuous basis for a period not to exceed one calendar year without a substantial break in service (three continuous months). These employees are to be hired from a list established by the Human Resources Department.
- B. Intermittent extra-help employees augment permanent staff when there is a need to maintain adequate work coverage either for short periods of time at regular intervals or for ongoing periods of time at less frequent intervals. These employees are to be hired from a list established by the Human Resources Department.
- C. Seasonal extra-help employees augment permanent staff by performing duties that are required at certain times or seasons of the year. These employees are to be hired from a list established by the Human Resources Department.
- D. In emergency situations as approved by the County Administrator, when it is necessary to prevent stoppage of public business, loss of life, or damage to persons or property, the appointing authority may request the Human Resources Director's approval to appoint any qualified person to assist in the emergency situation without reference to employment lists. The appointing authority shall immediately submit a standard notice of appointment to the Human Resources Director. No person so appointed shall be employed longer than forty (40) regular county business days.
- E. Intern extra help employees are enrolled in a specific full-time academic curriculum directly related to the work the Intern performs for the County. An internship is limited to a maximum of thirty-six consecutive months. Interns are to be hired through proceedings approved by the Human Resources Director.

SECTION 8.6 REPORTS OF APPOINTMENT

All appointments to employment with the County of Sonoma shall be promptly reported by the appointing authority to the Human Resources Director on standard forms prescribed by the Human Resources Director.

SECTION 8.7 TRANSFERS (formerly Rule 10.1)

- A.
 - (1) An employee may be transferred to a position in the same class and within the same department at the discretion of the department head.
 - (2) An employee may be transferred at any time to a position within the same department in a closely related class having a salary range within a maximum of plus or minus four percent of the employee's current salary range and for which he/she possesses the minimum qualifications, with the written concurrence of the employee, the department head, and the Human Resources Director. His/her permanent or probationary status shall be determined in accordance with Rule 9. (revised 5/7/98, 7/1/10)
 - (3) An employee shall be transferred from one department to another department in the same class upon the transfer of the employee's allocated position to another department. Such a transfer shall not affect the employee's probationary or regular status. If an employee cannot be clearly identified as performing the specific duties of the transferred position, and there is no higher seniority volunteer, the employee to be transferred shall be the least senior employee in the affected class in the department.
 - (4) An employee who is subject to layoff may be transferred to any class in which they possess the minimum qualifications in lieu of layoff within the same department. Such transfer must be offered in an official layoff notice. If the transfer is not to a closely related class, then the employee shall serve a probationary period in accordance with Rule 9.2. (added 7/1/10)
- B. An employee may, in writing, request of his/her department head transfer to a position in the same class or closely related class having a salary range within a maximum of plus or minus four percent of the employee's

current salary range in a different department, to the Human Resources Director. If selected, the employee may be transferred two weeks after notice is given to the employee's present department head. With concurrence of the employee, both department head, and the Human Resources Director, an employee may be transferred at any time. (revised 5/7/98, 7/1/10)

- C. An employee may, in writing to the Human Resources Director, request a transfer to a position in the same class or to a closely related class having a salary range within a maximum of plus or minus four percent of the employee's current salary range for which he or she meets the minimum qualifications. The request must have a completed performance evaluation at the time of the transfer request attached to the request. If the Human Resources Director approves, the employee's name will be placed on the transfer list for the job class for a period of six months and departments will be notified that the employee is available for transfer. (revised 5/7/98, 7/1/10)
- D. Employees requesting transfer to a closely related class will be notified of their disposition. Closely related classifications will be determined by the Human Resources Director based on the definition and principles of closely related by comparing the classification's definitions, characteristics, duties, knowledge, abilities and minimum qualifications as well as considering the salary range of the classifications. (added 7/1/10)
- E. Limited Appeal of Transfer
- (1) A regular employee who has served twelve (12) consecutive months in a "specialty assignment receiving premium pay" may appeal in writing, if grounds exist, a transfer out of such specialty assignment to their supervisor before the end of the Change of Work Schedule period provided in the labor contract or Salary Ordinance. The basis of the appeal shall be that the transfer was primarily for disciplinary reasons. The appointing authority may reassign an employee out of a "specialty assignment receiving premium pay" for up to 10 consecutive weeks for the purpose of training and/or evaluating the employee. No appeal right shall exist during such training and/or evaluation time period.
 - (2) If the employee is dissatisfied with the supervisor's written decision, the employee shall have seven (7) County business days to appeal in writing the supervisor's decision to the department head.
 - (3) If the employee disagrees with the department head's written decision, the employee shall have seven (7) County business days to appeal in writing the department head's decision to the Human Resources Director. The Director shall confer with the parties within twenty (20) County business days of receipt of the appeal. This meeting shall satisfy all Skelly requirements, if any are deemed to exist. The Director shall attempt to mediate the dispute between the parties. If no resolution occurs, the Director shall within fifteen (15) County business days of the conference, prepare a report summarizing the issues and recommending a solution in the matter to the parties.
 - (4) If either party disagrees with the Director's proposed solution, they shall have seven (7) County business days to appeal the matter in writing to the Civil Service Commission. Based on the disputed and undisputed issues and facts identified by the Human Resources Director in the conference with the parties, the Commission shall hold an initial hearing on the appeal. The appeal will be denied summarily unless the employee first proves by a preponderance of the evidence that the transfer was primarily disciplinary in nature.
 - (5) If the Commission determines initially that the transfer was primarily for disciplinary reasons, the Commission shall then decide at its next regular meeting, based on evidence already or subsequently given, if there was cause, as defined in the Rules, to transfer the employee. The burden of proof shall be on the appointing authority to prove by a preponderance of the evidence that such cause existed. In each instance, the party that has the burden of proof shall present his/her case first, followed by rebuttal from the other party. The Commission may uphold, modify or rescind the transfer based on its findings.

For purposes of this section, "specialty assignment receiving premium pay" shall be considered to include additional salary earned by working in a special job assignment or receiving shift differential premium pay.

The foregoing limited transfer appeal procedures shall not take effect until March 15, 1994, as to any case concerning the removal from a specialty assignment of an employee covered by the 1990-94 Memoranda of Understanding (MOUs) between the County and the SCSOEA Law Enforcement Nonsupervisory and Supervisory Units and the SCSOEA Corrections and Probation Nonsupervisory and Supervisory Units during the guarantee period specified in Article 8 of both MOUs. "Specialty Assignment" shall have the same meaning as used in Article 8 of those MOUs. (revised 2/1/89, 3/7/90)

SECTION 8.8 DEMOTIONS (formerly Rule 10.2)

A. Voluntary Demotions

- (1) Any employee may be demoted voluntarily to a position in a closely related class with a lower salary range and for which he/she possesses the minimum qualifications, or in which he/she previously had permanent or probationary status. Such demotion requires the written request or concurrence of the employee to be demoted and the approval of each appointing authority concerned.
- (2) An employee who is subject to layoff may be voluntarily demoted to any class in which they possess the minimum qualifications in lieu of layoff within the same department. Such demotion must be offered in an official layoff notice. If the demotion is not to a closely related class, then the employee shall serve a probationary period in accordance with Rule 9.2. (added 7/1/10)

B. Involuntary Demotions

- (1) A permanent employee may be demoted without his/her written request or concurrence, for any of the reasons and by the procedures provided by these rules for dismissal.
- (2) A probationary employee may be demoted, without his/her written request or concurrence, to a closely related class for which he/she meets the qualifications, upon written request by the appointing authority and approval by the Human Resources Director.
- (3) Upon demotion, an employee shall assume the same status as a permanent employee or as a probationary employee which he/she had prior to demotion. A probationary employee who is demoted shall be required to complete only the balance of the probationary period.

