



RESOLUTION NO. 228-84

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

EL DORADO COUNTY

PERSONNEL MANAGEMENT RESOLUTION

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RESOLUTION NUMBER 228-84

Part 1 – DEFINITION OF TERMS

These terms used in these regulations shall have the meaning indicated below unless the context indicates otherwise.

101. APPOINTING AUTHORITY means the Department Head unless otherwise provided by statute or ordinance.

102. CIVIL SERVICE COMMISSION means the duly appointed Civil Service Commission of El Dorado County.

103. CLASS means a position or a group of positions sufficiently similar with respect to the duties and responsibilities, that similar selection procedures and qualifications may apply and that the same descriptive title may be used to designate each position allocated to the group.

104. CLASS TITLE means the designation given to a class, to each position allocated to the class, and to the employee allocated to the class.

105. COUNTY means the County of El Dorado.

106. DEMOTION is the movement of an employee to another position in a class having a lower salary allocation at the top step than the class previously occupied by the employee, or to a lower compensation level within the employee's salary range.

107. COUNTY SERVICE means all positions in all departments subject to the control and regulation of the Board of Supervisors of El Dorado County.

108. ELIGIBLE means any person whose name is on an employment, reemployment, or lay off list for a given class.

109. EMPLOYEE means a person who is an incumbent of a position or who is on leave of absence according to these rules and whose position is held pending return.

110. EMPLOYMENT LIST means a list of names of persons who have been found qualified for employment in a specified class.

111. EXTRA-HELP EMPLOYMENT means any employment which will require the services of a person for a limited period of time on an hourly basis.

112. FULL-TIME POSITION means any position which requires the full-time services of an employee.

113. LAYOFF LIST means a list of persons who have occupied positions allocated to a class and who have been involuntarily separated by layoff.

114. PART-TIME POSITION means any position which requires the services of an employee on a regularly scheduled basis less than full-time.

115. PERMANENT STATUS means appointment to a position which must be confirmed by successful completion of the probationary period specified for the class.

116. POSITION means the duties and responsibilities calling for the regular full-time or part-time employment of a person.

117. PROMOTION means the change of a permanent employee to another position in a class allocated to a salary range for which the top step is higher than the top step of the class which the employee formerly occupied.

118. REALLOCATION means the act of reassigning an individual position from one class to another class at the same range of the salary schedule.

119. RECLASSIFICATION means the act of reassignment or change in allocation of a position by raising it to a higher class or reducing it to a lower class on a basis of significant changes in the nature, difficulty, or responsibility of duties performed in the position.

120. REEMPLOYMENT LIST means a list of persons who have occupied positions allocated to a class who have voluntarily separated and are qualified for consideration for reappointment under these rules.

121. RESIGNATION means the voluntary termination of permanent employment with the County.

122. TRANSFER means the change of an employee to another position in the same class in a different department, or to another position in a class which is allocated to a salary schedule the top step of which is within five percent (5%) of the top step of the class previously occupied in the same or different department.

Part 2 – CIVIL SERVICE COMMISSION

200. NAME This section of the Personnel Management Resolution shall also be known and may be referred to in all proceedings as the El Dorado County Civil Service Ordinance. This Civil Service Ordinance was adopted on August 29, 1960. The inclusion of these sections effective July 17, 1984, in this resolution revises the original ordinance as per provisions of Section 210.

201. PURPOSE AND AUTHORITY This chapter is enacted pursuant to the provisions of the County Civil Service Enabling Law (Government Code Section 31100 et seq) for the purpose of enacting a limited civil service system for the County of El Dorado.

202. ESTABLISHMENT OF A CIVIL SERVICE COMMISSION There is hereby established a Civil Service Commission for the County of El Dorado. The Commission shall consist of five (5) members appointed by the Board of Supervisors from among those qualified electors of the County who are not employees or officers of the County of El Dorado.

203. COMMISSION MEETINGS The Civil Service Commission shall hold regular meetings on the first Tuesday of November, February, May, and August of each year and such hearings as may be required by Section 207. The Commission shall, by resolution, adopt such rules of procedure as it shall deem advisable to the orderly conduct of its business. *(Deleted by ordinance number 1323 – superseded by resolution number 391-73 and 420-73) (9/18/73) (Applies to balance of section)*

204. TIME CIVIL SERVICE STATUS ATTACHES Civil Service status shall not attach to any County employee with respect to any particular salary classification unless or until he/she shall have been continuously employed in such classification for a period of one year. In the event a County employee is promoted to a higher salary range classification, his/her civil service status shall attach to his/her original salary classification when he/she has been continuously employed in the original classification and the promoted classification for a total of one (1) year. (Employees in classifications in the general, professional, supervisory, trades, and attorneys units shall attain civil service status at six (6) months or at the end of probation as per Memorandum of Understanding applicable to their classification.)

