CIVIL SERVICE RULES

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RULE ONE

DEFINITION OF TERMS

101. Definition of Terms. The following words and terms used in these Rules shall have the meaning indicated in this section unless the content clearly indicates otherwise:

Advancement: A salary increase within the limits of the pay range established for a class.

Allocation: The official determination of the class to which a position belongs, and the assignment of a position to an appropriate class.

Anniversary Date: The date by which and from which employee benefits are computed including, but not necessarily limited to, salary increases, vacation, sick leave, and leaves-of-absence.

Appeal: Any written request for relief from disciplinary or alleged discriminatory action.

Applicant: A person who, according to the Rules, has made formal application for employment.

Appointing Authority: The Board, Commission, group of persons, officer, or person having the power by lawful delegated authority to make appointment to or removal from an established position in the County service. The terms Appointing Authority, Appointing Power, and Appointing Officer shall be construed to be synonymous.

Appointment: The offer to a person and the acceptance of a position, and his starting to perform work in accordance with these Rules.

Basic Salary or Basic Compensation: Each of the salaries established within each salary range in the compensation plan.

Board: When used alone, the Board of Supervisors of the County of Santa Barbara.

Calendar Year: A year starting on January 1 and terminating on the close of the following December 31.

Candidate: A person who has been admitted to an examination.

Certification: The submission of names of eligibles from an appropriate eligible list or lists to an appointing authority by the Human Resources Director.

Class or Class of Positions: A group of positions sufficiently similar as to duties and responsibilities that the same title, the same test of fitness, and the same schedule of compensation may be applied to each position in the group.

Classification or Reclassification: The judging of a position's contents and its allocation by the Board of Supervisors to a class in accordance with the duties performed and the authority and responsibilities exercised.

Classification Plan: The orderly arrangement and grouping of positions in classes according to duties, authority, and responsibilities.

Classified Service: All offices, positions, and employments in the Santa Barbara County service except those expressly designated as exempt from the provisions of the Civil Service System under Article II, Section 27-25 of the Santa Barbara County Code, unless they are otherwise required to be in the classified service because of State or Federal laws or regulations.

Class Series: A number of classes related to one another in terms of ascending difficulty and responsibility of work within the same occupational field.

Class Specification: The official description of a class adopted by the Board of Supervisors.

Commission: When used alone, the Santa Barbara County Civil Service Commission.

Compensation: The salary, wage, allowance, 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 an employee.

Compensation Plan: A schedule of salaries established by ordinance for the several classes of positions recognized in the classification plan, so that all positions of a given class will be paid the same salary range established for the class.

Continuous Service: Uninterrupted employment, except by authorized absence, as a regular employee in the County service.

County: The County of Santa Barbara, including special districts as may be determined by the Board of Supervisors.

County Service: The performance by employees of official duties for the County of Santa Barbara.

Day: Calendar day unless otherwise specified.

Demotion: The change of an employee from a position in one class to a position in another class with a lower salary, either on a voluntary basis or on an involuntary basis due to layoff or as the result of a disciplinary action.

Department: An administrative branch of the County government with a line of work, and with one or more employees under the charge of a specific individual who is known as the Department Head.

Director: The Director of Human Resources.

Disciplinary Probation: A form of disciplinary action, as distinguished from probation for new employees.

Dismissal: The separation of an employee from the classified service for cause.

Eligible: Any person on a reemployment or eligible list for a given class.

Eligible List: An officially promulgated list of names of persons, ranked in order of their final examination ratings or as specially provided for reemployment and general eligible lists, who are eligible for certification for a specific class.

Emergency Appointment: A temporary appointment made in an emergency situation under conditions specified in these Rules.

Employee: A person who is legally occupying a position in the County service or who is on authorized leave-of-absence from such a position.

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

Exempt: A position or employee exempted from the classified service.

Extra Help: Persons employed in non-regular, non-permanent positions in accordance with these Rules to meet a peak load or other unusual work situation, and including seasonal and recurrent or intermittent appointments.

Final Filing Date: The last date on which an applicant may apply for a given examination or position.

Flexible Staffing: A connection of classes in a series allocated as one position in which the same work is performed but at different levels of proficiency based on skills and the meeting of minimum qualifications.

Full-Time Position: A regular position established by a current salary ordinance or resolution and scheduled to provide services for the total number of hours in the County's established workweek(s).

Funded Position: A position existing in a salary resolution for which the Board of Supervisors has specifically provided monies; an unfunded position is one for which the Board of Supervisors has specifically not provided monies.

Hearing: A public meeting of the Civil Service Commission to consider personnel matters, appeals, or amendment to these Rules.

Investigation: An investigation which the Commission may consider desirable concerning the administration of personnel or conditions of employment in the County service.

Layoff: Involuntary separation of an employee from a regular position because of change in Departmental organization or displacement by another employee.

Leave-of-Absence: An authorized absence from duty for a specified period and for a specified purpose, with the right to return to the position at the end of the period.

Limited Term Appointment: An appointment to a regular position for a limited or temporary period as provided in these Rules.

Minimum Qualifications: The basic education, experience, training, ability, knowledge, license, and other requirements established for entrance to examinations, for appointment, or for promotion.

Officer: A person holding an elective or appointive office.

Open Examination: A competitive examination in which any qualified person may participate.

Original Appointment: The first appointment of an employee to a classified position.

Part-Time Position: A regular position established by a current salary resolution and scheduled to provide services for a specified fraction of the number of hours in the County's established workweek(s).

Permanent Employee: An employee in the classified service who has satisfactorily completed the probationary period in his present class.

Permanent Position: Any position in the classified service which has required, or which is likely to require, the services of a regular employee for more than six continuous calendar months.

Permanent Status: The status of an employee who is lawfully retained in his position after the completion of the probationary period as provided in these Rules.

Permanent-Probationary Status: The status of an employee who has permanent status in the classified service through satisfactory completion of a probationary period and who is serving a new probationary period in a different class.

Position: A specific office or employment provided by the salary resolution, whether occupied or vacant, temporary or permanent, part-time or full-time, calling for the performance of certain duties and the carrying of certain responsibilities by an employee.

Probationary Employee or Probationer: An employee who is serving a probationary period.

Probationary Period: The working test period required before a regular appointment is completed.

Probationary Status: The status of an employee legally holding a position but who has not completed the required probationary period.

Proctor: A person designated by the Human Resources Director to conduct an examination.

Promotion: The advancement of an employee from a position in one class to a position in another class with a higher salary.

Promotional Examination: An examination limited to qualified permanent or probationary employees.

Protest of Disqualification: A request for an investigation to the Commission from an applicant who has been disqualified from examination under Rule Five.

Provisional Appointment: An appointment of a qualified person to fill a position for which no appropriate eligible list exists, pending an examination as provided in these Rules.

Provisional Employee: An employee holding a position under provisional appointment.

Public Notice: The announcement of examinations, meetings, hearings, and other actions of the Commission or Human Resources Department as provided in these Rules.

Qualified: An applicant or appointee who meets the employment standards for a class.

Reallocation: Reassignment or change in the allocation of an individual 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 significant changes in the kind, difficulty, or responsibility of the duties performed in such position.

Reassignment: Movement of an employee from one position to another position in the same class within the same department.

Reclassification: See Classification.

Reemployment: Appointment from a reemployment list after layoff.

Reemployment List: A list of persons who have been laid off from probationary or permanent status in a class and who are entitled to preference in appointments to any funded vacancies in that class as provided in these Rules.

Regular Appointment: Any appointment to a regular position.

Regular Employee: A person appointed through certification to a vacancy in a regular position.

Regular Position: Any permanent position in the classified service that requires filling through certification, or by provisional appointment.

Reinstatement: The appointment, as provided in these Rules, of a former employee who has resigned.

Resignation: The voluntary action of an employee which separates him from his position and severs his status as a classified employee.

Salary: See Compensation.

Salary Range: The range of compensation, minimum to maximum, normally five steps, A through E, established for a class by a salary ordinance or a resolution adopted by the Board of Supervisors. In a shortened salary range, i.e., one, two, three, or four steps, the top step shall be the counterpart of Step E of a five-step range and, in a descending order, the lower steps shall equate to Steps D, C, and B of a five-step range.

Separation: The termination of employment of an individual.

Series: One or more classes in the same occupational, professional, or functional field.

Service Credit: Continuous service in a regular position in a department, including all service in an affected class, plus all service in classes with the same or higher salary ranges, only.

Specification: See Class Specification.

Split-Off: The division of one class into two or more levels or kinds of new classes.

Standing: The order of priority on an eligible list of each candidate who passes an examination. All candidates who have the same final examination rating for the same examination shall be given the same standing.

State: The State of California.

Status: The condition of an employee's present employment, such as temporary, provisional, probationary, permanent, etc.

Suspension: An enforced leave of absence of an employee without pay for disciplinary purposes as provided in these Rules.

Temporary Appointment: See Limited Term Appointment.

Temporary Assignment Out of Class: A regular employee may be temporarily assigned the duties of a higher classification pursuant to Rule 418.

Title or Class Title: The official nomenclature given to a class of positions, or to each position allocated to the class, and to the legally-appointed incumbent of each position allocated to the class.

Transfer: Any of the following movements of an employee:

a. A change from one department to another department within the same class;
b. A change from one class to a different class with the same salary range, either within a department or to another department.

Vacancy or Vacant Position: Any unfilled position in the classified service.

Working Days: Standard County business days (Monday through Friday), not including Saturday, Sunday and County observed holidays.

Year: Three hundred and sixty-five (365) consecutive days.

102. Section Headings. Section headings of these Rules shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

103. Tenses, Gender, and Number. The present tense includes the past and future tenses; and the future, the present. Shall is mandatory and may is permissive. The masculine gender includes the feminine and neuter. The singular number includes the plural; and the plural, the singular.

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RULE TWO

ORGANIZATION, ADMINISTRATION, AND DUTIES OF THE COMMISSION

201. Meetings of the Commission. The Commission shall meet regularly on the third Thursday of each month, at 9:30 a.m., in the County Administration Building, Santa Barbara, California, provided that when such meeting day is a holiday, the meeting shall be held the following working day at the same hour. In addition, the Commission may schedule special meetings as often as may be necessary to conduct its business expeditiously. Written notice of each special or adjourned meeting, or of a change in the regular meeting place, shall be posted, at least twenty-four (24) hours in advance thereof, in the lobby of the County Administration Building and shall be mailed or delivered at the time of posting to each person entitled to such notice.

Three members shall constitute a quorum for the transaction of business at any meeting. No action shall be taken without the affirmative vote of a majority of those present at any meeting.

At the first meeting of each calendar year, a Chairman and Vice Chairman shall be elected and shall hold office until a successor shall be elected and qualified. It shall be the duty of the Chairman to preside over all meetings of the Commission and to perform all functions required of the Chairman. In the absence of the Chairman, those functions shall be performed by the Vice Chairman.

All meetings of the Commission, whether regular or special, shall be open to the public, except as otherwise provided by law, and shall be conducted in accordance with rules of order as established by the Commission.

202. Additional Duties of the Commission. It shall be the duty and responsibility of the Commission to:

a. prepare an agenda of all business to be transacted at each meeting and keep minutes of the proceedings, such minutes to record the time and place of each meeting, the names of the Commissioners present, and all official acts of the Commission. The minutes shall be written forthwith and presented for approval of amendment at the next regular meeting. The minutes as finally approved by the Commission shall be recorded in the official minutes book.

b. hear appeals as required, in conformity with these Rules, of any person in the classified service relative to any disciplinary action. The Commission shall also hear alleged violations of Rule Five, Section 508.

c. make an annual report of the Commission's activities to the Board of Supervisors.

203. Commission Records. Minutes of the Commission meetings, actions of dismissal, demotion, suspension, layoff, or demotion in lieu of layoff, and the Rules shall be considered public record. Other records of the Commission shall be confidential except as provided by law. All records of the Commission shall be in custody of the Commission, and disclosure to the public shall be at its discretion, unless otherwise provided by law.

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RULE THREE

CLASSIFICATION OF POSITIONS

301. Classification Plan. A classification plan for all positions in the classified service shall be administered by the Human Resources Director. The plan shall consist of positions as defined and described in the official class specifications. Class titles so established shall be used in all personnel and financial records, in all communications and in all examination procedures. Nothing herein shall be construed to prohibit the use of working titles.

302. Allocation of Positions. All positions in the classified service shall be allocated to an appropriate class in the classification plan, by the Board of Supervisors. Classifications shall be based on the principle that positions shall be in the same class when their duties and responsibilities are similar enough to justify the same descriptive title, definition of duties, and employment standards. No person shall be employed in any position until such position has been properly classified and allocated.

303. Class Specifications. For each class established by the Board of Supervisors, a written specification shall be prepared by the Human Resources Director, subject to review by the County Executive Officer. Each specification shall include the official title of the class, description of duties, responsibilities characteristic of positions in the class, and the minimum qualifications required for admission into the examination.

Class specifications shall be interpreted in their entirety in relation to others in the classification plan. They are descriptive and explanatory of characteristic duties and responsibilities of positions in a class and are not restrictive. They shall not be construed as limiting the duties and responsibilities of any positions nor shall they limit or modify the authority of any supervisory personnel or of the Board of Supervisors to assign duties and to direct and control the work of employees in the County service. Standards and qualifications shall not be less than those prescribed by law or by agreement with any other governmental jurisdiction.

304. Changes in the Classification of Positions. The Human Resources Director or designee is responsible for making studies of proposed additional or presently authorized positions when:

a. a written request establishing need for a classification review of an existing position or positions is made by a department head.

b. periodically or when circumstances dictate, the County Executive Officer identifies the need for a review of an existing position or group of positions.

Department heads shall request a classification study immediately when a significant modification of a position's duties is made on a permanent basis.

305. Status of Incumbents in Reallocated Positions. When an occupied position is reallocated by the Board of Supervisors the following procedures shall apply:

a. If the position is reallocated to a higher classification, an appointing authority may recommend, and the Human Resources Director approve, that a permanent incumbent be granted promotional probationary status in the higher classification without examination if the incumbent meets the minimum qualifications of the higher class. If the incumbent is promoted, the salary shall be adjusted in accordance with Rule 410. If the incumbent is ineligible to promote to or is not selected for the new higher class, he or she shall become subject to layoff. If the incumbent elects to accept a demotion or transfer in lieu of layoff, his or her salary shall be adjusted in accordance with Rule 411 or 412 respectively.

b. If the position is reallocated to a lower classification, because of reclassification or reorganization not associated with lack of work or funds, the salary of the incumbent shall be determined by Rule 414.

c. When an occupied position is abolished, the provisions of these Rules regarding layoffs shall apply.

306. Class Split-Off, Consolidation, or Revision. A position reallocation is not involved when the duties and salary range of the position are not changed and a class split-off occurs, or classes are consolidated, or a title or the minimum requirements are changed, or when classes are otherwise revised.

Probationary and permanent employees in positions in classes so affected shall retain such status in the split-off, or consolidated or revised class. Such employees shall not be obliged to meet any new or higher entrance requirements established for their class when such classification action occurs.

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RULE FOUR

COMPENSATION

401. Compensation Plan. The compensation plan of the County of Santa Barbara shall consist of the schedule of ranges or rates of pay as approved by the Board of Supervisors by resolution or ordinance. Each class in the classification plan shall be assigned by the Board of Supervisors to the appropriate range or rate in the compensation plan.

402. Establishing Salary Rates. In establishing the range or rate to which each class shall be assigned, the Board, upon recommendation from the County Executive Officer, assisted by the Human Resources Director, shall give appropriate consideration annually to:

a. maintenance of equitable relationships between related classes, based on their relative duties and responsibilities;

b. the general level of rates in the appropriate labor markets for comparable work under similar working conditions; and,

c. current recruitment and retention experience.

403. Pay Periods and Pay Days. The pay period for all employees, except those specifically designated by the Board of Supervisors, shall be biweekly. Salaries shall be paid at such times as designated by the Board of Supervisors. When a holiday falls on the regular payday, the payday will be transferred to the previous workday. Payment of final compensation due at the time County employment terminates shall coincide with the regularly scheduled payday for the biweekly pay period in which County employment ceases.

404. Computation of Salary. When not specified in the salary ordinance, the basic biweekly salary shall be computed in any of the following manners:

a. multiplying a monthly salary by twelve and dividing the resulting product by twenty-six.

b. dividing an annual salary by twenty-six.

c. multiplying an hourly rate by the number of hours worked during the specific biweekly pay period.

d. multiplying a daily rate by the number of days worked during the specific pay period.