SECTION 8.9 RETURN TO CIVIL SERVICE STATUS

- A. Except as provided below, an employee with permanent civil service status in the classified service who is or has been appointed, without a break in service, as a regular employee in a position in the same department outside of the classified service, shall upon termination from his/her position in the unclassified service, and at his/her request, be returned to his/her previous class in the classified service in the same department. For the purposes of this Rule, termination shall include a mutual decision by the employee and department head to demote/vacate the position. If such class is no longer existent, such employee shall return to the next lower class in the classified service where he/she held permanent status. Displacement shall be based on continuous County service in class, service credit shall be given for continuous time served in the unclassified service. At the time the employee is separated from the unclassified position, the appointing authority shall inform him/her in writing of such return rights. A request for return to the former classified class must be made in writing to the appointing authority within ten (10) regular County business days from the date that the employee received such written notice of the right to make such a request.

Notwithstanding any other provision of this rule, failure to file a request for return to the former classification within the specified time period shall constitute a nonappealable ground for denying return to the former classified class.

- B. The appointing authority may deny return to the former classified class on the same grounds and in the same manner that would permit the dismissal of the employee from such classified class. An employee whose request for return is denied for reasons other than untimeliness may appeal this denial by the appointing authority to the Civil Service Commission by filing an appeal in accordance with the same procedures and within the same time limits governing an appeal to the Civil Service Commission of a disciplinary action.
- C. The rules and procedures for conducting civil service disciplinary appeals for classified employees shall apply to appeals filed and heard pursuant to this subsection.
- D. For purposes of determining what, if any, compensation or other employment benefit shall be paid to such employee following his/her separation from the unclassified position, and during the pendency of his/her request for return or appeal of a denial of such request, the employee shall be treated as if he/she had been returned to his/her former classified class.
- E. Nothing in this subsection prevents or may be construed to prevent the appointing authority from terminating an employee from the unclassified service at any time with or without notice or with or without cause. Termination of employment from an unclassified class shall not be appealable to the Civil Service Commission.

- F. Elected officials shall have only those return rights provided by State law. (Amendment 002, effective November 4, 1987.)

SECTION 8.10 RETURN FROM RECURRING DEFINED TERM POSITION

- A. Except as provided below, an employee with permanent civil service status in the classified service who has been appointed, without a break in service to a recurring defined term position, shall upon termination or upon the expiration of the recurring defined term position appointment, shall at his/her request, be returned to his/her previous class in the classified service in the same department. For the purposes of this Rule, termination shall include a mutual decision by the employee and department head to demote/vacate the position. If such class is no longer existent, such employee shall return to the next lower class in the classified service where he/she held permanent status. Displacement shall be based on continuous County service in class and service credit shall be given for continuous time served in the recurring defined term position. No later than at the time the recurring defined term position expires, the appointing authority shall inform him/her in writing of such return rights. A request for return to the former classified class must be made in writing to the appointing authority within ten (10) regular County business days from the date that the employee received such written notice of the right to make such a request.

Notwithstanding any other provision of this Rule, failure to file a request for return to the former classification within the specified time period shall constitute a nonappealable ground for denying return to the former classified class.

- B. The appointing authority may deny return to the former classified class on the same grounds and in the same manner that would permit the dismissal of the employee from such classified class. An employee whose request for return is denied for reasons other than untimeliness may appeal this denial by the appointing authority to the Civil Service Commission by filing an appeal in accordance with the same procedures and within the same time limits governing an appeal to the Civil Service Commission of a disciplinary action.
- C. The rules and procedures for conducting civil service disciplinary appeals for classified employees shall apply to appeals filed and heard pursuant to this subsection.
- D. For purposes of determining what, if any, compensation or other employment benefit shall be paid to such employee following his/her expiration of a recurring defined term position appointment, and during the pendency of his/her request for or appeal of a denial of such request, the employee shall be treated as if he/she had been returned to his/her former classified class. *(New Rule added 7-7-05)*

END OF RULE 8

RULE 9
PROBATIONARY PERIOD

SECTION 9.1 PURPOSE OF PROBATIONARY PERIOD

The probationary period shall be used by the appointing authority to determine the employee's fitness for permanent status.

SECTION 9.2 STATUS OF EMPLOYEE

- A. Except as otherwise provided, a probationary period is required upon initial appointment to any class in the classified service.
- B. A probationary period shall not be required in the case where a permanent employee transfers to another position in the same class or to a closely related class within the same or different department. (revised 7/1/10)
- C. A probationary period shall not be required when an employee with permanent status voluntarily demotes to a class in the same class series or to a closely related class. (revised 7/1/10)

SECTION 9.3 DURATION OF PROBATIONARY PERIOD

- A. Prior to attaining permanent status in any class, an employee must complete a probationary period of not less than six months of work in the class. In the case of alternate classes where the probation period for the lower class is designated to be longer than six months, the appointing authority may, at his/her discretion, waive part of the six month probation period in the higher class upon evidence of satisfactory performance in the higher class.
- B. In the case of appointment or other actions, as described in Section 9.2A, to a part-time position, the length of the probationary period shall be 1,040 hours of work (excluding overtime), but shall not exceed one year from the date of hire.
- C. The Civil Service Commission may extend the probationary period for any position for a period which shall not cause the total probationary period to exceed one year.
- D. The probationary period shall date from the time of appointment to an allocated position, but shall not include time served as a provisional employee, except as provided in this section. Time served as an extra help employee shall not be counted toward the completion of a probationary period.
- E. The Civil Service Commission may establish a probationary period of longer than six months for certain job classes on the basis of the cycle of work or because the duration of the required training is such that it is not possible to adequately evaluate performances within a six month period.
- F. Service as a provisional employee or time spent on a temporary promotion shall count toward completion of a probationary period as long as the individual is appointed to an allocated position in the same classification and as long as there is no break in service between the provisional appointment or temporary promotion and the permanent appointment.
- G. Time spent on leave without pay shall not count toward completion of the probationary period. Sick leave and disability leave in excess of 160 hours cumulative for six month probation periods and in excess of 320 hours cumulative for one year probation periods shall not count toward completion of the probation period.
- H. One year probation period for all Administrative Management and Attorney classes due to the difficulty in adequately evaluating performance in a lesser period of time. This section shall only apply to individuals hired or promoted into an Administrative Management or Attorney class after its effective date.

SECTION 9.4 INTERRUPTION OF PROBATIONARY PERIOD

- A. In the following instances, an employee shall resume the status which he/she had during his/her most recent employment in the same class. A permanent employee shall resume his/her permanent status. A probationary

employee shall be required to complete only the balance of his/her probationary period:

- (1) when he/she is restored to a position in the same department in a class from which he/she was separated because of lay-off or displacement;
- (2) when he/she returns to work in a position following a suspension or leave of absence;
- (3) when he/she is transferred in the same class within the same or different department.