205. EMPLOYEES HAVE CIVIL SERVICE STATUS All employees of the County of El Dorado who shall have been continuously employed by the County for a period as specified in 204 above shall have civil service status as provided herein except the following persons who are exempted from the provisions of this ordinance:

- a. elected County officers
- b. appointive department heads as designated by El Dorado County Salary Ordinance
- c. all appointed boards and commissions
- d. all persons serving without compensation
- e. casual patient and inmate employees at County institutions
- f. the following administrative personnel charged with making policy decisions:

- (1) assistant road commissioner
- (2) undersheriff

206. HIRING PROCEDURES AND QUALIFICATION REVIEW Procedures for hiring County employees and for review of their qualifications shall be as set forth in the El Dorado County Compensation Administration Resolution¹.

207. DISMISSAL, SUSPENSION, AND DEMOTION (Ord. 2012, 7/24/79)

- a. Any officer or employee in the classified civil service may be dismissed, suspended without pay for forty (40) hours or more or reduced in rank or compensation by the appointing authority by giving notice and proceeding in accordance with the provisions of Sections 1108 – 1112 of this Resolution.
- b. Within 20 days from the filing date, the Commission shall commence a hearing and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence and have counsel and a public hearing.
- c. The findings and decision of the Commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him.
- d. When a department head determines that an act or omission of an employee due to its nature of seriousness warrants immediate removal of such employee from his or her assigned duties, such employee may be suspended immediately and without pay for three (3) working days or less according to the provisions of this section except that the written notice required in Section 1108 shall be provided during the suspension or within five (5) working days thereafter. Otherwise, all provisions of this section shall apply.

208. POLITICAL ACTIVITIES This section recognizes that Government Code Sections 3201 – 3209 applies to the County and to County employees.

The County further, under provisions of the codes cited above, specifically prohibits employees from engaging in campaign politics during such hours as they are on duty for the County. Additionally, department heads seeking election to office are admonished to refrain from attempting to influence County employees' political attitudes while said employees are engaged in their duties for the County.

209. EFFECTIVE DATE This ordinance shall not become effective unless and until a proposition for its approval is submitted to an election and has received the affirmative votes of a majority of the electors voting upon the proposition.

210. AMENDMENT AND REPEAL No ordinance repealing or amending this ordinance which nullifies the basic principles of the civil service system contemplated by this Chapter and the County Civil Service Enabling Law shall be effective unless a proposition of such repeal or amendment shall have been submitted to an election and approved by a majority vote of the electors voting on the proposition.

¹ Replacing Salary Ordinance

211. SUBPOENAS The El Dorado County Civil Service Commission shall have the power to issue subpoenas and subpoenas duces tecum and compensate persons subpoenaed.

- a. This power shall be exercised and enforced in the same manner as the power granted in Article 9 of Chapter 1 of Part 2 of Division 2 (525170 et seq) of the Government Code, except that such power shall extend only to matters within the Commission's lawful jurisdiction and that committees of the Commission shall not have this power.
- b. Witnesses subpoenaed by the Commission shall be paid fees in the same amount and in the same manner as provided for in Government Code Section 68094.
- c. Subpoenas shall be signed by the Chairman or Secretary of the Commission.
- d. Any member of the Commission or any person otherwise so empowered may administer oaths to, or take affirmations from, witnesses before the Commission.

Part 3 – POSITION CLASSIFICATION

301. CLASSIFICATION PLAN The Personnel Office shall prepare and maintain a classification plan based on the needs of County service. The plan will provide for the allocation, reallocation, or reclassification of all positions. Specifications for each class of positions shall include:

- a. The class title.
- b. A definition of the class, indicating in terms of duties and responsibilities, the kinds of positions to be included in the class.
- c. A statement of the duties typically performed in positions allocated to the class.
- d. A statement of minimum and any additional desirable qualifications required of applicants for examination in the class, which minimum qualifications may specify education, experience, knowledges, skills, abilities, personal traits, and physical characteristics.

302. AMENDMENT OF CLASSIFICATION PLAN Existing classes of positions may be abolished and new classes may be added to the classification plan by approval of the Board of Supervisors. Revisions of existing classifications specifications may be made by the Personnel Director with the concurrence of the department head(s) where the classification is utilized.

303. ALLOCATION OF POSITIONS Each position shall be allocated to the class into which the duties and responsibilities of the position most nearly fit, as determined by classification study.