The basic hourly rate of each biweekly salary shall be computed by dividing the biweekly salary by eighty except for personnel assigned to shift duty in the Fire Department where the basic hourly rate shall be computed by dividing the biweekly salary by twice the number of contract hours in a week.

In the computation of salaries for persons temporarily disabled or on salary in lieu of temporary disability because of an injury or illness arising out of County employment, procedures and rules established by State law shall prevail.

405. Beginning and Ending Compensation. Employees entering County service shall be paid as of the first day of work, and the effective date of employment shall be the first day of work.

Permanent, regular employees leaving the County service shall be paid for all unused, accrued vacation and appropriate compensatory time in a lump sum at the regularly scheduled time of payment. If an employee resigns while on vacation, vacation accruals shall run through the last day of approved vacation.

If an employee resigns while on paid sick leave, the sick leave will be considered time worked for final compensation purposes provided the employee furnishes a physician's statement which indicates that the employee was unable to work. If a physician's statement is not provided, the final compensation covering accrued vacation shall be based on the last day worked.

406. Salary of New Employees. New employees shall be appointed at the first step of the salary range for their class except that an applicant who is exceptionally well qualified because of previous experience, education, or training may, upon approval of the department head, be appointed at a salary step above step "A" of the salary range for the class of position involved.

407. Salary on Reemployment and Reinstatement.

a. When an employee is reemployed in a class from which laid off, the salary shall be restored in the current salary range for the class at the step attained at the time of the layoff; however, if the provisions for salary on promotion, as outlined in Section 410 of these Rules, are applicable, the employee shall be placed on a higher step in accordance with the provisions of Section 410. Establishment of an anniversary date and credit for prior service in the class to which the employee is restored shall be in accordance with Section 409(d), of these Rules.

b. An employee who is being reinstated after a break in service to a position in the same or a related class may be paid at or below the step held previously if recommended by the appointing authority. If the range of the class has been adjusted during the break in service, the employee's salary upon reinstatement shall reflect that increase.

408. Anniversary Dates. Whenever any officer or employee is appointed and begins working in such position on or before the 15th day of the month, the initial employment date for merit salary increase purposes shall be counted from the first day of that month during which employment commenced. If employment occurs on or after the 16th day of the month, the

initial employment date for merit salary increase anniversary purposes shall be counted from the first day of the month following the date of employment.

409. Increases within the Salary Range. Increases within a salary range shall be governed by the following:

a. Salary increases within a range shall not be automatic, but shall be granted upon the affirmative recommendation of the appropriate department head, including written certification that the employee's overall performance has been satisfactory or better.

b. Such merit salary increases shall be effective on the first day of the pay period in which the salary anniversary date occurs.

c. Time intervals for merit salary review of employees, except as otherwise provided, shall be as set forth below and shall be effective when approved and in accordance with anniversary dates provided in these Rules:

Step A -
Step B - 6 continuous months on Step A,
Step C - 12 continuous months on Step B,
Step D - 12 continuous months on Step C,
Step E - 12 continuous months on Step D.

d. When an employee's performance has been superior or better and the employee has twelve (12) continuous months on Step B or Step C, the employee may be accelerated to Step D or Step E respectively, upon approval of the appropriate department head.

e. When an employee's service in a class is interrupted due to a layoff in excess of thirty calendar days, upon reemployment in the class at the step from which laid off, the employee's anniversary date shall be postponed one calendar month for each calendar month or major fraction thereof that the employee was separated from the class and the step due to layoff. Upon reemployment in the class at a step higher than the step from which laid off due to provisions of these Rules for salary on promotion, the anniversary date shall be determined according to the provisions of Section 410 of these Rules.

f. Except for military leaves of absence, as governed by State law, the granting of any leave of absence without pay in excess of thirty calendar days shall cause the employee's merit salary increase anniversary date to be postponed one calendar month for each calendar month, or major fraction thereof, of such leave taken.

g. An employee returning from a disability leave brought about by an injury or illness caused by or arising out of County employment, and who was eligible for merit increase during the leave of absence, shall be reviewed by the appropriate department head within sixty calendar days from the employee's return to work. Salary anniversary dates

shall not be postponed as the result of a leave of absence caused by an injury or illness arising out of employment. Changes in salary are not effective during a disability leave caused by or arising out of employment but may be effective beginning the first pay period following return to work.

h. Merit salary increase recommendations for department heads shall be made by the County Executive Officer in conformance with these Rules.

410. Salary on Promotion. Upon promotion, the salary step for any appointing officer or employee shall be at the next higher salary step in the salary range of the new classification which provides for at least a five percent salary increase over base salary except as provided otherwise in this section. No salary increase on promotion shall exceed the top of the range, however.

a. At the time an employee is promoted and assumes a line-supervisory position, the employee shall be placed in the salary range of the promotional position at the lowest salary step which is at least five percent above the top step of the classes supervised.

b. At the time of promotion, an employee who is exceptionally well qualified for the new position because of previous experience, education, or training may at the discretion of the appointing authority, upon recommendation by the Human Resources Director, be appointed at a salary step in the new range which is greater than as provided above.

c. Upon promotion, the salary anniversary date shall be established in accordance with 409(c).

d. The effective date of all promotions, demotions, and within-range salary changes shall coincide with the first day of the pay period coinciding with or following approval of the action, except that demotions in lieu of layoff and disciplinary demotions shall be effective any date set by the appointing authority in accordance with the rules and regulations governing such demotions unless otherwise provided in these Rules.

e. A person who is reemployed in the same class from which demoted due to layoff shall be restored to the current salary range for the class either at the step the employee had attained in the salary range for the class at the time of layoff, or at the step which would result from the application of rules concerning salary on promotion, Section 410 of these Rules, whichever is greater.

411. Salary on Demotion. When an appointive officer or employee is demoted to a position in a class with a lower salary range, the salary shall be reduced to the nearest step in the range for the lower class which provides a salary decrease except that upon approval of the Human Resources Director, the appointing authority may fix the salary of the demoted employee at any step within the appropriate salary range. In either case, the employee's salary anniversary date shall not change.

If an employee is rejected during the probationary period from a position achieved through promotion or if the employee returns to the position by choice, the employee's salary shall be restored as though the promotion had not occurred. Upon recommendation of the appointing authority, the employee may receive any salary adjustment for which eligible by having remained in the former position.

The effective date of all demotions shall coincide with the first day of the pay period coinciding with or following approval of the action, except that demotions in lieu of layoff and disciplinary demotions shall be effective any date set by the appointing authority in accordance with the rules and regulations governing such demotions.

412. Salary on Transfer. Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same salary range, shall be compensated at the same step in the salary range as previously received, and the salary anniversary date shall not change.

413. Salary on Change in Range Assignment. Whenever a class is reassigned to a higher or lower salary range, the salary of each incumbent in such class shall be adjusted to the step in the new range that corresponds to the step the employee was receiving in the former range, unless otherwise ordered by the Board of Supervisors. The salary anniversary date shall remain the same.

414. Salary on Position Reallocation. When a position is reallocated because of reclassification of the position or because of reorganization of the department, not caused by lack of work or funds, the salary of the incumbent of the position shall be determined as follows:

a. If the position is reallocated to a class having the same salary range, the salary and anniversary date of the incumbent shall not change.

b. If the position is reallocated to a class which has a higher salary range, the salary and anniversary date of the incumbent shall be governed by Section 410 of this Rule.

c. If the position is reallocated to a class which has a lower salary range, the salary of the incumbent shall be adjusted to the step in the new range which provides the same salary as received immediately preceding the effective date of the new range. If there is no such step, the salary shall be provided below:

    1. If the current salary of the incumbent is less than the maximum salary for the new class, the salary shall remain unchanged until such time as the employee ceases to occupy the position or the employee's salary is otherwise adjusted. Upon receiving a merit increase, the employee's salary shall be adjusted to the appropriate step in the new range which provides a salary increase.

2. If the current salary of the incumbent is greater than the maximum salary for the new class, the "Y" rate principle shall apply and start with the first pay period on or after the reallocation date and end the first pay period two years after the reallocation date unless extended in accordance with Rule 417. An official leave of absence shall not be counted toward the two-year limit. If, at the expiration of the two-year period the incumbent still remains in the position, the employee's salary shall be adjusted in accordance with Rule 411.

In any case, the incumbent shall retain the same anniversary date.

415. Priority of Increases. Whenever an employee is promoted, receives a range change, or the position is reclassified to a class with a higher salary range on the salary anniversary date, the employee shall receive any within-range increase to which entitled and then receive the higher step in the new salary range as provided in this Rule.

416. Salary for Portion of a Pay Period. Salary for a portion of a pay period shall be governed as follows:

a. Any regular, full-time employee who is absent without pay on a scheduled workday immediately preceding a holiday shall not have any compensation reduced by reason of the absence on the said holiday.

b. Any regular, full-time employee who is absent without pay on a scheduled workday immediately following a holiday shall not leave any compensation reduced by reason of the absence on said regular holiday.

c. Any regular, full-time employee who is absent without pay on a scheduled workday preceding and following a holiday shall be deemed to have been absent without pay on said holiday and shall not be compensated for said holiday.

417. Special Compensation. Column "Y" of the salary range for any designated position is hereby defined as a rate of compensation in excess of the maximum compensation provided by Column "E" of the Basic Pay Plan. Such Column "Y" shall be discontinued whenever Column "E" of the salary range assigned equals or exceeds such "Y" rate or when the incumbent has occupied a designated position for two years from the effective date of a reallocation to a lower class in accordance with Rule 414. Such two year period may be extended, however, upon recommendation of the Civil Service Commission and approval of the Board of Supervisors.

418. Salary on Temporary Assignment Out of Class (not Temporary Appointment). The salary for a regular employee temporarily assigned to perform all of the duties of a higher civil service classification shall be within the salary range of the higher class, and the salary of the regular employee shall be governed by Section 409 and 410 of these Rules. The employee so assigned shall be entitled to the higher salary on the first day of a biweekly pay period, if the duration

of the temporary assignment is expected to exceed two pay periods. Upon termination of a temporary assignment to a higher class, the salary of the employee shall be restored with all adjustments which would have occurred had the temporary assignment not been made.

A regular employee so temporarily assigned must meet the minimum qualifications of the higher class, but need not be qualified by examination nor have standing on an eligible list for the higher class. A temporary assignment of the duties of a higher class under this Section is distinguished from a temporary appointment, as provided by Section 904 of these Rules, in that the employee is not appointed to the higher class but is assigned all of the duties of the higher class and paid the salary as provided for that higher class. The temporary assignment, unlike a temporary appointment, may be made without reference to an eligible list.

A temporary assignment by a department head of a regular employee to work in a higher class requires a recommendation by the Human Resources Director or designee.

Temporary assignments may be made by the appointing authority subject to the provisions above when a position is vacant, when an incumbent employee is absent from a position, or when the business needs of a department arise, including temporary workloads, and transitions in business operations that necessitate additional staff assigned temporarily at the higher level. This section shall not apply to periods of vacation, except as provided in Rule Fourteen. Such assignments shall be temporary and shall terminate when the position is filled, when incumbent employee returns to work, or when the temporary assignment is discontinued. In no event shall the temporary assignment exceed 365 consecutive days.

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RULE FIVE

EXAMINATION ANNOUNCEMENT, RECRUITMENT, AND APPLICATION

501. Examination Announcement. The Human Resources Director or designee shall call for open or promotional examinations to fill vacancies in the classified service or to provide eligible lists for classes of positions where vacancies are likely to occur, by making public announcement in such a manner as will attract qualified persons to compete therein. Such announcements shall provide for a minimum period of seven days in which applications may be filed.

502. Content of Announcement. The Human Resources Director shall prepare a written or printed examination announcement for each competitive examination, or each set of competitive examinations, which shall include:

a. class title and compensation;

b. a general statement of duties and responsibilities;

c. the place, and final date to file applications unless the examination is continuous;

d. officially established, minimum qualification requirements;

e. scope of the examination, and the minimum qualifying score as defined in Rule Six;

f. such other information as will assist applicants to understand the nature of the employment and the procedure for participating in the examination.

503. Recruitment. It shall be the policy of the County of Santa Barbara to carry on such recruitment programs as necessary to seek out and secure qualified individuals to apply for positions at all levels of classified service. In accordance with the County's Diversity, Equity and Inclusion and EEO Program, recruitment efforts shall be directed toward stimulating interest among veterans, females, minorities, and disabled populations in order to assure that qualified members of underrepresented groups are among those to be tested and certified.

504. Limited Recruitment. When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the Human Resources Director may take steps to limit the size of the applicant group for open examinations by specifying a maximum number of applicants to be examined. At the end of the business day on which the maximum number of applications is received in the Human Resources Department, applications will no longer be accepted for the initial examination.

Applications will continue to be accepted until the final filing date to establish an applicant standby pool for subsequent examination should the need arise soon thereafter. The Director may also limit the size by other means which may be appropriate to the circumstances.

505. Application. Each applicant for examination shall file on a form prescribed by the Human Resources Director, a signed application in the Human Resources Department or other designated place by the closing date, in order to be accepted for review. Upon receipt, the Human Resources Department shall mark the date on each application filed.

Applicants shall file a separate and complete application for each examination, unless otherwise specified in the examination announcement. Applicants shall complete application forms in sufficient detail to allow comprehensive review and evaluation and shall certify the truth of all statements contained on the application. Applications filed with the Human Resources Department shall become the property of the Human Resources Department and will not be returned to applicants.

506. Application Review. The Human Resources Department shall examine the applications of applicants and, except as otherwise provided in this section, shall reject the applications that do not show that the applicants possess the requirements established for the examination. Such requirements must be met by the closing date for filing applications or, in the case of continuous examinations, by the date the applications are filed.

A degree requirement may be waived provided applicants not possessing the required degree are registered currently in a recognized or accredited school in a program leading to the required degree and are in their final quarter or semester of study leading to the required degree. Such applicants shall not be certified for provisional or probationary appointment until such time as they provide evidence that they have attained the required degree.

507. Verification of Information. Information given in an application shall be subject to verification, and applicants for positions which are scientific, professional, or technical, or for positions requiring special qualifications may be required to provide documentary evidence of a satisfactory degree of education, experience, training, certificates of competency, or the possession of such license as the law may provide as necessary for the practice of the profession, art, or trade involved. Applicants who fail to give such evidence may be excluded from taking the examination. All such requirements or evidence of certificates or licenses shall be prescribed in the public notice of the examination.

508. Discrimination. No person in the classified service or seeking admission thereto shall be discriminated against in violation of any applicable state or federal laws, rules or regulations which may now or hereafter specifically prohibit such discrimination established by state and federal laws.

Notwithstanding any other provisions of these Rules, a probationary or permanent employee in the classified service or an applicant thereto shall have the right to appeal alleged discrimination to the Commission. All such appeals shall contain the reasons why the individual believes the appeal should be granted and shall be filed within a reasonable period of time.

509. Qualifications of Applicants. The following general qualifications shall be deemed to be a part of the personal characteristics of the minimum qualifications of each class specification and need not be specifically set forth therein. Each applicant shall:

a. Possess all entrance requirements specified in the minimum qualifications for the class, except as otherwise provided.

b. Possess to the degree required the general qualifications of integrity, honesty, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the employment.

c. Possess an appropriate valid California Driver License where the position requires the driving of a motor vehicle.

510. Disqualification of Applicants. The Human Resources Director may refuse to examine an applicant or, after examination, may disqualify an applicant for any of the following reasons:

a. Lack of any of the preliminary requirements prescribed for admission to the examination as announced in the public notice.

b. Failure to file the application correctly or within the prescribed time limits.

c. False statement of any material fact or attempted deception or fraud in the application or examination.

d. Disability which renders the individual unable to perform the essential duties of the class.

e. Conviction of a crime which renders the person unsuitable for a position in the class.

f. Participating in the compilation, administration, or correction of the examination.

g. Directly or indirectly obtaining information regarding examinations to which the applicant is not entitled.

h. Any other action of the applicant which renders the applicant unsuitable for employment.

i. Use or attempted use of political pressure or bribery to secure an advantage in an examination or appointment.

j. Previous competition in an examination for the same class within the minimum waiting period as prescribed for retaking an examination.

k. Receiving retirement benefits from Santa Barbara County.