SECTION 9.5 WAIVER OF PROBATION PERIOD

- A. An appointing authority, employee or employee organization may request that all or any part of a probationary period be waived by the Human Resources Director upon written request under the following circumstances:
 - (1) an employee is reappointed to the same job class within two years of a resignation submitted in good standing;
 - (2) an incumbent of a reclassified position has been placed in the new class by the Civil Service Commission.
- B. If one of the parties does not agree with the decision of the Human Resources Director, he or she may appeal the decision to the Civil Service Commission. Such appeal shall be made in writing stating the specific reason for the appeal. Such appeal shall be filed within ten regular County business days from the date of the decision and shall be placed on the agenda of the earliest meeting of the Civil Service Commission.

SECTION 9.6 EXPIRATION OF PROBATIONARY PERIOD

- A. The County Human Resources Director shall, in writing, notify the appointing authority of the date on which each employee's probationary period will expire. Such notification shall be made not less than one month prior to the date of expiration.
- B. The appointing authority shall, in writing, reply to such notification not less than two weeks prior to the date of expiration, and shall inform the employee of the nature of the reply. The reply shall specify or request one of the following actions:
 - (1) the employee shall assume permanent status;
 - (2) the probationary period should be extended for a specified period;
 - (3) the employee will be separated or demoted.
- C. An employee in the classified Civil Service shall be deemed to have permanent status if he/she was still employed at the end of the shift which began on the last working day of the designated probationary period.
- D. If an appointing authority wishes to extend the probationary period of an employee, he or she must obtain the approval of the Civil Service Commission prior to the expiration of the probationary period. The appointing authority shall submit a written request to the Civil Service Commission specifying the reasons for the extension.

SECTION 9.7 DISMISSAL OF PROBATIONARY EMPLOYEES

- A. A probationary employee may be dismissed at any time during the probationary period without right of appeal or hearing.
- B. An employee who is dismissed (released from probation) during a probationary period shall be restored to any position in the class from which he/she had permanent or probationary status immediately prior to the position for which they are serving the new probationary period and in which they are being dismissed. (revised 7/1/10)
- C. If an employee's dismissal during the probationary period is governed by 9.7B but the employee's former department prior to promotion has been renamed or functions of that department merged into another department, the employee shall be restored to a position in the class in the renamed or merged department from which he/she had permanent or probationary status immediately prior to the position for which they are serving the new probationary period and in which they are being dismissed.. (revised 7/1/10)

If the employee's former department has not been merged and the functions are no longer performed by the County, Rule 11 applies. (revised 5/3/95)

- D. If an employee's dismissal during probationary period is governed by 9.7B-C and the employee's return to their former position creates a layoff, Rule 11 applies. (added 7/1/10)
- E. If an employee's dismissal during the probationary period is governed by 9.7B but the employee's former class from which he/she had been promoted has been retitled with the same or less pay range, the employee shall be restored to any position in the retitled class in accordance with Rule 9.7B.
If the former class has been abolished rather than retitled, Rule 11 applies. (revised 5/3/95)

END OF RULE 9

RULE 10
SEPARATIONS AND SUSPENSIONS

SECTION 10.1 SEPARATIONS

An appointing authority may separate any employee in accordance with these rules. All separations shall be promptly reported to the Human Resources Director on standard forms prescribed by him/her.

SECTION 10.2 RESIGNATIONS

A. Resignation in Good Standing

In order to resign in good standing, an employee shall give written notice of his/her resignation to the appointing authority not less than two weeks prior thereto, unless the appointing authority consents to shorter notice. Such resignation shall be deemed accepted upon its submission. With the written approval of the appointing authority, a resignation may be rescinded at any time prior to the effective date of the resignation.

B. Automatic Resignation

An employee who is absent without approval or authorization for three (3) consecutive working days may be separated as an automatic resignation. Before an employee can be terminated under this automatic resignation rule the County must:

- Send written notice of the proposed automatic resignation and the facts upon which the automatic resignation is based to the employee's last known address
- The written notice must also inform the employee that he/she has the right to present information and facts within 10 working days to an impartial decision maker if the employee challenges the accuracy of the underlying facts

Automatic resignations are not eligible for post termination appeals before the Civil Service Commission unless the employee can demonstrate to the Commission by a preponderance of the evidence that there are material issues of fact in dispute regarding whether the employee's absence was pre-approved and/or justified.

SECTION 10.3 DISMISSALS

A. Dismissal of Permanent Employee

Any employee who has attained permanent status may be dismissed for reasonable cause including, but not limited to:

- (1) unauthorized absence;
- (2) conviction of a felony or of any criminal act involving moral turpitude;
- (3) conduct which brings discredit to the County;
- (4) disorderly conduct;
- (5) incapacity due to mental or physical disability to the extent permitted by law;
- (6) willful concealment or misrepresentation of material facts in applying for or securing employment;
- (7) incompetence or inefficiency;
- (8) willful disregard of a lawful order from a duly constituted authority;
- (9) willful disregard of a departmental policy and/or laws regarding the confidentiality of records;
- (10) using, being in possession of, or being under the influence of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents while on County property or in vehicles during working hours or reporting to work under such conditions, or abuse of alcohol or drugs while in County uniform. Possession and proper use of drugs prescribed by a licensed physician and appropriate possession of unopened alcoholic beverages are not prohibited by this section.
- (11) neglect of duty;
- (12) negligence or willful damage to public property or waste or theft of public supplies or equipment;
- (13) willful violation of the Civil Service Ordinance or of these rules;
- (14) failure to meet reasonable work performance standards and requirements;
- (15) refusal to comply with a proper directive to undergo a medical examination as issued by an appointing authority;

- (16) hostile and discourteous treatment of the public or other employee;
- (17) falsification of any records, such as medical forms, time cards or employment applications, or making material dishonest work-related statements to other employees at work or committing perjury;
- (18) unauthorized use of County vehicles and equipment;
- (19) conviction of driving under the influence, reckless driving, or hit-and-run driving whether on or off the job, in a County vehicle;
- (20) unauthorized possession of weapons or explosives on County premises;
- (21) willful carelessness or violation of safety rules and regulations which jeopardize the safety of others and/or which could result in bodily injury to others or damage to County property;
- (22) sexual harassment of or unlawful discrimination against another employee or applicant for employment.

B. Dismissal of Probationary Employee

- (1) A probationary employee may be dismissed at any time during the probationary period without right of appeal or hearing. Nothing in this subsection is intended to affect the right of a probationary employee to file a complaint alleging unlawful employment discrimination pursuant to Board of Supervisors Resolution #87-1039 dated June 9, 1987.
- (2)
 - (a) An employee who is dismissed (released from probation) during a probationary period shall be restored to any class from which he/she had permanent or probationary status immediately prior to the dismissal. (revised 7/1/10)
 - (b) Should such restoration necessitate the displacement or separation of another employee, the displaced employee shall have displacement rights in accordance with Rule 11. (revised 7/1/10)
 - (c) Should such restoration necessitate the displacement or separation of another employee in a department in which there is more than one employee in the class in which the separation is necessitated, the employee to be separated shall be determined in accordance with the order of layoff.
 - (d) In the event the restoration necessitates separation of another employee, the County will make an effort to facilitate a transfer or voluntary demotion for the displaced employee to a job class for which he/she meets the minimum qualifications. (revised 7/1/10)
 - (e) An employee who is separated during his/her probationary period but who also previously attained permanent status in the Classified Civil Service without an intervening break in continuous employment with the County may only be dismissed for cause.

C. Dismissal of Unclassified Employee

An unclassified employee may be dismissed at any time without right of appeal or hearing except as may otherwise be provided by law, ordinance, or rule.