304. REALLOCATION AND RECLASSIFICATION OF POSITIONS In the event that the duties and responsibilities of a position become so altered that the position does not fit into the classification to which it was originally allocated, the Personnel Director may recommend the reallocation or reclassification of the position to an appropriate classification to the Board of Supervisors. The Board of Supervisors decision is final.

305. STATUS OF EMPLOYEES IN REALLOCATED AND RECLASSIFIED POSITIONS When a position is reallocated or reclassified to a different class, the status of the employee in such position shall be changed in accordance with the reallocation or reclassification as follows:

305.1 Reclassification to Class Having a Higher Salary

An employee who occupies a position which is reclassified from one class to another class having a higher salary than the class to which the position was previously allocated, shall have status in the class to which reclassified as determined in accordance with these regulations.

305.2 Reallocation to Class Having the Same Salary Range as the Former Class

An employee who occupies a position which is reallocated from one class to another class, having the same salary range as the former class, shall have status in the class to which the position has been reallocated.

305.3 Reclassification to Class Having a Lower Salary

An employee who occupies a position which is reclassified from one class to another class having a lower salary, shall have status in the class to which the position has been reclassified, and the employee's name shall be placed on a lay-off list for the class from which reclassified.

306. INTERPRETATION OF CLASS SPECIFICATIONS The following principles shall be applied in interpreting specifications for the various classes of positions:

- a. The specifications are descriptive only and are not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements. Use of a particular expression or illustration shall not be held to exclude others not mentioned, if such others are similar in kind or quality.
- b. In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the minimum qualifications, and the relationships to other classes as affording together a picture of the kinds of positions that the class is intended to include.
- c. The duties statement shall be construed as a general description of a kind of work usually performed by the incumbent of a position that is properly allocated to the class, and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any position.
- d. The example of duties shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual task performed by the incumbent of a position does not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. On the other hand, any one example of a typical task without relation to the general statement of duties and all other parts of the specifications shall not be construed as determining whether a position should be allocated to the class.
- e. The statement of minimum qualifications constitutes a part of the description of the kind of employment included within the class and expresses the minimum and any additional desirable qualifications expected of an appointee.

Part 4 – EXAMINATION ANNOUNCEMENTS AND APPLICATIONS

401. ANNOUNCEMENTS OF EXAMINATIONS The Personnel Office shall make public announcements of all examinations and will determine the extent to which the examinations will be publicized, commensurate with factors such as the availability of qualified candidates, number of projected positions to be filled, examination considerations, etc. All examination announcements shall be posted for a minimum of five (5) days in appropriate County work locations. Examination announcements shall include:

- a. Information concerning the time for filing applications.
- b. A description of the duties and responsibilities of the class.
- c. Minimum, and any additional desirable qualifications.
- d. Compensation.
- e. A general description of the conditions of competition including the method of examination and the relative weights assigned to the steps of the examination.

402. APPLICATIONS No person shall be admitted to any examination except upon application for such examination submitted as follows:

402.1 Filing Applications

All applications shall be made upon forms furnished by the Personnel Office, filled out as therein directed, and filed on or before the closing date as specified in the examination announcement. In continuous examinations, other application filing conditions may be specified. All applications shall be signed and the truth of all statements contained therein certified by such signature.

402.2 General Qualifications

Applicants must:

- a. Be either United States Citizens if required by state or federal law, immigrants admitted for permanent residence, or other aliens who are permitted to work as determined by the United States Department of Justice, Immigrations and Naturalization Service.
- b. Possess all the minimum qualifications established for the class.
- c. Be mentally, physically, and personally fit to perform the duties and responsibilities of the position.

402.3 Applications Not to be Returned

All applications are confidential records of the County and will not be returned to the applicant.

403. QUALIFICATIONS FOR VETERANS' PREFERENCE CREDIT In order to qualify for Veterans' Preference Credit, a person shall:

- a. Meet the qualifications as a Veteran as defined by Government Code.
- b. Present verification of the required military service no later than the closing date specified in the examination announcement.

404. DISQUALIFICATION OF APPLICANTS The Personnel Office may refuse to examine an applicant, or after examination may disqualify an applicant, or remove an applicant's name from an eligible list, or refuse to certify an eligible for failure to meet the conditions set forth in these rules.

404.1 Causes for Disqualification

An applicant or eligible may be disqualified for any reason expressed in Section 1104 or if the person:

- a. Is lacking the requirements established for the class.
- b. Is mentally, physically or personally unfit to perform the duties and responsibilities of the class or position.
- c. Habitually uses intoxicating liquors or controlled substances.
- d. Has been convicted of any felony or any crimes involving moral turpitude; has been convicted of offenses which indicate unfitness for performing the duties and responsibilities of the class or position.
- e. Has made a false statement of material fact(s) in the application.
- f. Has been discharged from any employment for reasons which indicate unfitness for performing the duties and responsibilities of the class or position.
- g. Has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment.
- h. Has directly or indirectly obtained information regarding examinations to which the applicant was not entitled, or has otherwise defrauded the examination process.
- i. Failed to submit an application correctly or within the prescribed time limits.
- j. Has taken part in the compilation, administration, or correction of the examination.
- k. Has permanent status in the class for which making application to be examined.
- l. Has otherwise violated provisions of these rules.