511. Notification of Disqualified Applicants. A disqualified applicant shall be notified promptly of such disqualification, the reason therefor, and the right to question or protest such disqualification. A written notification (e-mail qualifies as written notice) of disqualification shall be provided to the applicant. Minor defects or omissions in an application on file may be corrected at the discretion of the Human Resources Director.

512. Protest of Disqualification. During the first three working days immediately following the notification of disqualification to candidates, any candidate may request an explanation from the Human Resources Director or designee for the reason for disqualification. Whenever an applicant is disqualified in any of the matters provided in this section, he or she may file a request for an investigation with the Commission. Any such request shall contain the reason why the applicant believes the investigation should be granted, and it shall be filed with the Commission or postmarked no later than ten calendar days after the applicant is first notified of disqualification, or the candidate is provided with a more detailed explanation of disqualification from the Human Resources Director, whichever comes later. Such protest shall be limited to the issue of whether or not the Human Resources Director followed the requirements of Rule 510 and the intent of County Code Section 27-21, i.e., that positions shall be filled (except as otherwise provided) on the basis of merit and fitness ascertained through practical competitive examinations. The Commission shall examine the facts involved and shall grant or deny the investigation within one month of its being filed.

513. Fingerprinting. Applicants seeking positions as peace officers or applicants seeking positions in which there is access to criminal offender record information may be required to be fingerprinted before appointment. Other employees may also be required to be fingerprinted after appointment, as determined by the appointing authority.

514. Age Limits.

a. No age maximum exists for appointment to the classified service. Employees who have reached seventy years of age, however, are to be certified annually as set forth in Rule Fifteen. In the case that an appointment is to be made to a position covered by the Safety Membership Retirement Plan, the age limits shall be eighteen years minimum and sixty years maximum or as otherwise provided by law.

b. The minimum age for all employees, unless otherwise specified, is eighteen years of age, except that candidates who have reached their sixteenth birthday and have graduated from high school may be admitted to examinations for which they otherwise qualify. If a minor between the ages of sixteen and eighteen works in a department on an extra help basis, work study, or other program, the appointing authority shall ensure that all working conditions and hours worked by the individual are in strict compliance with all applicable laws pertaining to minors.

515. Veteran's Preference

a. Any person who is a veteran, as defined in Section 18973 of the Government Code of the State of California, and who enters an open competitive examination for a classification requiring no work experience, as approved by the Civil Service Commission, shall be eligible to receive preferential credit of five points added to the total credits earned in the examination.

To receive such preferential credit, the veteran must meet the minimum qualifications established for entrance to the examination, and must attain a passing score in each phase of the examination.

It is further provided that eligibility for such preferential credit shall not extend beyond five years from the most recent date of:

1. discharge from active military service;

2. discharge from a military or veterans' hospital where treatment and confinement were for a disability incurred during active military service; or,

3. completion of an educational or training course or courses funded in whole or in part by a Federal Educational Assistance Act (G.I. Bill of Rights).

b. A disabled veteran who enters an open competitive examination for an entry level classification as approved by the Civil Service Commission shall be eligible to receive preferential credit of ten points added to the total credits earned in the examination.

To receive such preferential credit the disabled veteran must meet the minimum qualifications established for entrance to the examination and must attain a passing score in each phase of the examination.

It is further provided that to be eligible for such preferential credit a disabled veteran must have a permanent disability of thirty percent or more and such disability must be compensable at the time preference is claimed.

c. Eligibility for veterans' preference credits provided in paragraphs (a) or (b) hereof shall not apply to promotional examinations, nor shall preference apply to any personnel transaction such as, but not limited to, dismissal, transfer, or layoff.

d. To claim veterans' preference credits as provided in paragraphs (a), or (b) hereof, an applicant must apply for such credits in the space provided therefor on the application form and must submit a form, DD214, or equivalent document, as evidence of military service, disability, or compensability, as appropriate, to the Human Resources Department on or before the date of examination. Veteran's preference must be established separately for each examination.

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RULE SIX

EXAMINATIONS

601. Scheduling of Examinations. The Human Resources Director shall schedule examinations to fill vacancies in the classified service or to provide eligible lists for classes of positions where vacancies are likely to occur, and shall prepare or acquire, announce, and conduct such examinations as provided in these Rules. An examination may be scheduled and conducted as a promotional examination, as an open examination, or as both. Examinations for entrance into the classified service shall be on an open, competitive basis.

602. Selection Devices. All selection devices shall be job related and developed from job information. Examinations shall test the relative fitness of applicants for entry into the classified service or for promotion within the service. Whenever feasible, selection methods shall conform to American Psychological Association's Division 14 (Industrial/Organizational) current standards. Descriptions of selection methods shall be maintained in the Human Resources Department.

603. Background Investigations.

a. Investigations are conducted pursuant to the California Government and Penal Codes for applicants entering law enforcement and related occupations. This investigation may include fingerprinting and psychological and polygraph examinations, as well as reports from former employers, acquaintances, educational institutions, law enforcement agencies, credit reporting organizations, or other sources. Records of such examination shall be confidential and shall be retained by the appointing authority and divulged only to the Commission, if necessary, upon appeal or investigation, in which case they shall be presented in executive session to preserve confidentiality. Upon the written request and express waiver of confidentiality by the candidate, the appointing authority may divulge to the candidate the reasons why the candidate's background investigation did not meet the qualifications set forth in Rule Five.

b. State and Local Summary Criminal History Information checks are authorized pursuant to the California Penal Code for applicants entering positions where conviction of a specific crime renders the person unsuitable for the position. Conviction record checks may be obtained by the Human Resources Director or designee, at the request of the appointing authority, for applicants eligible for appointment to the position. Upon the written request and express waiver of confidentiality by the candidate, the Human Resources Director or designee may divulge to the candidate the reasons why the candidate's check did not meet the qualifications set forth in Rule Five.

604. Medical Reviews. Prior to filling any position, the appointing authority shall submit a Physical Factors Checklist to the Human Resources Director. The checklist shall specify the physical

requirements and working conditions of the position. These physical requirements and working conditions shall determine the medical evaluation or examination that each person entering County service shall be required to undergo, prior to appointment, to ensure the candidate's ability to perform the duties of the job as set forth on the checklist. Positions that are deemed to be sedentary, office-based jobs may be exempted from a medical evaluation or examination unless required by the position's working conditions. An evaluation or examination for temporary appointment or extra help assignment may be waived, however, by the Human Resources Director if it appears to be in the best interest of the County.

Inability to qualify in a pre-employment medical examination or evaluation may be cause for:

a. withholding from placement on an eligible list;
b. removal from an eligible list;
c. withholding from certification until the required standards are met; or,
d. rejection of employment.

605. Continuous Examinations. For classes of positions for which it is difficult to maintain adequate eligible lists, the Human Resources Director may receive applications, conduct examinations, and create eligible lists on a continuous basis. The names of all eligibles who took the same or comparable examinations on different dates shall be ranked by score on one eligible list for purposes of certification

606. Preparation of Examinations. Examinations shall be prepared under the direction of the Human Resources Director who may request or employ persons of recognized attainments, other human resources agencies, consultants or experts, officers or employees of the County or other public agencies, or such other assistance as may be deemed necessary, to assist in the preparation, conduct or grading of such examinations.

607. Conduct of Examinations. The Human Resources Director or designee shall designate the time, place, and type of each examination, and when applicable, shall assign one or more boards to examine the candidates and proctors to administer the examinations. Remarks relating to an examination question which might unfairly assist in its solution shall not be made by an examiner.

Any applicant who appears late for an examination may be refused admittance and shall be refused admittance after any candidate has withdrawn or completed the test and left the examination room.

A candidate's examination shall be cancelled for:

a. improperly communicating with any other candidate during an examination;

b. giving or receiving any unauthorized assistance in an examination;

c. any copying or collusive act during an examination;

d. directly or indirectly obtaining information regarding examinations to which the candidate is not entitled;

e. any action that threatens the security of the examination material or violates the prescribed instructions for the examination;

f. evidence that the candidate was not the same person who submitted/completed the application; or,

Neither an appointing authority nor anyone in the department concerned shall be a member of an oral board for a departmental promotional examination. Appointing authorities and representatives of appointing authorities shall not participate in the ranking of candidates nor be present during the final ranking deliberations of the oral board for a departmental promotional examination.

Each candidate in an examination which includes physical exertion or other activity which may result in any injury or damage to the candidate or to the candidate's property may be required to execute a document releasing the County from any and all liability in connection with the examination. Failure to execute such a document when requested to do so shall result in disqualification of the candidate.

The Human Resources Director or designee may order that an examination be postponed or cancelled, in which case applicants shall be given suitable notice of such action.

608. Promotional Examinations. Whenever practicable, vacancies in the classified service shall be filled by promotion of qualified employees. In order to qualify for a promotional examination, an employee must be qualified as outlined in Rule Ten.

Except as otherwise provided for in these Rules, all promotional examinations shall be competitive. Candidates who attain the required rating in a promotional examination shall have their names placed on an eligible list, and appointments made therefrom shall be in the same manner as original appointments.

Each candidate for a promotional examination shall file a completed application form in accordance with Rule Five.

609. Flexible Staffing. For those positions, specifically designated by the Board of Supervisors, to which promotion follows satisfactory completion of the prescribed time of work experience, such as in trainee classes, promotion may be effected on a non-competitive basis without examination. Such promotions shall be effective upon application by the incumbent and approval by the appointing authority.

610. Scoring of Examination. The Human Resources Director shall establish a procedure for scoring each examination which will give due weight to each portion of the examination and which will afford each qualified candidate an equal opportunity to compete. Candidates shall

be required to attain a rating of not less than 70 percent in each part of the examination and an overall average of not less than 70 percent to qualify in the examination, unless otherwise specified in the announcement bulletin. If a candidate receives a majority of passing ratings in an oral panel interview or in an assessment center, the candidate shall receive a passing score regardless of the numerical average of the ratings. This passing score shall be equal to the numerical average of all raters' final scores, if passing, otherwise it shall be equal to the minimum passing score. Conversely, if a majority of the raters give a failing score, the candidate shall not pass the examination.

In examinations, the 70 percent used to represent the minimum qualifying score need not be the arithmetic 70 percent of the total possible score, but may be an adjusted score based on a consideration of the difficulty of the examination, the quality of competition, and the needs of the County. A score shall be valid only as long as the eligible list established from the examination is in effect.

The weight assigned to each part of an examination shall be multiplied by the candidate's score in that part; and the total thereof shall be the final examination score.

611. Notice of Results. As soon as the eligible list is established, candidates shall be notified of the results of the examination. If the candidates are qualified for a place on the eligible list, they shall be notified of their ratings and relative standings on the list. When candidates are eliminated in an earlier part of the examination process, they may be notified at an earlier time.

612. Protest of Examination Content. For a period of three working days immediately following the day a non-standardized, written test is given, candidates may inspect their own answer sheets and a keyed copy of the examination either by appointment or during the regular business hours in the Human Resources Department. If the test is copyrighted or the County has used materials from other jurisdictions or publishers which require that the test material be confidential, candidates shall not be permitted to review the examinations. Candidates shall be prohibited from copying any of the examination content. Records of oral examinations or assessment centers, particularly statements of the individual raters regarding the qualifications of the candidates upon which the ratings are based, are confidential and may not be reviewed by candidates.

During the three-day review period, a candidate may protest, in writing to the Human Resources Director, the content of any portion of the examination. Protests of examination content shall be limited to assertions that:

a. the examination does not test for the knowledge, skills, or abilities required for the classification being tested for;

b. substantial error appears in the questions, or the answers.

After the examination review period has closed, no further protests will be accepted which are concerned with examination content, and the decision of the Human Resources Director in any such protest shall be final.

The period of protest of examination content is three working days after administration of the examination, and during this period a candidate may protest, in writing to the Human Resources Director, against the content of any portion of the examination. If a protest is filed, no test scores shall be revealed until such protest is resolved by the Human Resources Director. After the examination review period has passed, no further protests will be accepted which are concerned with examination content.

613. Protest of Examination Procedures. During the first three working days immediately following the notification of examination results to candidates, any candidate may file a written complaint with the Human Resources Director on the basis that irregularity, bias, or fraud occurred in some aspect of the examination procedure.

All complaints to the Human Resources Director concerning any examination procedure shall state the nature of the complaint, the incident to which it refers, and the reasons the candidate believes the complaint should be upheld by the Human Resources Director.

The Human Resources Director shall investigate each complaint and shall uphold those complaints found justified. If the complainant is not satisfied with the decision of the Human Resources Director, the matter shall be referred to the Commission. The Commission shall make a decision to grant or deny an investigation no later than one month after the matter is filed.

If, after investigation, the Commission finds that the applicant's score was affected by bias or fraud, the Commission's findings and decision shall be final. In other cases, the Commission shall forward its findings and recommendations to the Human Resources Director.

614. Retaking Examinations. Applicants may retake examinations which they previously failed, or they may retake examinations to improve their positions on the eligible lists. The recruitment must be still open and a new application must be filed. Applicants may retake examinations as set forth below:

a. Traditional written tests, if available, may be retaken every other month.
b. Self-evaluation questionnaires may be retaken once every three months.
c. Performance tests, oral panel interviews, and assessment center exercises may be retaken when next normally scheduled.

615. Disposition of Examination Records. All examination records and related papers are the property of the Human Resources Director and shall be confidential records which may be inspected or copied only under such conditions as may be specified by the Human Resources Director, Board of Supervisors, or competent judicial authority. All such records shall be

retained for at least four years, after which time they may be destroyed as provided by law or retained thereafter for as long as the Human Resources Director deems necessary.

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RULE SEVEN

ELIGIBLE LISTS

701. Establishment of Eligible Lists. After each examination, the Human Resources Director or designee shall prepare an eligible list of persons with passing scores. Starting with the highest score, the names of eligibles shall be placed on the list in order of their final ratings. If some eligibles have identical ratings, they shall be grouped as one standing for certification purposes.

702. Promulgation of Eligible Lists. The Human Resources Director or designee shall prepare a tabulation of the results of each examination. The eligible list established from each such examination shall be in effect from the date on which it is approved by the Human Resources Director.

703. Duration of Eligible Lists. The duration of an eligible list shall be no less than three months nor more than four years. The minimum duration shall be specified in the examination announcement. When, in the opinion of the Human Resources Director, an eligible list does not meet the demands of the service, but has not expired, the Director may order examinations to provide additional eligibles. The names of the additional eligibles shall be merged by score with those remaining on the previous list.

Eligible lists may be abolished or extended by the Human Resources Director who shall record an explanation of the reason for the change. As a standard practice, lists will be effective for not less than three months and not more than four years. Lists may be abolished prior to three months at the determination of the Human Resources Director, provided the qualifying reason for such shall be reported, in writing, by the next regularly scheduled Commission meeting, or as soon as practicable thereafter. Notice of intention to abolish an eligible list shall be sent to all eligibles whose names appear on the list to be abolished.

704. Eligible Lists Confidential. Eligible lists are confidential, and the relative position of eligibles on a list, or their scores, shall not be made available except to the eligibles independently, their designated representative, or an authorized representative of a department in which they may be considered for appointment.

705. Reemployment Lists. For each class within each department a reemployment list shall be established which contains the names of employees who have been laid off. The employees shall be ranked in the inverse order of separation; that is, the last laid off shall be first. Persons on such reemployment lists shall be eligible for appointment therefrom for a period of two years from the date their names were placed on the list.

When a vacancy exists in a department in a classification where a departmental reemployment list exists, the person standing highest on the list shall be offered the appointment prior to other eligibles on the list. However, any offer of appointment is subject to the candidate's ability to qualify in the medical examination or evaluation for the particular position in the class.

Refusal to accept reemployment or failure to respond to an offer of reemployment from a reemployment list shall remove the eligible's name from that list. Each division of any list shall be geographical area and shall be considered independently from one another, and refusal to accept reemployment from one division shall remove the eligible's names from that division of the list only, except that refusal to accept reemployment in the same geographical area as that from which the employee was laid off shall remove the eligible's name from all divisions of the list.

When a vacancy exists in a classification and in a department other than the department where the layoff occurred, names from the ten highest standings shall be certified from the reemployment lists for other departments so as to provide at least ten names. If no such reemployment lists exist, or there are fewer than ten names, additional names may be certified from appropriate eligible lists as provided for in these Rules. The acceptance or waiver of a position offer shall not affect the individual's standing on the reemployment list for the department from which he or she was laid off.