SECTION 10.4 SUSPENSIONS/DEMOTIONS/REDUCTIONS IN PAY

Any employee may be suspended without pay, reduced in pay and/or demoted for any of the reasons provided by these rules for dismissal. No suspension shall exceed two hundred and forty consecutive working hours. A reduction in pay is defined as a reduction in the hourly pay rate for hours worked which is no more than five (5) percent of the employee's salary step prior to the reduction and shall not exceed 1040 hours in duration. (revised 10/18/95)

SECTION 10.5 PROCEDURES FOR DISMISSAL, REDUCTION IN SALARY STEP, SUSPENSION OR INVOLUNTARY DEMOTION OF OFFICERS OR EMPLOYEES WHO HAVE PERMANENT STATUS

- A. A department head who proposes to dismiss, suspend, or involuntarily demote an officer or employee who has permanent status in the classified Civil Service shall, prior to taking such action, serve notice of the proposed action on the affected person. The notice shall be in writing and shall include the reasons underlying the proposed action, a copy of the charges and materials upon which the proposed action is based, and notification that the employee has the right to respond, either orally or in writing, to the department head. The officer or employee shall be given an opportunity to respond to the department head before the disciplinary action is taken. The officer or employee may affirmatively waive the right to respond. Responses, if made, may be oral or in writing and shall be communicated to the department head at a reasonable time and place designated by the department head. The department head shall give the officer or employee at least three working days following the day of service of the Notice of Intended Action in which to prepare and

communicate a response. If it is unreasonable to prepare and communicate a response within such three day period, then the department head shall grant such additional time as may be reasonable. The right to respond will be deemed waived unless the response is prepared and communicated within the time set by the department head.

The department head may place the affected officer or employee on leave of absence with pay during the response period. The department head shall consider the response, if any, of the officer or employee in determining the propriety and nature of disciplinary action.

- B. Any officer or employee of the Classified Civil Service may be dismissed, reduced in compensation, suspended, or demoted for cause as provided in Section 10.3 of the Civil Service Ordinance. (revised 6/1/00)
- (1) The order of the appointing authority shall be in writing, and shall simply identify the name of the employee, the nature of the disciplinary action taken and the effective date of such action. A statement specifically explaining the reasons for the action shall be attached as a separate document to the order and shall be incorporated by reference into the order.
 - (2) The order, without the statement of reasons attached thereto, shall be filed with the Clerk of the Board of Supervisors with a copy to the Human Resources Director and a copy thereof together with a statement of reasons required in subsection B (1), shall be personally served on the employee, or mailed to him/her postage prepaid by registered or certified mail at his/her address as shown in the County personnel records. The order shall advise the employee of his/her appeal rights as set forth in subsection (5). An Affidavit of service of the order in statement of reasons on the employee shall be filed with the Clerk of the Board of Supervisors within five (5) days of service.
 - (3) The order shall be effective upon filing of the order with the Board of Supervisors unless a later date is set forth in the order.
 - (4) The employee may file a reply in writing with the Clerk of the Board of Supervisors with a copy to the Human Resources Director within ten (10) regular County business days after the date of filing the order of the appointing authority.
 - (5) The employee may appeal to the Civil Service Commission from the order of the appointing authority by filing a written notice of appeal with the Clerk of the Board of Supervisors with a copy to the Human Resources Director. This notice must be filed within five (5) regular County business days of the receipt after the presentation of the order by the employee if personally served, or within seven (7) regular County business days of the date of the order.
 - (6) The Clerk of the Board of Supervisors shall forthwith transmit the order and appeal to the Civil Service Commission for hearing.
 - (7) In the case of an employee resignation where the employee asserts that the resignation was coerced or secured on any basis other than a voluntary decision on the employee's part to separate from County service, the employee may appeal the resignation to the Civil Service Commission. Appeals under this subdivision must be made by filing a written notice of appeal with the Clerk of the Board of Supervisors within seven (7) regular County business days from the date upon which the appointing authority informs the employee that the resignation is accepted. Rule 10.5.B(7) is not applicable to automatic resignations (see Section 10.2.B).

C. Appeal to Commission

- (1) Within twenty (20) regular County business days after the filing of the appeal, Human Resources Director shall begin the Civil Service Commission hearing process on the order and appeal by holding a prehearing conference. Within twenty (20) regular County business days thereafter, the matter shall be brought before the Civil Service Commission. If no settlement has occurred, the Civil Service Commission shall schedule a date for a full evidentiary hearing on the order and appeal therefrom or shall refer the matter to a hearing officer. The appellant has the right to an open or closed hearing. (revised 6/1/00)
- (2) Prehearing Conferences
 - (a) Each party appearing in any case shall attend the prehearing conference with their respective counsel, if any, and shall have a thorough knowledge of the case, be prepared to discuss it to make stipulations or admissions where appropriate, and attempt to resolve the appeal if possible.

- (b) The parties, or their respective representatives, are encouraged to confer in person or by correspondence before the date assigned for the prehearing conference to reach agreement upon as many matters as possible.
 - (c) At the prehearing conference, each party shall attempt to identify to the other and to the Secretary of the Commission the documents which they will seek to introduce at the time of the hearing, as well as a tentative witness list. (revised 6/1/00)
 - (d) At the time of the conference, the parties will try to simplify the actual and legal issues involved in the appeal. The parties shall also use their best efforts to stipulate to admissions of fact, and of documents, as will avoid unnecessary proof. At the time of the conference, the parties shall also be prepared to give their best estimation of the time necessary for the hearing of the appeal.
 - (e) The failure of any person to prepare reasonably for, appear at, or participate in good faith in a prehearing conference as required by these rules, unless good cause is shown for that failure, is in interference with the proceedings of the Commission. Upon such failure, the Commission may order an appropriate change in the calendar status of the action.
- (3) At the first session of the Civil Service Commission on the hearing of the appeal, the counsel for the appointing authority and the employee or his/her designated representative, shall give their respective time estimates to the Commission. Such time estimates shall set forth the estimated amount of time it will take to conduct a full evidentiary hearing on the appeal. If the time estimate exceeds two and one-half (2½) regular County business days for an appeal stemming from a suspension or reduction in rank, the Commission may, in its discretion, refer the appeal to a hearing officer. If the Commission recommends referral to a hearing officer, it shall notify the Board of Supervisors, and continue the hearing until a later date to ascertain whether the Board of Supervisors will approve the referral. If the Board of Supervisors approves the referral to a hearing officer, the Commission shall further continue the hearing on the calendar to permit setting the hearing before a hearing officer.

Hearings conducted before a hearing officer pursuant to this subsection shall be conducted in accordance with those procedures set forth in subsection H of this rule with the following exception:

The hearing shall be reported by a certified court reporter who shall prepare a transcript of the proceedings. The transcript of the proceedings, together with the proposed decision and findings of the hearing officer, shall be transmitted to the Commission. The Commission shall independently review both the transcript and the proposed findings and decision. After a review of the transcript, findings and proposed decision, the Commission may adopt the proposed decision and findings in their entirety, reject the proposed decision and findings or reduce the proposed penalty and adopt the balance of the proposed decision and findings. The decision of the Commission shall be final.

The procedures set forth in subsection I of this rule shall not be applicable to hearings referred pursuant to this subsection.

- (4) Regardless of the estimated length of the hearing, the employee may request that the appeal be heard by a hearing officer, or the appointing authority may make such a request, and if consented to by the employee, the Commission shall determine whether to recommend referral of the appeal to a hearing officer. If the Commission recommends referral to a hearing officer, it shall notify the Board of Supervisors, and continue the hearing until a later date to ascertain the decision of the Board of Supervisors. If the Board of Supervisors approves the referral to a hearing officer, the Commission shall further continue the hearing on its calendar to permit setting the hearing before a hearing officer. The procedure to be used in connection with such hearing is set forth in subsection H of this rule.
- (5) If the Commission determines not to refer the hearing to a hearing officer, or if the Board of Supervisors does not approve a request, then the Commission shall hear the appeal pursuant to the rules hereinafter set forth.

D. Amendments

The appointing authority may, with the permission of the Commission, amend the order of dismissal, suspension or reduction. The amendments shall relate to matters occurring prior to the effective date of the order of dismissal, suspension or reduction. The employee may be granted a reasonable continuance to

prepare a defense to any new matter contained in such amendment. Any amendment by the appointing authority is deemed denied by the employee.

E. Motions and Exchange of Evidence

(1) Motions

Motions by either party shall be in writing and if based on factual matters, shall be supported by a declaration under penalty of perjury, and a proof of service.

Motions shall be served on the opposing side and filed with the Secretary of the Commission and its counsel no later than ten (10) County business days prior to the date of hearing of the motion. Motions shall be heard at regularly scheduled Commission meetings. Failure to reply within the time requirements set forth in this subsection shall be grounds for the denial of the motion.

(2) Exchange of Evidence

No later than twenty (20) County business days prior to the date of hearing or such other time as designated by the Commission, each party shall submit to the other party and to the Secretary of the Commission and its counsel, a list of witnesses it intends to call at the hearing, a narrative description of the testimony of each witness, and a list of documents the party intends to introduce into evidence at the hearing. Failure to comply with this subsection may be grounds for the exclusion of the narrative or documentary evidence not included in the lists set forth herein.

(3) Motion for Additional Information or Discovery

Further requests for information or discovery shall be made by motion with reasonable cause shown.

F. Subpoenas

The Commission may issue subpoenas for the attendance of witnesses at hearings or depositions. Any party requesting subpoenas must submit to the Commission the name of the witness and the title of the proceeding and time for appearance of the witness. Upon the request of a party, the Secretary, the Assistant Secretary or the Chairperson of the Commission may issue a subpoena in the name of the Commission. When an appeal has been referred to a hearing officer, the hearing officer may issue subpoenas in the name of the Commission for the attendance of witnesses before the hearing officer. The party requesting the subpoena has the responsibility to serve the subpoena on the witness. (revised 12/3/09)

G. Continuances

The Commission may grant first requests for continuances of scheduled hearings when reasonable. A second continuance request must be in writing and show good cause why the matter could not be resolved before the hearing. Continuance requests must be received by the Human Resources Director at least five (5) County business days preceding the hearing, except in an emergency. Any cancellation costs of meeting rooms, hearing officer or court reporter due to inadequate notice may, at the order of the Commission, be borne by the party requesting the continuance. (1/20/00)

H. Settlements and Cancellations

When the parties to an appeal settle the matter in advance of the hearing, they shall give the Civil Service Commission at least five (5) County business days advance notice. If the settlement occurs with less than five (5) business days notice, the parties shall be required to be present at the hearing as scheduled to confirm the appeal has been settled. (1/20/00)

I. Hearings Before the Commission

(1) Quorum

When an appeal is heard by the Commission rather than a hearing officer, a majority of the Commission shall constitute a quorum. If a Commissioner is absent from a hearing, he/she shall no longer participate in the proceedings unless both parties agree that he/herself may familiarize himself with the proceedings held during his/her absence and continue to participate. If the disqualification of a Commissioner reduces the Commission to less than a quorum, and the parties do not agree that the absent Commissioner may continue as provided above, the hearing shall be terminated, and a new hearing commenced as soon as a quorum of the Commission can be assembled or the appeal may be referred to a hearing officer. (revised 1/20/00)

(2) Procedure

The appointing authority shall have the burden of proving the charges by a preponderance of the evidence. A preponderance of the evidence means as follows:

By a preponderance of the evidence is meant such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth. In the event that the evidence is evenly balanced so that it is not possible to say that the evidence on either side of an issue preponderates, then the findings upon that issue must be against the party who had the burden of proving it.

In determining whether an issue has been proved by a preponderance of the evidence, all of the evidence bearing upon that issue shall be considered regardless of who produced it.

The appointing authority shall open the case and present his/her evidence. The employee shall then present his/her defense. Thereafter, each side may present rebuttal evidence. Each side may present an opening argument. The employer may present a closing argument and the employee may make a responsive closing argument. The employer may then make a rebuttal closing argument.

All rulings on motion, objections to evidence and rulings on interlocutory questions, shall be made by the Chairperson, subject to objection by any member of the Commission. If objections are raised, the questions shall be discussed by the Commission and the ruling of the Chairperson voted on by the Commission. The vote shall either uphold or overrule the Chairperson.

The Chairperson shall have authority to maintain order during the proceedings of the Commission, and for that purpose to order persons to conform to rules of the Commission and to order persons to leave who in the judgment of the Chairperson are disrupting the hearing.

(3) Evidence; Examination of Witness

The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and the manner of producing evidence shall be those rules set forth in 513 of the Government Code for the conduct of hearings under the Administrative Procedure Act.

(4) Counsel

The appointing authority and the employee may be represented by counsel, who need not be an attorney at law.

(5) Reporter

The proceedings of the Commission need not be reported by a court reporter. A tape recording machine may be used. Either party, to an appeal hearing, may have a court reporter present to report the proceedings. The cost of the reporter and responsibility for securing a reporter shall be the responsibility of the party desiring the reporter unless the parties mutually agree otherwise. When the parties agree that the reporter is making the official record, the proceedings need not be tape recorded.

(6) Decision

At the conclusion of the introduction of evidence and argument of counsel, the hearing shall be submitted for decision. The Commission shall retire to deliberate in private without the presence of any persons except the Commission. However, outside counsel and the Commission Secretary may be consulted as required. (revised 1/20/00)

In determining whether the charges have been proved, the Commission must find each separate charge or specification to be sustained by the preponderance of the evidence. Any charge or specification not so sustained shall be rejected by the Commission.

In determining whether the action of the appointing authority should be sustained, modified, or revoked, the Commission shall consider only those charges and specifications which it finds proved as above. A majority vote of the Commissioners present is required to make a finding or decision. After reaching a decision, the Commission shall reduce its findings or decision to writing with the assistance of its counsel. The Commission shall thereafter, reconvene in open session and announce its decision. At that time, the Commission shall also notify the parties of the time limitations set forth in Rule 15 governing judicial review of the decision. (revised 1/20/00, 10/21/10)

The findings and decision of the Commission shall be certified to the appointing authority and enforced by him/her.

All decisions by the Commission shall be final and reviewable immediately upon adoption or rendering thereof.

J. Hearings Before a Hearing Officer

(1) Pre-trial Procedure

If the appeal hearing is referred to a hearing officer, the Commission shall continue the matter on the calendar of the Commission from time to time until a date for a hearing before a hearing officer can be set. The Secretary of the Commission shall arrange for a hearing at the earliest date, consulting with the parties, and the office of the hearing officer. As soon as a date for a hearing has been secured by the Secretary, he/she shall notify the Commission. The Commission at its earliest opportunity shall, in open session with all parties present, refer the hearing to the hearing officer at the time and date arranged. The parties may agree by written stipulation to waive any of the foregoing formalities.