When an organizational unit is transferred from one department to another within two years of a layoff having occurred, and, when the classification is unique to that organizational unit and no longer exists in the original department, and, when the employee's last two performance evaluations are rated as satisfactory or above, then the employee's name will be placed on a reemployment list that will be issued to the department which received the organizational unit, not the department from which the employee was originally laid off. The employee will have no reemployment rights to the department from which they were laid off.

706. Promotional Lists. The names of employees who are successful in a departmental promotional examination shall be placed on a departmental promotional list for the class for which the examination is held, and said list shall take precedence next after reemployment lists. Such departmental list shall be used only for the department concerned. The names of employees who are successful in a County-wide promotional examination shall be placed on a County promotional list for the class for which the examination is held, and said list shall take precedence over the open eligible list for that class.

707. Open Eligible Lists. The names of competitors who are successful in open examinations shall be placed on open eligible lists in the descending order of their final ratings.

The name of an individual who has successfully completed an approved on-the-job training program shall be placed on an open eligible list if the program is deemed by the Human Resources Director as the examination for the class and the program has the prior approval of

the Human Resources Director. The Human Resources Director shall notify the Civil Service Commission in writing of approvals of such on-the-job training programs.

708. Priority of Eligible Lists. Eligible lists shall be certified to an appointing authority in the following order:

a. reemployment list;
b. departmental promotional list;
c. County promotional list;
d. open eligible list and/or free names.

The names of eligibles shall be certified in accordance with the rules for certification of eligible candidates.

The appointing authority may fill a vacancy by an intradepartmental transfer or a demotion in lieu of layoff, provided, that the employee transferred or demoted has greater total continuous service credit than the highest standing person on the reemployment list for the class in the department.

709. Inactive Status. The name of an eligible who is not available for appointment may, upon written request, be placed in an inactive status, and may be restored to active status upon written request of such eligible, provided said list is still in existence.

710. Transfer, Voluntary Demotion, and Reinstatement. As an alternative to appointment from an eligible list, a position may be filled by transfer, voluntary demotion, or reinstatement, as provided for in these Rules.

711. Candidates for Transfer, Voluntary Demotion, or Promotion. An employee may request:

a. a transfer or a demotion to a position in the same class or to another class with the same or lower salary allocation for which the employee meets the minimum qualifications;

b. a demotion to a position in a class with a lower salary allocation for which the employee meets the minimum qualifications;

c. a promotion to a class in which the employee previously held permanent or probationary status.

The employee shall submit a written request to the appointing authority in the department to which the employee wants to transfer, voluntarily demote, or promote. If the appointing authority selects the employee, the effective date of the transfer, demotion, or promotion shall coincide with the first day of the pay period following receipt of the personnel change form by the County Human Resources Department.

712. Candidate for Reinstatement. An employee, having permanent or probationary status, who resigns in good standing, or who is displaced or laid off may, within two years after the date of separation or layoff, request in writing, and by submitting a new application, reinstatement to a position in the same class or to another class with the same or lower salary allocation and for which the employee possesses the minimum qualifications. Upon approval by the Human Resources Director or designee, the name of each such candidate shall be placed on the eligible list as a free name for the appropriate class and shall not count as a standing when determining the order of standings on an eligible list. The name shall be retained on the eligible list as a free name for a period not to exceed two years from the date of separation or lay off unless it is removed sooner in accordance with these rules.

Upon notice from the Santa Barbara County Board of Retirement that a person on disability retirement is no longer incapacitated, that name shall be placed on the eligible list for the class of position held by the employee when retired for disability as a free name, and shall not count as a standing when determining the order of standings on an eligible list. Such candidate shall be certified only to the department where the person was employed immediately prior to retirement and the name shall be retained on the eligible list for two years or until candidate is either reinstated, refuses to accept reinstatement, or fails to respond to an offer of reinstatement. If not reinstated during the two year period the candidate may, again, be placed on the eligible list for reinstatement as outlined in this paragraph.

713. Lateral Transfer: Candidates from Other Recognized Agencies. Under the following conditions, the name of an individual who has held permanent or probationary status in the classified service of a California public agency operating a personnel merit system may be placed on an open eligible list for a comparable or lower class in the Santa Barbara County service, and shall be certified as a free name as provided in Rule Eight.

a. The class for which the list is approved possesses essentially the same or lesser minimum qualifications as the class in which the individual held permanent status.

b. The individual has been in the employ of the other agency within one year of the date the list is approved.

c. The individual achieved permanent or probationary status as the result of a qualifying or competitive examination.

d. The individual has performed satisfactorily and has not been separated nor is being considered for separation because of fault or delinquency.

e. The other agency submits information to the Human Resources Department which confirms that the required conditions have been met and that the individual is eligible for reemployment or continued employment in the class in which permanent or probationary status is held.

If a department head appoints an eligible who has qualified by transferring from another jurisdiction, the employee shall serve the required probationary period before attaining permanent status.

714. Subdivision of Eligible Lists. Where the duties of positions or efficiency of recruitments require, eligible lists may be subdivided, or separate eligible lists established, for the various departments, subdivisions of departments, institutions, or sections of the County. All such separations or subdivisions shall be by order of the Human Resources Director.

715. Erroneous Eligible List. When it becomes evident that an omission or other error has occurred in the preparation of a list, a corrected list shall be prepared by the Human Resources Director or designee. The names of individuals who do not qualify shall be removed from the list; however, any appointments previously made shall not be invalidated.

716. Removal of Names from an Eligible List. In addition to the causes listed in Rule Five, a name may be withheld from certification or removed from the eligible list for any of the following reasons:

a. On evidence that the eligible cannot be located by the postal authorities;

b. On receipt of a statement from an eligible declining an appointment and stating no further interest in a position with Santa Barbara County;

c. Upon failure of the candidate to respond to a written inquiry from the Human Resources Department;

d. If an appointing authority interviews and does not select a certified eligible in connection with three separate appointments, such eligible shall be omitted from subsequent certifications to that same appointing authority from the same eligible list;

e. Upon appointment to a position in the class for which the eligible list was established or reemployment in a class from which laid off. Such appointment or reemployment shall be the basis for removal of the eligible's name from all other related lists at the same or lower salary levels;

f. Upon refusal to accept reemployment from a reemployment list. Each division of any list shall be by geographical area and shall be considered independently from one another, and refusal to accept reemployment from one division shall remove the eligible's name from that division of the list, except that refusal to accept reemployment in the same geographical area as that from which the employee was laid off shall remove the eligible's name from all divisions of the list;

g. Upon resignation from the classified service of an eligible on a promotional eligible list;

h. Upon inability to qualify in a pre-employment medical examination or evaluation for a particular position in the class.

i. After the third refusal of an offer of employment and/or a waiver of an interview with an appointing authority. A waiver is defined as the failure of an eligible on a certification list to accept, respond or report to a department's documented invitation to an interview.

Whenever a name is removed from an eligible list, the individual shall be notified, in writing, of the reason and informed of the right to protest, except that notification shall not be provided to those eligibles removed in accordance with subsections (e) and (g) above.

717. Protest from Removal from an Eligible List. Any employee or candidate removed from an eligible list or withheld from certification may protest for restoration to the eligible list or certification after withhold or removal for any cause provided in these Rules. Protests may be filed in writing with the Human Resources Director within thirty days of the date on which notification was sent to the individual. Unless otherwise resolved to the satisfaction of all interested parties by the Human Resources Director, all protests shall be referred to the Commission for investigation. The Commission shall examine the facts and issue its decision within a reasonable period, which shall be the final administrative remedy, and the protestant shall be notified accordingly.

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RULE EIGHT

REQUISITION AND CERTIFICATION OF ELIGIBLE CANDIDATES

801. Request for Certification. When an appointing authority wishes to fill a vacancy in the classified service, other than by transfer or demotion, the appointing authority shall notify the Human Resources Director as far as possible in advance in order to allow sufficient time to establish an appropriate eligible list.

the appointing authority shall request, upon the form prescribed by the Human Resources Director, certification of names of eligibles for such position.

The Human Resources Director or designee may review the work of the position in question, if necessary, to determine if it is properly classified and rated and shall then certify the appropriate list of eligibles in accordance with the rules governing certification.

802. Certification of Eligibles. Upon receipt of a request for certification, the Human Resources Director or designee shall, as soon as practicable, certify to the appointing authority the names and addresses of those persons entitled to certification in accordance with these Rules and the provisions contained therein.

803. Order of Certification of Lists. The Human Resources Director or designee shall certify from the appropriate eligible list as follows:

First: Reemployment list. The appropriate number of names of those persons who were laid off from the department from the class of position shall be certified in accordance with Rule Seven.

Second: Departmental promotional list. If no one is available as specified above, the appropriate number of names of those persons on the departmental promotional list for the class of position shall be certified.

Third: County promotional list. If no eligible list is available as specified above, the appropriate number of names of those persons on the County promotional list for the class of position shall be certified.

Fourth: Open eligible list. If no eligible list is available as specified above, the appropriate number of names on the open eligible list for the class of position shall be certified.

Fifth: Free Names. If no reemployment or promotional list is available, the transfer, reinstatement, voluntary demotion, resignation while on a promotional eligible list, and lateral transfer eligible names may be certified. The free names shall not be considered standings when determining the order of standings on an eligible list.

The open eligible list and the free names may be certified together or alternately.

804. Number of Names to be Certified. Except as otherwise provided by these Rules, for each request for certification of eligible names, the Human Resources Director shall certify the appropriate number of highest standings to supply at least nine more names than the number of vacancies to be filled, provided that the eligible list contains sufficient names to do so. When the score for the last certifiable name is the same as one or more scores following it, all names having that score shall be certified. If there are fewer than ten names available, the appointing authority may elect to appoint from the names available or may disregard them and request a new list. If there are fewer than three names, the appointing authority may request authorization to make a provisional appointment in accordance with Rule Nine.

In the case of Sheriff's Deputy Trainee, Custody Deputy, Communications Dispatcher I/II, Deputy Probation Officer, Juvenile Institutions Officer, Firefighter Trainee, and Firefighter, the Human Resources Director shall certify all eligible names.

805. Alternate List. If a vacancy exists in a class for which there is no eligible list or if the eligible list contains fewer than ten active eligibles, the Human Resources Director may prepare an appropriate list for the class from one or more higher existing related list. A list with fewer than ten active eligibles may be considered exhausted, but names from higher or related lists may only be used to supplement the exhausted list.

To establish a higher or related eligible list for use in the absence of a list or as a supplement to an exhausted list for a given class, selection shall be made of lists for classes with minimum qualifications and examinations comparable to or higher than those required for the class in which the vacancy exists and, in that event, only the names of those persons having qualifications required for the vacant position may be certified.

If no reemployment or promotional names are available, an appointing authority may request, with the approval of the Human Resources Director, the certification of eligibles from a list established for a higher class to fill a vacancy in a lower class.

A waiver of certification from a related, supplemental, or higher list shall not affect the standing of the eligible on the original list. The acceptance of waiver of a position offer by an eligible certified from such lists shall not affect the standing of the eligible on the original list.

806. Tie Scores. The names of two or more eligibles having final ratings which are identical shall be grouped on the certification as tie names with equal rank for certification and appointment purposes.

807. Notice of Certification. When the names of eligibles are certified to an appointing authority, the appointing authority shall contact those eligibles to be interviewed. When contacting an eligible, the appointing authority shall advise the eligible that failure to either report or waive may result in removal of the eligible's name from the eligible list.

808. Special Certification. When positions require residence in a certain locality, unusual work hours, work at certain locations, or other special qualifications, the Human Resources Director or designee may, upon written request by the appointing authority, certify only those eligibles who meet the conditions requested.

The Human Resources Director may, upon written request by the appointing authority, certify only those eligibles who have successfully completed an approved on-the-job training program as provided in Rule Seven. The Human Resources Director shall notify the Civil Service Commission in writing of certifications limited to eligibles who have successfully completed approved on-the-job training programs.

809. Additional Names. If eligibles who are certified waive or fail to respond to a notice of certification within the time specified, and this causes fewer than ten names from the ten highest standings to be available to the appointing authority, then the next highest standing or standings may be certified as appropriate.

810. Objection and Substitution. In case objection is made by the appointing authority to any of the persons certified, reasons must be stated specifically in writing. Any cause contained in Rule Five shall be deemed sufficient reason for objection, but the Human Resources Director may approve objection for other cause. If the objection is sustained by the Director, the next highest standing on the eligible list shall be certified and notice of withdrawal of certification shall be sent by the Human Resources Department to the person against whom the objection was sustained, giving the reasons therefor.

811. Return of Certification. The appointing authority shall return the certification to the Human Resources Director, indicating thereon the action taken with regard to each eligible certified, immediately upon selection of a candidate or upon exhaustion of a certification without appointment, and in no event later than thirty days after the date of certification unless otherwise extended by the Human Resources Director.

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RULE NINE

APPOINTMENT AND PROBATIONARY PERIOD

901. Appointment from Certification. All appointments to positions in the classified service shall be made for each such position from the ten highest available standings, including ties, on the certification of eligibles.

In selecting persons from among those certified, the appointing authority may inspect the applications, related examination records, and reports of investigations of the eligibles.

Before appointment, an eligible shall be required to qualify in a medical examination or evaluation, as appropriate.

902. Provisional Appointment. If a position has been classified, minimum qualifications established, and an appropriate employment list contains fewer than three available names, the appointing authority may, with the approval of the Human Resources Director, make a provisional appointment. A person who is appointed provisionally shall meet the minimum qualifications for the class. The acceptance of a provisional appointment shall not jeopardize the employee's status in the position from which the employee promoted.

A provisional appointment may not exceed six months, but shall not continue for more than thirty days after a new list is established for the class unless the list is sooner exhausted. If a provisional employee has filed a complaint concerning an examination or a request for an investigation which is granted by the Commission, the appointment may continue during the pendency of such complaint or investigation before the Commission except as provided herein.

An initial provisional appointment may be extended beyond the six months limit up to but not exceeding an additional six months upon approval of the Human Resources Director on the basis that an examination has been publicly announced or recruitment activity has been initiated. The examination will be held whenever enough qualified applicants have filed to assure adequate competition.

The period of provisional appointment shall not be credited as part of the probationary period as provided in these Rules.

A provisional appointment to a position in the classified service shall be deemed to be a continuing request for certification of eligibles for regular appointment, and immediately following the establishment of a new appropriate eligible list, the Human Resources Director shall certify eligibles to such position without further request from the appointing authority.

903. Emergency Appointment. In emergency situations, which are hereby defined as situations where there is a threatened interruption of essential services and immediate action is deemed necessary, an appointing authority may appoint a person or persons to a regular position, without reference to eligible lists, for a period not to exceed sixty working days, provided that each such appointment shall be reported, in writing, promptly to the Commission, stating specifically the situation that exists. Upon request, the Commission may extend the appointment period for an additional sixty working days.

Service under emergency appointment shall not be credited for the purposes of vacation, sick leave, holidays, salary adjustment, or other rights and benefits accorded other appointments.

904. Temporary or Limited Term Appointment. Any appointment to a regular permanent position on a temporary or limited term basis, whether by appointment from a certification of eligibles or upon authorization by the Human Resources Director to appoint any person who meets the minimum qualifications for the class and who has qualified in an appropriate examination, shall be a limited term appointment. Duration of a limited term appointment shall be limited to a period not to exceed three (3) years, but is subject to annual review by the Commission to ensure the temporary or limited term nature of such appointment remains appropriate based on business operational needs and/or resources. This includes, but is not limited to grant funding or other limited funding source for the position. There shall be no such reappointment within the same department for sixty calendar days following termination. Selection shall be made for each such position from the ten highest available standings on the certification of eligibles in accordance with Section 901. The expiration of a limited term appointment shall be reported to the Human Resources Director by the appointing authority, on the prescribed form.

The acceptance or refusal to accept appointment to a limited term position shall not affect an eligible's standing on an eligible list for permanent appointment.

A permanent or probationary employee who has accepted a limited term appointment in the same department in a higher class shall, if the employee so desires, be reinstated to the former position at the end of the limited term appointment.

If, in the opinion of the appointing authority, urgent reasons exist for filling a limited term appointment, and the appropriate eligible lists contain fewer than three available names, the appointing authority may, with the approval of the Human Resources Director, appoint to the position any person who meets the minimum qualifications of the class and who has qualified in an appropriate examination.

905. Extra Help Appointment. An extra help appointment is defined as an appointment made to a non-regular, non-permanent position established on a temporary basis to meet peak loads, unusual work situations, seasonal and recurrent work, intermittent assignments, or emergencies.

An extra help appointment is not a regular appointment and need not be made from an established eligible list except that appointments to positions covered by Local Agency Personnel Standards shall be made from eligible lists if appropriate lists are available. In the event an extra help position is subsequently converted to a regular position, only a continuing incumbent, whose original appointment was made from one of the ten highest standings on the appropriate eligible list, may be granted probationary status effective on the date of establishment of the regular position without further examination, except medical examination or evaluation as may be required by current personnel policies.

An extra help appointment shall require prior recommendation and/or approval of the County Executive Officer or Board of Supervisors, as appropriate. Such appointment, except emergency appointment, shall not exceed one thousand and forty hours in the twelve month period immediately following the first day of the first appointment of the incumbent, unless extended by prior approval of the Commission; however, an extra help appointment to a position covered by Local Agency Personnel Standards shall not exceed twelve months.

Except in the case of emergency or when the nature of the assignment is such that it does not fall within an existing classification, the appointing authority shall be responsible for determining that the extra help appointee meets the minimum qualifications established for the class at the time of appointment.

In the case of an extra help appointment to a position for which no appropriate classification exists, the appointing authority shall be responsible for determining that such appointee is qualified to perform the duties of the job.

In the case of a bona fide emergency, a person may be appointed on an extra help basis without regard to the minimum qualifications established for the class, and such appointment shall be reported to the County Executive Officer and Human Resources Director within seventy-two hours of appointment and shall not exceed thirty working days unless extended by prior approval of the County Executive Officer.

906. Report of Appointment. All appointments to positions in the classified service, whether permanent, provisional, emergency, limited term, or extra help shall be reported promptly to the Human Resources Director and the Auditor by the appointing authority, on the prescribed form.

907. Purpose of Probationary Period. The probationary period shall be the final phase of the examination process. It shall be used by the appointing authority for the effective adjustment of employees to new jobs, and for the elimination of any probationary employee whose performance does not meet the required standards of performance.

908. Duration of Probationary Period. Each appointment, promotion, demotion, or transfer to a permanent position shall be subject to a probationary period of one year, except as otherwise provided in these Rules. An employee who promotes within a flexibly staffed, safety

classification series shall be subject to a probationary period of one year. However, an employee who promotes within a flexibly staffed, non-safety classification series shall be subject to a probationary period of six months.

The probationary period shall date from the time of appointment to a permanent position after certification from an eligible list, and shall not include time served as a provisional, emergency, or limited term appointee, nor any period of continuous leave of absence exceeding fifteen days.

During the probationary period of each employee, it shall be the duty of the appointing authority to evaluate the employee on a quarterly basis. The purpose of the evaluation is to assess the employee's ability to perform the job and to provide feedback to the employee about his/her performance. The appointing authority shall inform the employee of any progress that is less than satisfactory. If the probationary employee's conduct warrants disciplinary measures, the appointing authority may take appropriate action at any time as provided by these Rules.

The appointing authority may extend the probationary period for employees who are in the classification of Communications Dispatcher I or who are in, or promote within, safety classifications for a total probationary period not to exceed one year and sixty days. The appointing authority may extend the probationary period for employees who promote within flexibly-staffed, non-safety classifications for a total probationary period not to exceed one year. For all such extensions, the appointing authority shall submit a statement of reasons that shall be provided to the employee and the Human Resources Director prior to the expiration of the probationary period.

If an employee is laid off during the probationary period and is later reemployed in the same class, the employee need only complete the balance of the required probationary period.

If the name of an employee released during the probationary period is restored to the eligible list from which originally certified, the employee shall be required to serve a completely new probationary period.

909. Permanent Appointment. The permanent appointment of a probationary employee shall begin on the day following the end of the probationary period. The attainment of permanent status shall be based upon written certification of satisfactory performance of the employee during the probationary period. In the absence of such certification, an employee shall automatically attain permanent status upon completion of the probationary period for the class.

Employees having permanent status shall be subject to disciplinary action for cause.

910. Appraisal of Probationers. The appointing authority of a probationer shall file with the Human Resources Director, on the prescribed form, a report of performance one month prior to the

end of the probationary period. A copy of the performance report shall be given to the employee.

911. Probationary Period of the Original Probationer. In accordance with Rule 908, an employee who is in an original probationary status shall serve a probationary period. An employee who transfers, promotes, or demotes during the original probationary period shall begin a new original probationary period. If the employee passes the probationary period, the employee shall have permanent status in the classified service. It shall be the duty of the department head to reject a probationer any time during the probationary period if the employee's work performance is unsatisfactory or if cause exists for disciplinary action. If the employee fails the original probationary period, then the employee shall be separated without the right of appeal except where unlawful discrimination is alleged as a basis for separation. Prior to separation, the appointing authority shall notify, in writing, the employee and the Human Resources Director of the employee's failure to satisfactorily complete the probationary period.

912. Probationary period of the Non-Original Probationer. In accordance with Rule 908, an employee who has permanent status shall serve a new probationary period when the employee promotes or transfers. An employee who has permanent status shall serve a new probationary period when the employee voluntarily demotes, except when the employee held permanent status in the lower class within the same department or when the employee demotes within a class series in the same department. An employee who promotes, transfers or demotes before completing a non-original probationary period, shall begin a new probationary period.

If the employee passes probation following a promotion, transfer, or demotion, the employee has permanent status in the class.

If the employee is rejected during probation following a promotion, transfer or voluntary demotion the employee shall be reinstated to the class in the department from which the employee promoted, transferred or voluntarily demoted unless that class is no longer utilized by the Department. Should reinstatement of the rejected probationer necessitate the displacement of another employee, the displaced employee shall likewise be reinstated. Should reinstatement necessitate the layoff of an employee(s), the employee(s) to be laid off shall be determined in accordance with Rule Eleven.

913. Eligibility of Rejected Probationer. The name of a rejected probationer may, at his or her request and at the discretion of the Human Resources Director, be restored to the eligible list for that class, but the employee's name shall not be certified for that class to the department from which rejected except upon written request of the appointing authority. The name shall be retained on the eligible list until such time as it would have normally been abolished had it remained on the eligible list, and such name shall not be counted as a standing when determining the order of standings on an eligible list.

914. Probation of Reinstated Employee. An employee who is reinstated under the provisions of Rule Seven, Section 712 shall serve the same probationary period as required for original appointment except that an appointing authority's offer of reinstatement made to a person having a previous service-connected retirement shall be an offer to the position and status previously held. Persons returning to duty in a position from which they were separated due to service-connected disability retirement shall not be required to serve a new probationary period if they have completed the required initial entry probationary period satisfactorily and had attained permanent status before leaving the rolls.

915. Special Appointments. In those cases where the Board of Supervisors of the County of Santa Barbara takes over or acquires part or all of the duties, responsibilities, and functions of a public agency, by law or agreement, some or all of those permanent officers and employees of such public agency theretofore carrying out such duties, responsibilities, and functions of such public agency may, at the discretion of the Board of Supervisors, unless otherwise provided by State law, become subject to the Civil Service System and these Rules and regulations and be appointed to continue to carry out their said duties, responsibilities, and functions, without the necessity of complying with Rules Five, Six, Seven, Eight, or Section 901 through 905, inclusive, of Rule Nine, pertaining to Examinations (except that the provisions for medical examinations shall apply), Eligible Lists, Requisition and Certification of Eligible Candidates, and Appointment. The Human Resources Director shall require special qualifying examinations and employees passing such qualifying examinations shall become probationary employees effective the date of the appointment. An employee failing to pass the qualifying examination may be retained in the position in which he has incumbency preference without acquiring the rights of Civil Service status. Conditions of such employment, subject to applicable State law, shall be as may be provided by the Board of Supervisors, provided that they will not nullify the basic principles of the Civil Service System.

916. Appointment to Underfill an Authorized Position. The appointing authority is authorized to fill vacant positions using the specific classifications allocated in their department. An appointing authority may underfill an authorized position with a related classification that has a lower salary range. A position may be underfilled for any of the following reasons: the department's internal promotional program would be enhanced, there are no qualified candidates to fill said vacant position or a critical departmental reason exists.

An appointment to underfill a position must be submitted in writing and meet the following requirements; the appointment must be made in accordance with the Civil Service Rules, the lower level classification must contain a substantial portion of the duties of the higher classification, and the classification used for the underfilling appointment must be approved by the Human Resources Director. An appointment to underfill a position may last up to one year; any extension beyond one year must be approved by the Civil Service Commission.

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RULE TEN

PROMOTION, REASSIGNMENT AND TRANSFER

1001. Promotional Appointment. Whenever practicable and in the best interest of the service, a vacancy in the classified service will be filled by promotion. Promotional appointments may only be made from among employees certified from eligible lists in accordance with the rules on certification of names from eligible list, unless otherwise certified by the Human Resources Director that a nominee for promotion is eligible for promotional appointment in accordance with Rule Six.

In order to be eligible to participate in an examination on a promotional basis, whether competitive or non-competitive, an employee must have permanent or probationary status in a class of the classified service, and must meet all prescribed standards for the promotional class.

In the event a person who has qualified on a promotional eligible list is separated from a position in the classified service, except by layoff, that name shall be removed from the promotional list.

The effective date of appointment of all promotions shall coincide with the first day of the pay period coinciding with or next following the approval of the promotion.

Promotion from those certain classes which are designated as trainee classes, as provided for in Rule Six, upon satisfactory completion of the prescribed training period, shall not have to be from an eligible list but shall be authorized by the Human Resources Director upon recommendation of the appointing authority. The effective date of such promotions shall coincide with the first day of the pay period coinciding with or next following the approval of the promotion.

1002. Reassignment. An employee may be reassigned at any time to a position in the same class within the same department at the discretion of the department head. An employee so reassigned shall retain the permanent or probationary status held immediately prior to reassignment.

1003. Transfer. An employee may request a transfer at any time to a position within the same department or to a different department in a class with the same salary allocation and for which the employee possesses the minimum qualifications. Such transfer shall be subject to the approval of the department head and the Human Resources Director. Should the transfer be to a different department, the employee must give the present department head two weeks' notice; however, if the department head waives the notice, the employee may be transferred at any time.

1004. Medical Reevaluation. An appointing authority may require an employee to submit to a medical examination by a physician, psychiatrist or psychologist designated by the appointing authority if the appointing authority has reasonable cause to believe that the employee lacks the capacity to perform the work of his or her present position. Physical condition shall first be evaluated by a licensed physician prior to a referral to a licensed psychiatrist or psychologist. Following assessment of physical condition and with reasonable cause, emotional and mental condition may be evaluated by a licensed psychiatrist or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. The employee may consent to bypass the physical evaluation and accept a direct referral to a psychiatrist or psychologist. When the appointing authority, after considering the conclusions of the medical examination authorized by this section and additional pertinent information including legal and procedural requirements, concludes that the employee is unable to perform the work of the present position, the employee may then be temporarily or permanently reassigned to a suitable position, placed on leave of absence, placed on sick leave, terminated, or put in any other appropriate status which is in accordance with these Rules. If the employee can subsequently qualify medically, the individual may resume the duties of the previous position as provided elsewhere in these Rules. All Federal and State laws and regulations shall be adhered to in the administration of this section.

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RULE ELEVEN
RESIGNATION, VOLUNTARY DEMOTION, NON-DISCIPLINARY SEPARATION, AND LAYOFF

1101. Resignation. An employee who wishes to leave the classified service in good standing shall file a written notice of resignation with the appointing authority, giving at least two weeks' notice of intention to leave the service, unless the appointing authority consents, in writing, to shorter notice. The notice of resignation shall be forwarded by the appointing authority to the Human Resources Director for inclusion in the employee's service record. An employee who leaves the classified service without so filing a written resignation, as prescribed above, shall have the fact entered on the employee's service record and may be denied entrance to future examinations.

The names of an employee who resigns against whom charges are pending or while under suspension, shall be subject to removal from all eligible lists and may be excluded from future examinations.

An employee, whose name is on a promotional eligible list and who resigns, shall be removed from the promotional list but, at the individual's request and upon approval by the Human Resources Director, the name may be placed on the eligible list for that class as a free name.

1102. Voluntary Demotion. Any employee may voluntarily demote to any funded vacant position with a lower salary for which the employee meets the minimum qualifications, upon the written request of the employee and the approval of the appointing authority and the Human Resources Director. Should such demotion be to a class unrelated to the previous position, as described in Rule 912, the employee shall start a new probationary period.

1103. Non-Disciplinary Separation. An appointing authority may separate a permanent employee for demonstrated inadequacy to perform assigned duties. Other options for changing an employee's status such as demotion, transfer, reassignment etc. may be considered prior to separating the employee. Separation under this rule shall be considered non-disciplinary and without prejudice and shall not be subject to the provisions of Rule Twelve, Section 1203. Prior to implementing the separation, the appointing authority shall consider all relevant medical information brought to his or her attention; and shall follow all legal and procedural requirements including adherence to all applicable Federal and State laws. The appointing authority shall inform the employee, in writing, of the right of appeal under Rule Thirteen. Safeguards to the extent required by *Skelly v. State Personnel Board* shall be followed.

a. If the permanent employee is a "peace officer" as defined by Gov. Code 3301, then any action pursuant to this rule must also comply with Gov. Code 3300 et seq. commonly referred to as the "Peace Officer Bill of Rights."

b. A written notice provided to the employee shall include the following:

1. The proposed effective date of separation;
2. The particular facts and specific grounds for the proposed separation in sufficient detail to permit the employee to understand and to respond to them;
3. Copies of any materials upon which the proposed separation is based; and
4. The right to respond, either orally or in writing, to the appointing authority within a specified time frame, but not less than ten (10) working days.

Such notice shall be given a reasonable period of time prior to the date the separation is to be implemented.

c. When the appointing authority has considered the employee's response and/or the specified time frame has elapsed, the appointing authority may separate the employee. A written notice provided to the employee shall include the following:

1. The effective date of the action;
2. A copy of the notice of proposed action which explained the particular facts and specific grounds for separation; and
3. A copy of "Appeal and Hearing Procedure" (Rule Thirteen).

Copies of these notices and any other materials provided to the employee shall be filed with the Human Resources Director. Service of the notices shall be made as provided in Rule 1307.

1104. Layoff. An employee shall be subject to layoff whenever:

a. The employee's position is abolished.

b. Necessary because of curtailment or lack of work or funds.

c. Advisable in the interest of economy to reduce staff.

d. Necessary due to a modification of service requirements.

e. Another employee with greater seniority returns from a leave of absence.

f. Another employee with greater seniority displaces the employee under the provisions of these Rules.

Reassignment in the same classification, in the same department, shall not constitute a layoff, and the provisions regarding layoff in these Rules shall not apply.

1105. Order of Layoff. Layoffs shall be made by positions, either full-time or part-time, or any combination of full-time or part-time, and shall be by classification. Layoffs may be department-wide or by district office, division, program, or function, as recommended by the appointing authority, and reviewed by the County Executive Officer. Extra help positions shall be considered for deletion prior to the deletion of regular positions. Designation of classifications affected, the number of positions in the affected classifications, and an abstract of employees of the affected classifications in order of layoff, shall be prepared by the appointing authority.

Employees who are new hire appointments in positions that are emergency, temporary, limited term, or provisional or employees who occupy at will or extra help positions do not have rights under this Rule.

The following provisions apply to the order of layoff:

a. For the purposes of layoff, classifications within a classification series subject to flexible staffing shall be considered as a single classification.

b. Full-time and part-time regular positions shall be designated separately for layoff and shall be treated as separate classifications for the purpose of determining the order of layoff.

c. When specific positions within a classification have required special skills, knowledge or abilities, the department head, with concurrence of the County Executive Officer or designee and Human Resources Director, may designate specialties within a classification and treat such approved specialty as a separate classification for purposes of layoff. Special skills, knowledge or abilities may include specialized certification or licensure, bilingual skills or other skills or abilities which are deemed critical to the operational needs of the County. The Human Resources Department shall promptly notify the Civil Service Commission, in writing, when a designation of special skills, knowledge or abilities is approved.

d. Within the classifications specified for reduction in force within a department, employees shall be laid off in inverse order depending on their length of continuous service in the County as a regular employee in the classified service subject to the following provisions:

    1. Employees who have consistently demonstrated less than satisfactory performance shall be laid off in inverse order of their length of continuous service credit as regular employees before any employee whose last performance rating was satisfactory or higher. Demonstrated performance shall be documented by at least two (2) overall less than satisfactory reports not less than six months apart, one of which must be an annual evaluation. The effective date of a performance rating shall commence with the date of the employee's signature on the rating form. In the event the employee did not sign the performance rating form, the date the form was delivered to the employee shall be considered the effective date.