If the parties can stipulate to the selection of a hearing officer, then that individual shall serve as the hearing officer. If a stipulation cannot be reached, then the Commission shall designate a hearing officer.

(2) Hearing Procedure

The hearing shall be conducted in the manner of hearings conducted under the Administrative Procedure Act.

The hearing officer shall have the right to rule on all interlocutory questions of law arising during the hearing, and may continue the hearing from time-to-time until the hearing is completed.

K. Action by Commission After Decision by Hearing Officer

The Commission shall meet in open session to receive or act on the proposed decision of the hearing officer. The Commission may proceed as follows:

If a contended case is heard by a hearing officer, he/she shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed with the Commission and a copy of the proposed decision shall be served by the Commission on each party in the case and his/her representative. The decision shall be accompanied by findings of facts.

The Commission may adopt the proposed decision in its entirety, reject the proposed decision, or may reduce the proposed penalty and adopt the balance of the proposed decision. The decision of the Commission shall be final.

L. Time Requirements

Upon good cause shown, the Commission may extend, shorten or forgive a violation of any time limit set forth in this Rule 10.5. In making a determination of good cause, the Commission shall consider whether the employee is represented by an attorney or whether the employee's representative is experienced with proceedings before the Commission. The Secretary of the Commission shall give a copy of this Rule 10.5 to the employee's representative at the time the appeal appears on the calendar for setting.

M. Except as is expressly provided in this Rule 10.5, the Commission shall not be required to conduct a full blown evidentiary hearing on any alleged violation of the Commission's Rules.

END OF RULE 10

RULE 11
LAYOFFS

SECTION 11.1 ORDER OF LAYOFF

- A. Employees shall be subject to layoff whenever their positions are abolished or whenever necessary because of lack of work or lack of funds.

Layoff procedures shall be applied on a departmental basis. Where appropriate, after meeting and conferring with the recognized employee organization which represents the affected employees, the Human Resources Director may authorize that layoff procedures be restricted to employees of one or more divisions or smaller units of a department.

- B. Whenever it is necessary to layoff one or more employees in a department, division or unit in which there is more than one employee in the class in which the layoff is necessary, employees in the affected class shall be laid off in the following order:
- (1) Extra help employees as defined in Rule 1, and provisional employees.
 - (2) Probationary employees.
 - (3) Full-time and part-time employees with permanent status in the class. (revised 11/1/12)
- C. Continuous County service in the class in which the layoff occurs (the affected class) or in any other class having at the date layoff notice is served the same or higher salary allocation shall be counted as service in the affected class.
- D. Employees with less total continuous County service in the affected class shall be laid off before those with greater total continuous County service in the affected class. Continuous part-time service shall be calculated based on the position's allocation in its relationship to full-time work and also be prorated on an hour-for-hour basis for all hours worked in excess of the position's allocation. Time spent on a leave of absence, paid or unpaid, is considered service for seniority accrual purposes according to their position allocation. Time served in a temporary promotion in which the employee is appointed to the position without a break in service between the temporary promotion and the permanent appointment shall be counted as time served in the classification. (revised 11/1/12)
- E. If employees have the same total continuous County service in the affected class, then the criteria to break the tie shall first be total continuous County service irrespective of class, second, prior total County service, and third, chance (e.g. lottery). When departments are hiring multiple employee's into the same job class in which the newly hired employees do not have prior continuous or prior County service, and if a future layoff would then require a "chance" process to determine the affected employees, then departments shall conduct the chance process to determine the affected employee(s) within the first 30 days of appointment to determine and document the affected employees in the event of future layoffs. (revised 11/1/12)
- F. Social Service Workers III and Social Service Practitioners who have become Social Service Workers IV shall carry into that new classification, the seniority which they had in their former classification.
- G. A full-time or part-time employee appointed to a class with a Project or Limited Term designation by job classification (ex: Programmer Analyst - Project) may be exempted by the Human Resources Director from the order of layoff of the affected project or limited term class based on a continuing need for a specialized technical skill/skill mix combination. Such skill/skill mix shall have been determined by a written plan (project or recruitment/certification) prior to filling the position as an essential function inherent to the overall purpose of the job. The incumbent(s) must have been appointed based on the required specialized technical skill/skill mix. (revised 3/5/97)

- H. After September 1, 1998, no extra help hours will be counted toward seniority for layoff, displacement or restoration. After September 1, 2002, no extra help hours, regardless of when accumulated, will be thereafter counted toward seniority for layoff, displacement or restoration. (revised 11/19/98)
- I. Employees placed (pursuant to Rule 3.3C) into a newly established class or class series, which resulted in the abolition of a previously existing class or class series, shall carry into the new classification, the seniority which they previously acquired in the equivalent level (former and new classes are within a $\pm 4\%$ salary range) of the abolished class or class series for all purposes, including displacement rights within the new class or class series. (revised 8/21/03, 7/1/10)

SECTION 11.2 ALTERNATE CLASSES

For purposes of layoff and/or displacement, alternate classes shall be treated as one class such that continuous County service in one alternate class shall be considered as service in each of the other alternate classes in the same class series and shall be counted cumulatively.

SECTION 11.3 DISPLACEMENT

- A. An employee who is laid off and who has greater total continuous County service than another employee in the same department in another class with the same or lower salary allocation in which class the employee previously had permanent or probationary or part-time status and for which the employee is qualified for certification, transfer or voluntary demotion, may elect to displace the junior employee with the lesser total continuous County service. An employee who is displaced shall be laid off and replaced by the employee who displaces him/her.
- B. An employee who is displaced because of layoff may in the same manner displace an employee who is junior to him/her.
- C. Should an employee have the right to displace in more than one class, the employee shall first displace in the class with the highest allocated salary.
- D. An employee who was transferred with a position reallocated from one department to another department may, upon layoff from the second department and if eligible under the conditions stated in subparagraph A. above, exercise displacement rights in the first department.
- E. A permanent full-time or part-time employee who is laid off and who has greater total continuous County service than another employee in the same department in the same job class with a project designation (ex: Programmer Analyst, Programmer Analyst - Project), may elect to displace the junior employee in the project designated class. Should the junior employee in the class possess a required specialized technical skill/skill mix not possessed by the laid off employee, the next most junior employee in the project class shall be displaced. (revised 3/5/97)
- F. For Information Systems Department employees, all current classification titles will be equated to classification titles previous to the implementation of the April 15, 1999 Information Systems Department Classification Study. This special rule will terminate 36 months after the study approval date of June 3, 1999. (Revised 9/16/99)
- G. Employees retained into a class (pursuant to Rule 3.3B-C) in which the class or class series was retitled, shall have displacement rights to the retitled class or the equivalent level in the class series. (added 7/1/10)
- H. If an employee held a classification that was reclassified after he/she left that classification, the employee will have displacement rights to the newly titled class (or the equivalent level in the class series), provided the following criteria is met:

1. the employee held permanent or probationary status in the class that was subsequently retitled/reclassified; and
2. the newly titled class or class series' purpose, scope, complexity, duties, and knowledge and abilities did not significantly change (as identified in the classification study and recommendations and determined by the HR Director); and
3. the salary range for the newly retitled class or class series did not change; and
4. the employee held the former class up to five years prior to the date of the reclassification; or
5. the employee currently holds a position that is either a higher level in the new class series or is a logical career progression within the department's organizational structure. (added 7/1/10)

SECTION 11.4 RESTORATION

- A. Each person who has been laid off or displaced from, or who has in lieu of layoff been demoted or transferred voluntarily from a position which the employee had permanent or probationary status is eligible for restoration and shall be placed on a restoration "list" for the position and department for two years after the effective date. (revised 11/1/12)

An individual, who has restoration rights in more than one class because of layoff or displacement, shall have restoration rights in each of the classes from which the employee was laid off or displaced.

Employees laid-off from a project or limited term position have restoration rights for the specific project for which they were hired. Restoration rights shall not exceed the duration of the project or 24 months immediately following layoff, whichever is lessor. (revised 3/5/97)

Employees laid-off from a recurring defined term position shall have restoration rights for the duration of the specific term to which they were appointed, as set forth within their job specifications. Restoration rights shall not exceed the duration of the specific term as set forth within the job specifications. (revised 7/7/05)

- B. Whenever more than one person has been laid off and/or displaced in the same class in the same department, the order of restoration shall be in the reverse of the order of layoff.
- C. If an employee was laid off or displaced from, or who has in lieu of layoff been demoted or transferred voluntarily from a position who had prior permanent or probationary status, but was not able to elect displacement, the employee shall be placed on the restoration list for the "skipped" job class(es) for two years after the layoff effective date. The employee shall be placed on the restoration list(s) behind any employees who have been placed on the restoration list as stated in 11.4 B. (added 11/1/12)
- D. If the County determines to fill, within two years, a vacant position in a job classification and department from which an employee was laid off or displaced, the County shall offer restoration to the individual who is in the highest position on the restoration list for the respective job classification and department. The County shall make a reasonable attempt to notify an individual who is eligible for restoration including in writing by certified mail, return receipt requested. If an employee cannot be reached within 20 calendar days from the date of mailing of notice of offer of restoration, the right to restoration shall be forfeited. Should an employee not accept restoration within 5 regular County business days after the receipt of the offer or should the employee decline to begin work within 15 regular County business days after the receipt of the offer, the employee shall be declared unavailable and shall forfeit right to restoration unless further offer of restoration is granted by the Civil Service Commission. (revised 7/1/10, 11/1/12)
- E. An employee eligible for restoration has the right to waive a restoration offer to a vacant position in the classification out of which the employee was laid off or displaced under the circumstances described in (1), (2), and (3) below.

- (1) An employee is removed under this Rule 11, Section 11.1 from a part-time position. A full-time position in the classification becomes vacant and available for restoration. The County offers restoration to the employee. The employee may waive the restoration offer.
 - (2) An employee is removed under this Rule 11, Section 11.1 from a full-time position. A part-time position in the classification becomes vacant and available for restoration. The County offers restoration to the employee. The employee may waive the restoration offer. If the employee, under either (1) or (2), above, waives the restoration offer, the County may fill the position. The employee who waives the restoration offer will remain on the restoration list for that classification for the balance of the two years restoration eligibility. The employee must exercise this waiver right under this subsection B.(2) within the same 5 regular County business days standard in subsection B.(1) above. The employee's waiver must be in writing in order to be valid.
 - (3) Two employees previously "job shared" a position and were both removed under this Rule 11, Section 11.1. If a vacant position in that classification becomes available for restoration and the County desires to restore that position, it shall either:
 - (a) make a restoration offer based on the same job sharing allocation to both of the two employees who occupied it, or
 - (b) determine that the position needs to be filled on a full-time basis and make a restoration offer to the most senior of the two eligible employees. Each of those employees may exercise the restoration waiver option in B.(1) above.
- F. If an employee has restoration rights in more than one class, refusal to accept restoration in one class does not eliminate the right to restoration in the other class or classes.
- G. Whenever a person is unavailable for restoration in the same class in the same department, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position shall be filled by the County.
- H. A person who has forfeited for restoration may, within 10 regular County business days after forfeiture, request in writing to the Civil Service Commission that the employee be considered for further offer of restoration, should such occur within one year after layoff or displacement. The employee's request shall contain a full explanation of the reason for the employee's unavailability. Within 30 calendar days after the request is filed, the Commission shall either grant or deny the offer for restoration. The Commission may specify conditions under which further offer of restoration may be granted.

SECTION 11.5 APPEALS

- A. The Civil Service Commission shall act as a separate and final hearing body for layoff appeals for all employees who have appeal rights.
- Within the provisions of Rule 11, Section 11.1, Layoff, part-time and full-time employees have right of appeal to the Civil Service Commission; temporary and provisional employees affected by layoff or actually laid off do not have a right of appeal for any action taken under these layoff rules.
- B. Implementation of a layoff decision may be appealed by an employee laid off; however, the decision to layoff may not be appealed.
- C. Any formal written notice to a part-time or full-time employee stating that the employee is subject to layoff or layoff resulting from displacement may be appealed as follows:
 - (1) Within ten (10) regular County business days from the date of the receipt of the notice, an employee may, within the provision of Section 11.5 B, appeal in writing, the action to the

Human Resources Director.

- (2) Within seven (7) regular County business days after receiving the appeal, the Human Resources Director shall give a written decision to the employee.
- (3) If the employee is not satisfied with the decision in C.(2) above, the employee may, within seven (7) regular County business days after receiving the decision, appeal the decision in writing to the Civil Service Commission.
- (4) The Civil Service Commission shall review an appeal resulting from C.(3) above at its next scheduled meeting.

This review and appeal procedure which applies to layoff and displacement action in no way supersedes restoration appeal procedures set forth under Section Rule 11.4 E.

SECTION 11.6 COMPETING IN EXAMINATIONS/EMPLOYMENT SELECTION PROCESS AFTER LAYOFF

Employees who are separated from County service due to layoff and who have applied to County positions on or before to the layoff effective date may continue to compete in the examination/selection process, be placed on the employment list(s) if successful in the examination process, and continue to be certified, provided the employment list is either active or reinstated pursuant to Rule 6.10. County service points will still be applied to final examination scores pursuant to Rule 6.4 A (3) regardless of the employee no longer holding an allocated position. Employees who have been separated from layoff do not qualify to compete in promotional examinations but may have opportunities to be re-employed pursuant to Rules 6.8 and 11.4. (Added 7/1/10)

END OF RULE 11

RULE 12
LEAVES OF ABSENCE

SECTION 12.1 LEAVE WITHOUT PAY

A. General Provisions

- (1) Department heads may grant leaves without pay, for periods not to exceed six months, at the request of the employee concerned, to employees of their departments because of illness, disability, pregnancy, child rearing, or for educational purposes; or for any other reasons the appointing authority deems as appropriate.
- (2) Requests for leaves without pay for periods in excess of six months shall be submitted by the department head, together with a written recommendation, to the Human Resources Director for approval or disapproval.
- (3) An employee with permanent civil service status may appeal the denial by his/her department head or the Human Resources Director of his/her request for leave without pay. Such appeal shall be made in writing and submitted to the Civil Service Commission within five regular County business days after the employee is notified of the denial, and shall specify the reason for the leave. Any appeal of a denial of leave without pay for medical reasons shall be accompanied by a statement signed by competent medical authority, setting forth the employee's ability to perform the duties of his/her position and a prognosis of his/her ability at the termination of the requested leave.