2. A probationary employee in an initial probationary status shall be laid off before an employee who has attained permanent status.

3. Employees with equal continuous service credit shall be laid off in the order prescribed by the appointing authority.

4. Employees in public safety classifications in the Fire, Sheriff, District Attorney, and Probation Departments shall be laid off in inverse order of their length of continuous service as a regular employee in the affected class.

e. Continuous service credit for the purposes of determining order of layoff, shall be subject to the following provisions:

1. An approved leave of absence shall be included in computing continuous service credit and shall not constitute a break in service.

2. Time out of service due to layoff or disability retirement shall be excluded in computing continuous service credit but shall not constitute a break in service.

3. Part-time service shall be computed as covering the full period of employment and shall not be prorated as a fractional portion of full-time employment.
4. Transfer from full-time to part-time or from part-time to full-time, shall not constitute a break in service, and part-time service shall be credited as provided in the foregoing paragraph b.

5. A transfer from one department to another department shall not constitute a break in service for the purpose of computing continuous service credit except as provided in 10 below.

6. Time served as extra help shall be excluded in computing continuous service credit, and any transfer from extra help status to regular status, or from regular status to extra help status, shall constitute a break in service. Time out of service due to a change from regular status to extra help status in lieu of layoff shall be excluded in computing continuous service credit but shall not constitute a break in service.

7. Time out of classified service due to appointment to a civil service exempt position shall be excluded in computing continuous service credit but shall not constitute a break in service.

8. Permanent employees who separate from County service and then return may recoup their past continuous service time for purposes of this Rule under the following conditions:

- Employees must have passed their initial probationary period upon their return to service;

- Employees may be absent from County service no more than three consecutive years;

- Employees must have left County service in good standing and their last two performance evaluation ratings prior to leaving County service must have been satisfactory or above;

- In order to recoup former service, employees must work the same amount of time that they were absent from County service.

The credit of previous employment toward continuous service credit shall not be interpreted as applying to any other part of these Rules or any other terms and conditions of employment or employee benefits.

9. Continuous service credit for public safety employees in the Fire, Sheriff, District Attorney, and Probation Departments shall be computed as employment in the affected class plus appointments in public safety classes in the department with the same or higher salary ranges which preceded, without break in service, entrance into the affected class.

10. For employees in public safety classifications in the Fire, Sheriff, District Attorney and Probation Departments, an employee-initiated transfer from one department to another shall constitute a break in service for the purpose of computing continuous service credit in a class. If an employee is transferred because of a County-initiated transfer of a position or positions from one department to another, this employee transfer shall not constitute a break in service for the purpose of computing continuous service credit in a class.

11. If a reorganization or reclassification results in a consolidation or split off of classifications within the Fire, Sheriff, District Attorney or Probation Departments, continuous service credit for affected public safety employees shall be computed by including employment in both the former and the new classifications.

1106. Displacement. Notwithstanding that positions designated for layoff may be by division, program, positions, et al, as described in Rule 1105, displacement rights or "bumping" shall be department-wide.

a. Except as provided in *l* below, an employee subject to layoff may displace an employee in the same class or in a different class with the same or lower salary range, provided:

1. the employee subject to layoff has greater continuous service credit than the employee being displaced;

2. the employee subject to layoff meets the minimum qualifications by virtue of qualifying experience gained through employment in a regular position in the County, as determined by the Human Resources Director; and

3. if the displacement is to a different class, it must be a class in the same occupational group or a class previously held by the employee as a regular employee of the County, as determined by the Human Resources Director.

b. In the event there are employees in a class with equal continuous service credit where displacement could occur, the right to displace shall be based on the discretion of the appointing authority. Should the employee subject to layoff be denied the right to displace in the class with the highest basic salary, due to the selection of another employee by the appointing authority, the employee's right to displace shall continue into the next class with the same or lower basic salary for which the employee qualifies in accordance with the Displacement Rule.

c. Except as provided in *l* below, an employee subject to layoff may displace to a funded vacant position in the same class or in a different class with the same or lower salary range, provided:

1. the employee has greater total continuous service credit than the employee with the highest standing on a reemployment list for the class and position in the department, or there is no reemployment list;

2. the employee subject to layoff meets the minimum qualifications; and

3. if the displacement is to a different class, it must be a class in the same occupational group or a class previously held by the employee as a regular employee of the County.

d. Rules regulating the right to displace or the right to accept demotion in lieu of layoff shall have no affect on an employee's eligibility to accept an appointment, to accept a promotion or demotion, or to transfer as provided under other sections of these Rules, which are unrelated to layoff, displacement, and reemployment procedures.

e. Continuous service credit for purposes of displacement shall be computed in accordance with Section 1105 of these Rules; the employee to be displaced shall be determined in accordance with said Section 1105, and, if an employee with greater continuous service elects to displace, the employee in the class with the least continuous service shall be laid off.

f. Should an employee subject to layoff qualify to exercise displacement rights in more than one class, displacement shall be in the class with the highest basic salary.

g. Displacement rights may be exercised only once in connection with any one layoff, and shall be exercised within seven (7) calendar days from the date of the notice of the layoff, by written notice from the employee.

h. Displacement shall be considered exercised by the displacement of another employee with lesser continuous service credit or by the acceptance of a vacant position in a class with the same or lower salary range in the department except as provided for in *l* below.

I. Full-time employees shall have displacement rights for either full-time or part-time positions and, for the exercise of displacement rights, part-time positions shall be considered as a different and a lesser class even though the class title and salary range are identical.

j. Part-time employees shall have displacement rights for part-time positions only; but, any part-time employee with greater total continuous service credit shall have displacement rights for any part-time position regardless of its fractional portion of full-time employment.

k. In the event an employee could displace to more than one class with the same basic salary, the employee shall displace to a class with a position that is vacant over a class with no vacant positions; otherwise, the appointing authority shall determine the class to which the employee may displace.

l. A public safety employee as described in Section 1105 subject to layoff may displace an employee in the same department with less continuous service credit in the same class or in a different public safety class with the same or lower salary range; provided, the employee subject to layoff meets the minimum qualifications for the class by virtue of qualifying experience gained through employment in a regular position in the department, as determined by the Human Resources Director. If a public safety employee cannot displace within the same class or to another public safety classification, then the employee may displace to a non-public safety classification with the same or lower salary range only under the following conditions:

1. the employee subject to layoff previously held a regular position in the non-public safety classification; and,

2. the public safety employee subject to layoff has greater continuous County service credit than an employee in the non-public safety class.

1107. Transfer or Voluntary Demotion in Lieu of Layoff; Extra Help Appointment.

a. Regular Positions: When layoff is pending, employees affected shall be counseled and considered for transfer or voluntary demotion in lieu of layoff within the affected department and to other County departments.

b. Extra Help Appointments: A department in which layoff actions occur shall offer to employees subject to separation due to layoff the opportunity to accept extra help appointments in existence in the department at the time of layoff for which the employees meet the minimum qualifications.

Any such appointments shall be considered as extra help status, only, and time spent under such appointments shall not accrue benefits or service credits beyond those which accrue to any extra help appointee.

1108. Names Placed on Reemployment Lists. The names of those employees who were laid off, or transferred, or demoted in lieu of a layoff shall be placed on the appropriate reemployment lists as provided for in the Rules governing reemployment lists.

1109. Appeal of Layoff. Permanent employees laid off or demoted in lieu of layoff shall have the right to appeal such layoff or demotion; however, such appeal shall be limited only to the layoff or demotion procedures herein prescribed.

1110. Notice of Layoff. All employees who are to be laid off or displaced under the provisions of this Rule shall be given written notice of such action at least thirty (30) calendar days prior to the effective date thereof.

1111. Miscellaneous Provisions Related to Separation Due to Layoff or Disability Retirement and Subsequent Reemployment, Reappointment, and/or Reinstatement

a. Final Compensation: When an employee is separated from County employment due to layoff, all accrued compensation shall be paid to the employee on the same terms and conditions of final settlement as in the event of honorable separation for any reason, except as follows:

1. The separated employee may elect to defer payment for a period not to exceed ninety (90) days for vacation, holiday, and reimbursable sick leave credits, computed as of the date of separation;

2. Deferred payment for all credits may be collected in one lump sum only, and is not subject to collection in partial payments of the total value;

3. Deferred payment shall be made by the Auditor-Controller at any time within the ninety (90) day period within three working days following application for deferred payment by the separated employee;

4. Deferred payment shall be made by the Auditor-Controller automatically at the expiration of the ninety (90) day period, provided the separated employee has not closed the account prior to that time;

5. Neither the reimbursable value nor the amount of credits shall be subject to change during any period of separation from County employment; and, the reimbursable value shall not accrue interest.

b. Restoration of Credit Balances: If the employee separated due to layoff is reemployed, reinstated, or reappointed to a regular position with the County within ninety (90) days following separation due to layoff, all compensable vacation, holiday, and sick leave credits for which reimbursement has not been made or any such accrued credits which had no reimbursable value shall be restored to the employee's records as credits only, and any former compensable value shall be null and void.

1. The administration of credits restored to the employee's records shall be governed by regulations and policies relevant to the employee's new and current employment status, and shall have no identity nor value relationship to prior appointments during which such credits were accrued.
2. In the event the employee was compensated under a sick leave reimbursement policy, any portions of the sick leave credit not considered in the percentage calculation of sick leave hours for payment shall be restored.

c. Service Credit: An employee who is reemployed, reinstated, and/or reappointed to a regular County position while on a reemployment list for any class in any department shall accrue vacation on the basis of service credit attained at the time of layoff. An employee who is reinstated to a regular County position following a disability retirement shall accrue vacation on the basis of service credit attained at the time of retirement. Former service credit, in such cases, shall be combined with the new and current employment in determining when vacation accrual rates qualify for increase.

d. Medical Examinations:

1. A former employee who has been separated due to layoff from County employment for more than ninety (90) consecutive calendar days, and who is reemployed from a reemployment list, shall be subject to a medical examination or evaluation for the particular position in the class in which the former employee is to be reemployed.

2. A former employee who is reappointed from an open, competitive eligible list, or is reinstated rather than reemployed, shall be subject to a medical examination or evaluation for the particular position in the class in which employment is offered, the same as is required for any other candidate competing for County employment. However, employees who are reappointed within 90 days to the same class from which they were laid off are not subject to a medical examination.

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RULE TWELVE

DISCIPLINARY ACTIONS

1201. Disciplinary Actions. Any employee holding permanent status in the classified service may be disciplined for cause provided that the rules and regulations prescribed herein are followed and that any permanent employee has the right of appeal to the Commission except as herein provided. As used in this Rule, "disciplinary action" shall mean dismissal, suspension, disciplinary demotion, reduction in salary, disciplinary probation, or formal written reprimand.

1202. Peace Officer Disciplinary Actions. If the employee disciplined is a "peace officer" as defined by Gov. Code 3301, then any disciplinary action must also comply with Gov. Code 3300 et seq., commonly referred to as the "Peace Officers Bill of Rights."

1203. Causes for Disciplinary Actions. The following reasons shall be deemed sufficient for disciplinary action but such action shall not be limited to these reasons:

a. Willful or negligent violation of the provisions of the Civil Service law or of these Rules, or other applicable written and published departmental rules, regulations, and policies which do not conflict with these Rules.

b. Inefficiency, incompetency, or negligence in the performance of duties, including failure to perform assigned tasks or failure to discharge duties in a prompt, competent, and responsible manner.

c. Refusal to accept a reasonable and proper assignment from an authorized supervisor; insubordination.

d. Careless, negligent, or improper use of County property, equipment, or funds, including use for private purposes or involving damage or risk of damage to property.

e. Bribery or other unlawful gifts or gratuities.

f. Failure to maintain satisfactory and harmonious working relations with the public or other employees.

g. Absence without leave for five (5) consecutive working days or failure to report to work after a leave of absence has expired or after such leave of absence has been disapproved or revoked.

h. Pattern of frequent failure to report for duty at the assigned time and place.

i. Improper use of sick leave privileges.

j. Unauthorized release of confidential information from official records, as defined by law.

k. Conduct by a County officer or employee which discredits the County or which is incompatible with the due and faithful discharge of his or her duties.

l. Conviction of a crime which relates to the qualifications, functions, or duties of the employee's position.

m. Falsified job information to secure a position.

n. Engaging in incompatible employment. (See Rule Seventeen.)

o. Statements or conduct, or both, tending to interfere with the reasonable management and discipline of the County or any of the departments and divisions.

p. Political activity in violation of the law as set forth in the County Code, section 27-29 and in Rule Eighteen.

1204. Notice of Proposed Disciplinary Action. Before an appointing authority files any order referred to in Section 1206 of this Rule, which suspends, demotes, reduces in salary, or removes an employee having permanent status in the classified service, the pre-removal safeguards to the extent required by Skelly v. State Personnel Board (1975) 15 Cal. 3d 194, shall be followed. A written notice shall be furnished the employee which shall include the following:

a. Notice of the proposed disciplinary action;

b. The proposed effective date;

c. The particular facts and specific grounds for the proposed action in sufficient detail to permit the employee to understand and to respond to them;

d. An opportunity to examine any materials upon which the proposed action is based; and,

e. The right to respond, either orally or in writing, to the appointing authority.

Copies of this notice and any other materials furnished the employee shall be filed with the Human Resources Director. Such notice shall be given a reasonable period of time prior to the date the discipline is to be imposed. Service of the Notice of Proposed Disciplinary Action shall be made as provided in these Rules.

1205. Emergency Circumstances. In the event an employee's conduct is of such a nature that immediate removal of the employee is essential to avert harm to the County or to the public, the appointing authority may dispense with the notice requirement imposed by Section 1204. If the notice requirements are dispensed with, the appointing authority shall attempt to personally deliver to the employee a Notice of Proposed Disciplinary Action which contains the information set out in Section 1204. A copy of the notice shall be filed with the Human Resources Director. If the employee cannot be found at employee's place of work or residence, the appointing authority may serve the notice by whatever means may be available and may thereafter proceed to impose discipline in the manner otherwise required by these rules.

1206. Notice of Disciplinary Action. Disciplinary actions, except reprimands or disciplinary probation, shall be taken against an employee in the classified service having permanent status, by service upon such employee of a written Notice of Disciplinary Action. The employee may appeal such disciplinary action as provided in Rule Thirteen of these Rules. A copy of the Notice of Disciplinary action shall be furnished to the Human Resources Director, and the appointing authority taking such disciplinary action shall retain a copy of said Notice.

The Notice of Disciplinary Action shall include the following:

a. The effective date of the action;
b. The nature of the disciplinary action;
c. The particular facts and specific grounds for the proposed action in sufficient detail to permit the employee to understand and to respond to them;
d. The acts or omissions upon which the causes are based, in ordinary and concise language with the dates and places thereof, when known;
e. A copy of "Appeal and Hearing Procedure" (Rule Thirteen).

Service of a Notice of Disciplinary Action shall be made as provided in Rule Thirteen.

1207. Reprimand. An appointing authority may reprimand an employee by furnishing him or her with a statement, in writing, of the specific reasons for such reprimand. A copy or notice of the reprimand shall be given to the Human Resources Director for inclusion in the employee's personnel file. Such reprimands shall not be subject to appeal, but the employee shall have the right of rebuttal. The appointing authority may withdraw the reprimand or notice of reprimand at his or her discretion.

1208. Disciplinary Probation. An employee may be placed on disciplinary probation for a specified period of time not to exceed one (1) year for each such instance, with the understanding that should the cause or causes for such action not be satisfactorily corrected or remedied during the period, subsequent disciplinary action may be taken. An employee shall have the right of appeal or investigation to any subsequent disciplinary action, or the Commission may conduct an investigation at its discretion.

1209. Suspension. As a disciplinary measure, an appointing authority may temporarily remove an employee from his or her duties without pay. Any such suspension shall not exceed ninety calendar days in any one calendar year.

1210. Reduction in Salary. An appointing authority may reduce the salary of an employee, for disciplinary reasons, provided that such reduction shall be to a step within the salary range of the position held by the employee. A new anniversary date shall be established in accordance with Rule Four unless otherwise recommended by the appointing authority and approved by the Human Resources Director.

1211. Disciplinary Demotion. An appointing authority may demote an employee, for disciplinary reasons, to any position with a lower salary allocation, provided the employee meets minimum qualifications for the lower-level position. Such demoted employee shall not be eligible for promotion for a period of six (6) calendar months.

1212. Dismissal. The continued tenure of each employee who has permanent status shall be subject to his or her satisfactory conduct and the rendering of efficient service. Should the cause for disciplinary action so warrant, an employee may be dismissed.

1213. Absence-Without-Leave Termination. An employee who is on unauthorized leave may be terminated in accordance with Rule Fourteen.

1214. Statute of Limitations. No disciplinary action shall be valid against any County employee for any cause for discipline based on any provision of the initiative ordinance or Civil Service Rule, unless the Notice of Disciplinary Action is served within one (1) year after the cause for discipline, upon which said Notice is based, first arose. Disciplinary action based on fraud, embezzlement, or the falsification of records shall be valid, if the Notice of such is served within three (3) years after the discovery of such fraud, embezzlement, or falsification.

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RULE THIRTEEN

APPEAL AND HEARING PROCEDURE

1301. General. All hearings and investigations authorized by the initiative ordinance shall be governed by the initiative ordinance and by rules of practice and procedure adopted by the Commission. It is the intent of these rules that the conduct of any hearing or investigation shall be as informal as possible, and any informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision or rule made, approved or confirmed by the Commission. Employees shall be free from reprisals or other punitive actions for availing themselves of the appeal procedures.

1302. Definitions. Unless the context requires otherwise, the definitions immediately hereinafter set forth govern the construction of this Rule.

Appeal: Any written request for relief from disciplinary or alleged discriminatory action.

Appellant: The person filing an appeal with the Commission.

Hearing Officer: An attorney at law admitted to practice before the courts of this state for at least five (5) years prior to his appointment by the Commission.

Investigation: An investigation which the Commission may consider desirable concerning the administration of personnel or conditions of employment in the County service.

Respondent: The person or County department whose disciplinary action is challenged by the appellant.

1303. Hearing. Following the acceptance of an appeal, the Commission shall commence a hearing on an appeal of a disciplinary action within twenty (20) calendar days after the next regularly scheduled Civil Service Commission meeting, or as soon as practicable thereafter, unless otherwise waived by both parties. The appellant may appear personally, produce evidence, and have counsel and a public or a closed hearing as mutually agreed upon. At the conclusion of the hearing, the Commission shall affirm, modify, or revoke the order.

The Commission may, however, at its discretion assign any hearing under this section to a duly qualified hearing officer who shall conduct a hearing pursuant to these rules, and upon conclusion prepare a proposed decision pursuant to §1316.

a. The Commission shall proceed informally and not be bound by formal procedures and rules of evidence, except where required by the Administrative Procedures Act (California Government Code Sections 11370, et seq.) At any hearing or investigation, the

Commission shall have the power to require, by subpoena, the attendance of witnesses and the production of books and papers relevant to the hearing or investigation.

b. Oaths. Each Commissioner or the hearing officer if so delegated shall have the power to administer oaths to such witnesses.

c. Hearing Officer. The Commission shall employ a hearing officer to act as the presiding officer in all cases involving appeals from disciplinary action unless otherwise agreed upon.

d. Subpoenas. Subpoenas shall be signed and obtained from the Secretary of the Civil Service Commission.

e. Pre-Hearing Conference. In cases involving more complex or serious disciplinary actions, the Commission shall, at its discretion, order that a pre-hearing conference be held to be attended by the appellant's representative, a representative of the County and a hearing officer designated by the Commission. At such pre-hearing conference the hearing officer shall meet with the parties to narrow the issues, disclose the names of witnesses to be used by each side, list and mark documents to be used in evidence and to the extent possible discuss settlement.

In the event the Commission does not order a pre-hearing conference, the hearing officer may at his discretion or upon the request of a party and with the consent and approval of the Chairperson of the Commission order that a prehearing conference be held.

f. Motion to Terminate Proceeding. Where any party objects to an accusation on the ground that it does not state acts or omissions upon which the Commission may proceed, the Commission may, at its discretion, hold a hearing to decide that issue, and if it decides affirmatively, may dismiss that portion or all of the action pertaining to those acts or omissions.

1304. Discrimination Complaints. Persons alleging discrimination under County Code Section 27-30 and Civil Service Rule Five shall have the right to challenge the alleged discrimination at a hearing before the Commission, but shall first file the complaint with the County EEO Officer, who shall perform an investigation and file a factual report with the Commission within ninety (90) days. Persons retain the right to pursue an appeal directly to the Civil Service Commission following the report from the County EEO Officer or in the event the EEO Officer does not acknowledge the complaint within thirty (30) days or does not file a report within ninety (90) days. The Commission shall consider accepting the complaint at its next Commission meeting, and if accepted, a hearing shall be set within 20 calendar days. Rule 1303 shall govern the procedures for discrimination hearings by the Commission.

1305. Investigations. An informal method by the Commission of inquiring into the administration of personnel or conditions of employment in County service. The Commission shall have the

power to subpoena and require the attendance of witnesses and the production thereby of documents to the investigation. Such investigation shall be considered non-adversary, and witnesses shall not be required to testify under oath. The parties shall not be represented by counsel except that an employee organization representative may be present and participate in the investigation. Any findings, conclusions or recommendations may be reported to the Board of Supervisors and the County Executive Officer

Before the Commission considers a request for an investigation or grants such a request, it is recommended that the employee attempt to affect a resolution of the problem at the departmental level. Before the Commission grants such an investigation, the department(s) which is (are) affected shall be served with a request for investigation and with a written notice setting forth the date, time, and location where the Commission will hear the request or motion for an investigation. Service shall be made on the department head by mail no later than 15 days or personally delivered no later than 5 days before the date the Commission will consider the request on motion for investigation.

1306. Amended or Supplemental Notice of Disciplinary Action. At any time before an employee's appeal is submitted to the Commission or its authorized representative for decision, the appointing authority may, with the consent of the Commission or its authorized representative, serve on the employee and file with the Secretary of the Commission, an amended or supplemental Notice of Disciplinary action. If the amended or supplemental Notice presents new causes or allegations, the employee shall be afforded a reasonable period of time to answer and to prepare a defense thereto. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing or investigation and shall be noted in the record.

1307. Service of Notice, Paper, or Other Document. Whenever any notice, paper, or other document, except a subpoena, is directed to be given to or served upon any person or County department, such notice, paper, or document may be personally served or it may be served by mail to the last known residence or business address of the addressee. Unless otherwise specifically provided in these Rules, the giving of notice of matters to be heard or considered by the Commission shall be governed by Commission rule. Service by mail of the charges in a disciplinary proceeding, the notice of an employee suspension, and the notice of a probationer's rejection, is made by the enclosure of such charges or notice in a sealed envelope, addressed to the last known address of the person to be served, certified with return receipt requested, and the depositing of it in the United States mail with postage fully prepaid. Service is complete on mailing. Service by mail of any other notice, paper, or document is made in the manner provided by the Code of Civil Procedure, Sections 1012 and 1013, and any amendments and successors thereto. Proof of service, either personally or by mail, shall be made by declaration under penalty of perjury.

1308. Appeal. No later than ten (10) working days after service of the Notice of Disciplinary action, the employee affected may file with the Secretary of the Commission c/o County Human Resources Department, a written admission or denial of the material allegations of the Notice

of Disciplinary Action. The answer shall include a request for hearing as provided in these Rules. Upon filing of a request for a hearing by an employee, the Human Resources Director or their designee shall make available to the Secretary of the Commission, the Notice of Proposed Disciplinary action and the Notice of Disciplinary Action. With the consent of the Commission or its authorized representative, an amended answer may subsequently be filed. If the employee affected fails to answer within the time specified, or after answer, withdraws his appeal, the disciplinary action taken by the appointing authority shall be final. A copy of the employee's answer and of any amended answer shall promptly be filed with the Human Resources Director and with the appointing authority. 'Working days' for purposes of this section shall mean Monday through Friday. If the last day for filing an answer falls on a holiday on which the County Human Resources Department is closed, then the filing deadline shall be extended to the next day the County Human Resources Department is open for business.

Upon receipt of an appeal, the Secretary of the Commission in conjunction with the Chair of the Commission and the Commission's legal counsel shall ascertain if the appeal is (1) an appealable action under the Civil Service rules, and (2) has been timely filed with the Commission. If so advised, the secretary shall accept the appeal on behalf of the Commission, assign a hearing officer to the appeal and notify the parties of the acceptance and assignment of the hearing officer. If the Commission's legal counsel advises that the request is not a proper appeal, the matter shall be scheduled before the Commission at its next regular meeting to consider whether it has jurisdiction to accept the appeal.

1309. Objections to Notice of Disciplinary Action. The employee affected may file with the Secretary of the Commission objections to the Notice of Disciplinary Action on the following grounds:

a. It does not state acts or omissions upon which the Commission may proceed;

b. The form of the Notice of Disciplinary Action is so indefinite or uncertain that he cannot identify the transaction or prepare his defense; or

c. Presentation of new matter by way of defense.

d. The employee may also plead by way of confession and direct the Commission to any mitigating and extenuating circumstances.

Objections to the Notice of the Disciplinary Actions shall be part of the answer in Section 1308.

1310. Continuances. The parties may stipulate for a continuance of the proceeding or a party may apply to the Commission for continuance for good cause shown, or the Commission on its own for good cause may continue said proceedings.

1311. Discovery. After initiation of an appeal in which an appellant or other party is entitled to a hearing on the merits, a party, upon written request or written interrogatories made to another party, prior to the calling of the first witness and within ten (10) calendar days after filing of an appeal, is entitled to:

a. Obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing; and

b. Inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

1. A statement of a person, other than the respondent, named in the initial administrative pleading, or any additional pleading, when it is claimed that the act or omission of the respondent as to such person is the basis for the appeal ;

2. A statement pertaining to the subject matter of the appeal made by any party to another party or person;

3. Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions, or events which are the basis for the appeal not included in 1 or 2 above;

4. For the purpose of this Rule, "statements" include written statements by the person, signed or otherwise authenticated by him, stenographic, mechanical, electrical, or other recordings, or transcripts thereof, of oral statements by the person and written reports or summaries of such oral statements.

Upon a showing of good cause, the time in which to complete discovery may be extended for a reasonable period of time.

1312. Privileged Communications. Nothing in these Rules shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

1313. Request for Admission of Facts and Genuineness of Documents. After initiation of an appeal in which an appellant or other party is entitled to a hearing on the merits, a party may, upon written request made to another party within ten (10) calendar days after filing of an appeal, file and serve upon such party a request for the admission of the genuineness of any relevant documents described in the request or the truth of any relevant matters of fact set forth in Section 2033 of the California Code of Civil Procedure.

1314. Depositions Upon Oral Examination. Any party to appeal may take a deposition of any person upon oral examination in accordance with the provisions of the California Code of Civil Procedure, Section 2019, within ten (10) calendar days after filing an appeal.

1315. Petition to Compel Discovery and Proceedings and Sanction Thereon. Any party claiming his request for discovery pursuant to Sections 1311, 1313, or 1314, has not been complied with, may serve and file with the Secretary of the Commission a verified petition to compel discovery naming the party refusing or failing to comply with Sections 1311, 1313, or 1314. The petition shall state facts showing a party failed or refused to comply with the particular discovery Rule, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under that Rule, and the ground or grounds of the refusal so far as known to petitioner.

The petition shall be served upon all parties and filed within five (5) days after a party first evidenced his failure or refusal to comply with Sections 1311, 1313, or 1314. If from a reading of the petition, the hearing officer is satisfied that the petition sets forth good cause for relief, the hearing officer shall issue an order to show cause; otherwise, the hearing officer shall enter an order denying the petition. The order to show cause shall be served upon all parties in the appeal by personal delivery or certified mail and shall be returnable not later than five (5) days from its issuance. Parties shall have the right to serve and file a written answer or other response to the petition and order to show cause.

The appeal shall be stayed during the pendency of the proceedings described in this section, only if the hearing officer issues an order to show cause.

Where the matter sought to be discovered is under the custody or control of the refusing party and said party asserts that such matter is not a discoverable matter under the provisions of Section 1315 or is privileged against disclosure under such provisions, the hearing officer may order disclosure of such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

The order of the hearing officer shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within five (5) days after service of the order, serve and file in the Superior Court, a petition for writ of mandamus to compel the hearing officer to set aside or otherwise modify his order.

Where the hearing officer finds that a party or his attorney failed or refused to comply with Sections 1311, 1313, or 1314 without substantial justification, and a petition has been filed to compel discovery pursuant to this Rule, the hearing officer may award costs and reasonable attorney's fees to the opposing party.

All sanctions available under California Code of Civil Procedure, Section 2034, that are not inconsistent with this Rule are available to any party to the administrative proceeding.

1316. Decision. In all cases referred or assigned to a hearing officer by the Commission for hearing or investigation by him, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. The proposed decision shall include findings of fact which

may be stated in the language of the pleadings or by reference to them. A copy of the proposed decision shall be filed with the Commission as a public record. The hearing officer may be present during the consideration of the case by the Commission and, if requested, shall assist and advise the Commission. Upon the filing of a proposed decision, the Commission may adopt it in its entirety, or may reduce the disciplinary actions set forth therein and adopt the balance of the proposed decision, or may itself decide the case upon the record, including the transcript with or without taking additional evidence or additional argument or may refer the case to the same or another hearing officer, to take additional evidence. If the case is re-referred to a hearing officer, he shall similarly prepare a proposed decision as above provided, upon the additional evidence taken and the transcript and other papers making up the record of the prior hearing, which nay be adopted by the Commission as filed.

1317. Exclusion of Witnesses. On the motion of any party, including the parties to a disciplinary proceeding, the Commission or the hearing officer in his discretion, may exclude from the hearing room any witnesses not at the time under examination; but a party to the proceeding or his designee in lieu thereof, or his counsel cannot be excluded.

1318. Rehearing. Within five (5) days after service on him of a copy of the decision any party including the employee or the appointing authority may apply for a rehearing by filing with the Commission a written petition therefor. Within ten (10) days after such filing, the Commission shall cause a copy of the petition for rehearing to be served upon the other parties to the proceeding.

After such service of the petition for rehearing, the Commission, at its next regularly scheduled meeting, shall either grant or deny the petition in whole or in part. If a rehearing is granted, the Commission may rehear the case itself on the record of the prior hearing and such additional evidence and argument as may be permitted, or it may refer it to a hearing officer. A case so referred to a hearing officer shall be subject to the procedure provided in Sections 1303 and 1316 above.

1319. Finality of Decision. Unless a proper application for rehearing is made, every decision shall become final five (5) days after service by the Commission of a copy of such decision upon the parties to the proceeding in which the decision is rendered.

1320. Effect of Failure to Apply for Rehearing. The right to petition a court or writ of mandate shall not be affected by the failure to apply for rehearing by filing written petition therefor with the Commission.

1321. Attorney Fees in Disciplinary Actions. If the appellant is found innocent of all charges, he shall be restored forthwith to his previous position and status with all rights and privileges pertaining thereto and with full back pay for time lost, and the County shall also pay attorney fees, where an attorney was employed by the appellant, in an amount not to exceed the amount allowed by the Municipal Courts in the County for court-appointed counsel in contested trials

in criminal actions. Such payment shall be restricted to permanent employees who avail themselves of such counsel for appeal of disciplinary action only.

1322. Perpetuation of Proceeding. The proceedings at the hearing shall be reported by a machine, shorthand, phonographic reporter, or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription. The means of reporting shall be at the discretion of the Commission or their authorized representative.

1323. Commencement of Action. No action or proceeding shall be brought by any person having or claiming to have a claim of action or complaint or ground for issuance of any complaint or legal remedy for the wrongs based on or related to the Santa Barbara County Civil Service Law or the administration thereof unless such action or proceeding is commenced and served within one hundred (100) days after such cause of action or complaint first arose.