B. Leave Without Pay for Job-Incurred Disability

Requests for leave without pay for disabilities which are found by the State Worker's Compensation Appeal Board or the Industrial Accident Commission to be incurred as a result of Sonoma County employment shall be approved by department heads and the County Human Resources Director for the period following expiration of paid sick leave and vacation until discontinuation of disability compensation payments.

C. Leave Without Pay for Military Service

Requests for leaves without pay for military service shall be approved by the appointing authority.

D. Leave for Candidates for Public Office

Any appointive County officer or employee, who becomes a bona fide candidate for elective public office, may take and be granted leave of absence without pay during all or any portion of the period of his/her candidacy by delivering to his/her department head and to the Civil Service Commission at least ten (10) regular County business days' written notice of intention so to do, specifying the dates upon which such leave shall begin and end. Such officer or employee may, by further ten (10) regular County business days' written notice delivered to his/her department head and to the Civil Service Commission change the date upon which such leave shall end. Such leave shall not extend beyond the period of time during which such officer or employee is a bona fide candidate for elective public office.

SECTION 12.2 LEAVE WITH PAY

- A. An appointing authority may, with approval of the Human Resources Director, authorize up to ten (10) working days leave with pay to an employee when such appointing authority has reason to believe that the safety of the work place requires such ordered leave.
- B. An appointing authority may, with approval of the Human Resources Director, authorize up to twenty-five (25) working days leave with pay to an employee when such appointing authority has reason to believe that the employee's physical or emotional health requires professional medical or psychological evaluation to determine the employee's fitness to continue his/her assigned duties.

SECTION 12.3 RETURN TO WORK AFTER ILLNESS OR DISABILITY

When an employee is absent due to illness or disability, the appointing authority may require that the employee pass a medical examination by a County Physician prior to his/her return to work. Failure to pass such examination shall result, after expiration of the employee's accumulated sick leave, in further leave with pay; leave without pay; and/or separation of the employee, as may be authorized in accordance with these rules.

END OF RULE 12

RULE 13

NEPOTISM

SECTION 13.1 INITIAL EMPLOYMENT

The Human Resources Director must be notified and approve employment of individuals who will directly or indirectly supervise or be directly or indirectly supervised by his/her husband, wife, parent, step-parent, brother, sister, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with whom he/she has a relationship in loco parentis.

SECTION 13.2 PROMOTION AND TRANSFER

The Human Resources Director must be notified and approve of promotions and transfers of individuals who then will directly or indirectly supervise or be directly or indirectly supervised by his/her husband, wife, parent, step-parent, brother, sister, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with whom he/she has a relationship in loco parentis.

SECTION 13.3 OTHER EMPLOYMENT SITUATIONS

The Human Resources Director must be notified and approve of employment situations where a marriage results in an employee being directly or indirectly supervised by his/her husband, wife, parent, step-parent, brother, sister, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with whom he/she has a relationship in loco parentis.

END OF RULE 13

RULE 14

EMPLOYEE REPORTS

SECTION 14.1 PERFORMANCE REPORTS

- A. All employees of the Social Service Department and Emergency Services Department shall be rated periodically in writing by their immediate supervisors, by means of an employee performance report.

SECTION 14.2 MEDICAL REPORTS

An appointing authority may direct any employee to undergo a medical examination to determine his/her mental and physical capacity to perform the duties of his/her position. Each determination that an employee is or is not capable of performing the duties of his/her position may be made available to the appointing authority and to the employee concerned. All other records pertaining to such examination shall be retained by the Community Hospital in the same place and under the same circumstances as other patient records.

END OF RULE 14

RULE 15

JUDICIAL REVIEW

SECTION 15.1 LIMITATION OF ACTIONS

- A. Except as otherwise provided herein, the provisions of California Code of Civil Procedure section 1094.6 or successor statute are hereby adopted, and any petition for review of an administrative decision of this Commission, or persons authorized to render such a decision, shall be filed within the time limits prescribed therein, or where a shorter time limitation is prescribed by state or federal law, within such shorter time limits. With respect to decisions issued following proceedings now pending or hereafter begun before the Commission, notice of the applicability of California Code of Civil Procedure section 1094.6 to judicial review of such decisions shall be given to the parties by the Commission in substantially the following form:
"The time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure section 1094.6. Judicial review must be sought not later than the 90th day following the date on which this decision becomes final, except that where a shorter time limit is prescribed by state or federal law, such shorter time limit shall apply. The decision is final on the date that it is made."
- B. Except as otherwise provided herein, the time limits and other provisions of California Code of Civil Procedure section 1094.6 or successor statute are hereby made applicable to judicial review of any administrative decision of the Commission, or of any person authorized to render such a decision, issued prior to the effective date of this rule, provided that written notice of such application is given by the Commission to the parties in substantially the following form:
"By rule, the Sonoma County Civil Service Commission has made the time limits of California Code of Civil Procedure section 1094.6 applicable to judicial review of that Commission's decision dated _____ in the matter of (insert title or description of administrative decision). Judicial review must be sought not later than the 90th day following the date of this notification, unless a conflicting provision of federal or state law establishes a shorter period for the filing of such action, in which case judicial review must be sought by such earlier date."

SECTION 15.2 RECORD

- A. California Code of Civil Procedure sections 1094.6(c) and 1094.6(d) are expressly not adopted into these rules.
- B. The complete record of the proceedings shall be prepared by the Commission or its officer or agent after a request by any party to the proceeding and a deposit of the estimated cost of preparation. If during the preparation of the record it appears that additional costs will be incurred, the party requesting such record may be notified and, if requested, shall deposit such additional amounts before the record will be completed. If the cost of the preparation of the record exceeds the amount deposited, the party requesting such record shall pay this additional amount. If the amount deposited exceeds the cost, the difference shall be returned to the party requesting such record.
- C. If, within ten (10) days after the date the decision becomes final, the petitioner files a request for the record as specified in subdivision B and deposits an amount of money equal to the estimated cost of preparing the record, the time within which a petition pursuant to California Code of Civil procedure section 1094.5 may be filed shall be extended to not later than the thirtieth (30) day following the date on which the record is either personally delivered or mailed to the petitioner or his or her attorney of record, if he or she has one.

SECTION 15.3 NO REVIVAL

This rule is not intended to revive, nor shall be deemed to revive, any cause of action which is barred by law or equity.

SECTION 15.4 FINALITY OF DECISION

Unless otherwise provided by statute, ordinance, resolution or rule of this Commission, all administrative decisions shall be final and reviewable immediately upon adoption or rendering of such decision.

END OF RULE 15

RULE 16

ADOPTION AND AMENDMENT OF RULES

SECTION 16.1 ADOPTION AND EFFECTIVE DATE

These rules, having been adopted by majority vote of the Civil Service Commission of the County of Sonoma on October 2, 1991, shall be in full force and effect from and after October 16, 1991, and shall supersede all rules previously in effect.

SECTION 16.2 AMENDMENT

Upon approval by the Commission at any meeting, or an amendment to these rules, a copy of such amendment shall be published for a minimum of ten consecutive calendar days upon a public bulletin board which shall be maintained in the central Human Resources Department. Such amendment shall become effective at the first meeting of the Commission which may be held after completion of the required publication, unless the Commission shall take contrary action by majority vote at said meeting.

END OF RULE 16