1324. Judicial Review. Judicial review may be had by filing a petition for a writ of mandate.

Code of Civil Procedure §1094.6 as it may be amended from time to time shall be applicable to the judicial review of Civil Service Commission decisions.

The Commission shall make available to the petitioner at petitioner's expense the complete record of the proceedings, and in the case of proceedings which exist on a tape or other electronic record, may satisfy this obligation by providing a duplicate copy of the tape or other record.

The right to petition shall not be affected by the failure to seek reconsideration before the Civil Service Commission.

1325. Prohibition Against Reprisal Action. The rights of County officers and employees to petition and appear before the Civil Service Commission shall not be infringed.

No manager or supervisor shall take reprisal action through any act of intimidation, restraint, coercion, discrimination, or other adverse employment decision against any employee or applicant for employment who seeks redress before the Commission or who requests the Commission pursuant to Civil Service Rule 1305 to conduct an investigation into departmental personnel practices or employment conditions. Nor shall any reprisal action be taken against any employee duly called to testify before the Commission on any matter.

This section is not intended to prevent managers and supervisors from taking any personnel action affecting an employee or applicant for employment based on causes apart from the employee's or applicant's petition to and/or appearance before the Commission. Nor is it intended to authorize employees who appear before the Commission on their own behalf to be paid for the time spent away from the work site.

Further, this section is not intended to prevent a manager or supervisor from taking appropriate personnel action when evidence shows any of the following:

(1) The employee has disclosed information that he or she knows to be false or has disclosed information with intentional disregard for the truth or falsity thereof.

(2) The employee has unlawfully disclosed confidential information from records which are closed to public inspection pursuant to law.

(3) The employee has unlawfully disclosed information which is confidential under any other provision of law.

For the purposes of this rule, "supervisor" shall mean any employee, regardless of job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend this action, if in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

An employee alleging reprisal under this rule may appeal to the Commission pursuant to Rule 1301.

If after a hearing of an appeal of unlawful reprisal, the Civil Service Commission determines that a violation of Rule 1325 has occurred, the Commission may initiate any appropriate relief, including, but not limited to, reinstatement, back pay, restoration of lost service credit, or if appropriate, the expungement or correction of an adverse record of the county employee or applicant for county employment who was the subject of the alleged acts of misconduct prohibited by Rule 1325, or any other corrective action to reverse the reprisal and its effect.

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RULE FOURTEEN

LEAVES OF ABSENCE

1401. Military Leave of Absence. Military leaves of absence shall be granted in accordance with the provisions of the Military and Veterans Code of the State of California.

1402. Approval of Leave of Absence. A department head may authorize a leave of absence without pay for any permanent or probationary employee, for a period not to exceed thirty calendar days. A leave of absence without pay in excess of thirty calendar days must be approved by the County Executive Officer.

1403. Jury Duty or Witness Leave of Absence. A leave of absence with pay not chargeable to sick leave or vacation shall be granted to an employee who serves on a jury or who is subpoenaed as a non-party witness for a civil or criminal proceeding in a court or administrative tribunal. All fees and perquisites collected by any officer or employee as a juror or a non-party witness shall be paid into the County Treasury in accordance with the procedures prescribed by the County Auditor-Controller.

1404. Time Off to Compete in Examinations. Permanent and probationary employees shall be entitled to reasonable and necessary time off with pay to take examinations and to participate in departmental selection processes for movement to other positions in the Santa Barbara County service, if such appointments are scheduled during their regular working hours. This time off shall include travel time, but not required paperwork; and the time must be pre-scheduled with the employee's department.

1405. Assignment on Leave With Pay Pending Investigation. An appointing authority may assign an employee to leave with pay for a period not to exceed 14 calendar days for reasons of investigation for disciplinary action. Written notice of such assignment shall be given the assigned employee as soon as possible but not later than 72 hours after such action is taken. Such assignment is not a disciplinary action and shall not be subject to appeal unless it or any portion of it subsequently becomes a disciplinary action.

1406. Continuous Service. Authorized leave of absence shall not be construed as a break in service or employment, and rights accrued at the time the leave is granted shall be retained by the employee; provided, however, vacation credits, sick leave credits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence. Time spent on such leave without pay shall not count toward service for increase within the salary range, and the employee's salary anniversary date shall be governed by the provisions of these Rules for compensation. This section shall not apply to military leaves of absence granted pursuant to the Military and Veterans Code, where the Code applies.

1407. Employee to Report Absence. An employee who is absent from duty for any reason shall report the reason therefor to his supervisor immediately on the first day of absence, or before if possible, and in any case at the earliest practicable time.

1408. Separation Due to Unauthorized Absence. Any employee who is absent from his position for more than five (5) consecutive working days without prior permission from his department head (or designee) shall be considered to have abandoned and constructively resigned his employment with the County, giving the County the authority to formally separate the employee from County service.

The appointing authority shall notify the employee that he or she will be separated from County service effective ten (10) calendar days from the date of notification. Such notification shall be given pursuant to Rule 1307. If service is by mail, then the date of notification is five (5) days after the date of mailing. Up to five (5) days before the effective date, the employee shall have the opportunity to provide evidence of the reason(s) for the unauthorized absence to the appointing authority. The appointing authority shall revoke the separation if the employee provides justification of the reason(s) for the unauthorized absence. If the appointing authority determines that the evidence is not satisfactory, the appointing authority shall notify the employee that the separation shall remain in effect.

In the event the appointing authority separates the employee from County service, the employee may, within fifteen (15) calendar days from the original date of notification, request a hearing with the County Executive Officer or designee. Such hearing is limited to a determination of whether the Rule has been properly applied. In the event a hearing is not requested within the allotted time, or, after hearing, the County Executive Officer or designee determines that the Rule has been properly applied, the employee's separation from County service shall remain in effect.

1409. Leave of Absence With Pay. The Board of Supervisors, by a four-fifths vote, may grant a leave of absence with pay when it first expressly finds that a leave of absence with pay is in the best interest of the County, and does not amount to a gift of public funds prohibited by the Constitution of the State of California.

1410. Medical Leave of Absence, Not Work Related. When a permanent or probationary employee has used all accumulated sick leave and compensatory time off and is unable to return to work because of disability resulting from injury, illness, pregnancy, childbirth or related medical conditions not arising out of or in the course of employment with the County, the department head shall place the employee on a medical leave of absence without pay. The employee shall submit satisfactory medical evidence to his or her department head, who shall place the employee on leave which shall not exceed four months. A permanent employee shall be entitled to utilize any accrued vacation during this time. If the employee is unable to return to work at the end of the medical leave of absence, the employee may request additional medical leaves of absence from the department head, the granting of which will be subject to the approval of the County Executive Officer.

A department head or the County Executive Officer may require medical evidence from the employee's physician or may request the employee be examined by the County's physician to determine that such leave of absence is medically necessary.

This provision shall have no effect on an employee's right to request disability retirement at any time.

1411. Medical Leave of Absence, Work Related. An employee who becomes disabled as a result of an accident or illness arising out of and in the course of employment with the County shall be eligible to receive a medical leave of absence without pay for the period following the employee's depletion of paid sick leave and compensatory time off. The employee shall be entitled to utilize any accrued vacation during this time. Eligibility for medical leave of absence without pay shall be granted upon submission of satisfactory medical evidence to the County or its insurance carrier or by a ruling by the Workers' Compensation Appeals Board that the employee is disabled. Such medical leave of absence without pay may be terminated after notice to the employee when application for disability compensation is concluded by an agreed settlement of the application or a permanent disability award by the Workers' Compensation Appeals Board.

1412. Compulsory Leave of Absence.
e appointing authority may require an employee incapacitated from work due to illness, injury, or other cause to submit to a designated physician for examination at the County's expense, and may require the employee to take such leave of absence as will be necessary to enable the individual to again perform the required duties.

1413. Rights and Responsibilities Under Leave of Absence.

a. An employee shall not be entitled to a leave of absence as a matter of right but only upon approval as prescribed herein, except as provided in Section 1401.

b. A leave of absence may be revoked by the approving authority upon evidence that the cause for granting it was misrepresented or has ceased to exist.

c. Failure to report for duty after a leave of absence has not been granted, expired, been disapproved, revoked, or cancelled by the approving authority, or any other failure to report for duty as scheduled, after such leave of absence, shall be considered an abandonment and constructive resignation of employment as provided in section SB 1408.

d. When a leave of absence is granted a probationary employee, any period of such leave exceeding fifteen days shall not be credited toward the completion of the employee's probationary period.

e. The granting of a leave of absence gives to the employee the definite and absolute right to return to that position at the expiration of the leave time authorized provided that the position has not been abolished nor subjected to layoff. An employee may return prior to the

expiration of the authorized leave time with the approval of the appointing authority. When a leave of absence is granted to accept a position in the unclassified service of the County, the employee shall not have the absolute right to return to the former position but shall have the right to have his or her name placed on the appropriate reinstatement list. An employee who is granted a leave of absence from a position in the classified service for the purpose of accepting an appointment to fill the unexpired term of a vacant elective position shall have the right to return to the previous position at the end of such expired term, or before such date with the approval of the Board of Supervisors.

f. Whenever an employee is absent due to illness or disability, the appointing authority may require that the employee qualify in a medical examination or evaluation prior to employee's returning to work. Failure to qualify in such an examination shall result, after expiration of the employee's accrued sick leave, in further leave of absence or separation of the employee, as may be authorized in accordance with these Rules.

1414. Appointment to Fill Vacancy During Leave of Absence. An appointment to a position vacated as a result of a leave of absence shall be made from names certified from an appropriate eligible list in the same manner as provided for permanent appointments, except that an individual appointed to such a position shall be notified, in writing, by the appointing authority that the duration of his employment shall be subject to the return of the individual who is on leave. This provision shall apply likewise to any successive appointments made to the same position.

The name of an individual appointed from an eligible list to fill a position vacated as a result of a leave of absence shall remain on that eligible list, and he shall be certified to future permanent positions in the same manner as if he had not been certified and appointed to the vacancy.

1415. Records. Each department head shall keep complete records of attendance and leave of absence, including a physician's certificate when required, and all such records shall be available to the Auditor, County Executive Officer, and the Board of Supervisors for the purpose of ascertaining and preparing payrolls.

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RULE FIFTEEN

RECORDS AND REPORTS

1501. Records of Employees. A record of all employees in the classified service and their employment histories shall be maintained in the Human Resources Department. Such record shall include dates of service, positions held, salaries received, and such other information as may be deemed appropriate.

1502. Reports of Personnel Transactions. Each appointing authority shall report promptly in writing or on the form prescribed to the Human Resources Director all matters which may affect an employee's status or employment.

1503. Evaluation of Employee Performance. Evaluations of performance shall be on the basis of merit and job-related factors and shall be given without regard to race, religion, sex, age, unrelated handicap, or national origin. Each employee is to be rated by an immediate supervisor or by a superior who has direct knowledge of the employee's job performance. Department heads shall ensure fair and accurate assessments of job performance within their departments.

Evaluations shall be furnished the Human Resources Director the evaluated employee, and the department concerned. Each department head shall provide for at least an annual evaluation of all regular employees in the department; however, special performance evaluation reports may be made at any time by a department head. Appraisals of probationers shall be prepared and submitted as outlined in Rule Nine.

When an employee receives a less than satisfactory overall performance evaluation report, the employee's anniversary date for merit salary increase purposes shall be postponed one calendar month for each calendar month or major fraction thereof in a less than satisfactory status. This period shall commence when the appointing authority signs the less than satisfactory performance rating and end when he or she signs a satisfactory performance evaluation for the employee.

An employee shall have the right to respond in writing to any performance evaluation. Such response shall be brief and to the point and is to be filed with the employee's performance evaluation report.

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RULE SIXTEEN

EMPLOYEE TRAINING

1601. Responsibility. Each department head shall be responsible for the orientation, induction, and job training, and for the continuing development of each employee in the department. The Human Resources Director shall cooperate with and assist department heads in carrying out this responsibility and in meeting any special training needs.

1602. Time for Training. Required training to maintain the quality of work of employees serving in their present positions shall be considered County business and may be conducted during or outside of working hours. Training to prepare employees for promotion shall be on the employee's own time unless, because of shortage of staff or other circumstances, it is to the County's interest to use work time.

1603. Training of New Processes. Whenever the duties of a position are to be changed materially by the introduction of new technology or business processes requiring different skills and knowledge, any permanent or probationary employee affected by such change shall be given a reasonable opportunity to learn to perform the new duties and to qualify for status in any new class of position required for such work. An employee who does not qualify for such appointment shall be reassigned to other duties appropriate to the class or shall be laid off in accordance with these Rules.

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RULE SEVENTEEN

INCOMPATIBLE OUTSIDE EMPLOYMENT

1701. Purpose. The County's policy is to control the practice of outside employment by employees, particularly when a conflict of interest exists or when such employment would impair an employee's effectiveness or ability to perform, County duties.

1702. Prohibiting Conditions. County employees are prohibited from holding employment outside the County service when one or more of the following conditions exist:

a. The employment interferes with satisfactory service because of time away from the job or causes physical or mental fatigue which impairs regular County service.

b. Such employment is incompatible with the proper discharge of official duties, or would tend to impair the employee's judgement or action in the performance of those duties.

c. A conflict of interest would exist which is prohibited by law or which would be detrimental to the County.

1703. Notification. A written notification must be given to the department head for all regular outside employment and for all occasional outside employment. Failure to provide such information may be cause for disciplinary action. An outside work statement must contain the name of the employer (or statement of self-employment), the hours worked, the nature and the duration of employment.

1704. Order to Cease Working. A department head shall disapprove outside employment if the employment is in violation of the provisions of this Rule.

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RULE EIGHTEEN

POLITICAL ACTIVITIES

1801. Political Activities of Officers and Employees. The rights of County officers and employees to register and vote as they choose shall not be infringed. County officers and employees may express their opinions on all political subjects without recourse against them.

No County officer or employee shall, however, engage in political activity of any kind during working hours. Such prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the County to influence or give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

No County officer or employee in the classified service in any department engaged in the administration of federal grant-in-aid programs shall take an active part in partisan political management or campaigns. Partisan politics is defined as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which presidential electors were selected. Such prohibited political activity includes in substance the activities prohibited employees in federally aided agencies under the Federal Hatch Political Activities Act; as amended, 5 U.S.C. 1501-1508.

Subject to all of the foregoing, any County employee or officer may seek appointment or election to any public position, office, or employment for which qualified.

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RULE NINETEEN

PROVISION FOR THE RULES AND REGULATIONS

1901. Amendment of the Rules. Amendments to these Rules may be proposed at any meeting of the Civil Service Commission but action thereon shall not be taken, except in case of urgency, until a subsequent meeting.

The Commission shall announce a public hearing for proposed Rule changes either upon its own initiative or upon request of the County Executive Officer or the Human Resources Director. The announcement of any hearing shall be made within seven calendar days after receipt of a request therefor, by posting notice on the door or adjacent hallway or bulletin board of the Commission's meeting room or the County Human Resources Department, or by announcement in a meeting of the Commission or on the agenda or summary of proceedings of the Commission. Such public hearings shall commence no earlier than ten calendar days after the public announcement, and no later than thirty calendar days. Following such hearing the Commission shall make its recommendation on the amendments or Rule changes to the Board of Supervisors. All Rules and amendments shall become effective on the day of their approval by the Board of Supervisors, unless otherwise prescribed.

1902. Legality of the Rules. If any section, subsection, sentence, clause, or phrase of these Rules is for any reason found to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of these Rules shall not be affected thereby. It is the intention of the Board of Supervisors in adopting these Rules that no portion thereof or provision therein shall become inoperative or fail by reason of the invalidity of other portions, and hereby declares that it would have separately passed and adopted the provisions herein separately and apart from one another.

1903. Interpretation of the Rules. These Rules are to be interpreted according to their express wording, according to the meanings necessarily or fairly implied in or incident to the Rules as expressly stated, and according to the meanings essential to the accomplishment of the declared objects and purposes.

1904. Familiarity and Compliance with the Rules. It shall be the duty of the appointing authority to become familiar with all the provisions of these Civil Service Rules and regulations, and to comply with such provisions.

1905. Conflict of Laws. In the event of any conflict between the provisions of these Rules and Federal, State, or County laws and ordinances, such Federal, State, or County laws and ordinances shall prevail.