404.2 Background Investigation

The Personnel Office may conduct such investigation of the applicant's training and experience and mental, physical, and personal fitness as may be necessary to verify and clarify statements contained in the application.

404.3 Notification of Disqualified Applicant

A disqualified applicant shall be notified of disqualification. In the case of disqualification because of failure to meet the requirements, the applicant shall be notified by mail to the last known address. Applicants may submit additional evidence of qualification to the Personnel Office prior to the examination date. The Personnel Director shall not in any event waive the minimum qualifications for entrance to examination for, or appointment to, a position in County service.

404.4 Appeal of Disqualification

A disqualified applicant may appeal their disqualification by filing a written appeal to the Personnel Office within 15 working days from date mailed. This appeal shall be forwarded to the

Civil Service Commission who shall within 30 working days conduct a hearing. The burden of proof shall be on the disqualified applicant.

405. PROMOTIONAL OPPORTUNITY All persons in County service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations administered during the normal hours of work for positions in the County service of El Dorado County. Examinations administered during other than the normal hours of work shall not be compensated for in any manner.

Part 5 – SELECTION PROCEDURES

501. TYPES OF SELECTION PROCEDURES Appointment to positions shall be by competitive examination except as otherwise provided for in these regulations.

502. SUSPENSION OF COMPETITION The Personnel Office, after consultation with the appointing authority, may determine that the use of competitive examination procedures to fill one or more vacancies is impractical and may suspend competition and authorize direct appointment.

503. PROMOTION BY RECLASSIFICATION WITHOUT EXAMINATION An employee may be promoted from one classification to a higher classification without examination and the employee's position reclassified under the following conditions:

- a. An evaluation of the position must show that the duties and responsibilities have significantly increased and constitute a higher level of work.
- b. The employee in the position must have performed at the higher level for at least six months.
- c. The action must have the recommendation of the appointing authority and Personnel Director and approval of the Board of Supervisors. The appropriate rules regarding probationary status and salary on promotion are applicable.

504. COMPETITIVE SELECTION PROCEDURES The Personnel Office, after consultation with the appropriate appointing authority, shall designate selection procedures which may include one or any combination of the following: written tests, oral tests, performance tests, physical agility test, assessment centers, training and experience evaluations, or other selection procedures. Selection procedures shall be practical and job related, constructed to sample the knowledges, skills, abilities, and/or personal attributes required for successful job performance.

505. ASSIGNMENT OF WEIGHTS The Personnel Office, after consultation with the appropriate appointing authority, shall assign weights to each part of the examination which shall be included in the examination announcement.

506. PROHIBITED QUESTIONS There shall be no questions of any applicant during testing procedures as to political views, religious beliefs, labor affiliations, race, or other questions which are unlawfully discriminatory.

507. WAIVER OF EXAMINATION When, after public announcement, the number of accepted candidates is equal to or less than the number necessary for a full certification, after consultation with the appointing authority, the Personnel Director may waive competitive testing and certify the applicants without score or rank. The certification shall indicate that the candidates are not in rank order. The Personnel Director may follow the same procedure for waiver of examination under these conditions at any step in the examination process. Competitive testing will not be waived if the appointing authority requests it.

508. CONDUCT OF EXAMINATIONS The Personnel Office shall designate the places where and the conditions under which examinations are to be conducted.

509. IDENTIFICATION OF EXAMINEES All methods and procedures for administering examinations shall comply with reasonable standards of fairness, confidentiality standardization, and reliability. Scoring procedures shall be developed prior to the examination, and when practical, candidates' names shall not appear on any test papers before they are scored.

510. SCORING OF EXAMINATIONS Examinations shall be scored and final grades determined as follows:

510.1 Test Scores

A passing score shall be determined by the Personnel Office giving consideration to test difficulty, quality of competition, needs of the service, identification of a score predictive of minimum acceptable job performance, and other relevant factors. The passing score may not be above an arithmetic 70% of the total score.

510.2 Application Evaluation Boards

In examinations where it is anticipated that large numbers of applications will be received from qualified applicants, the Personnel Director may appoint one or more application evaluation boards to select the best qualified applicants to be invited to participate in the next phase of the examination. At least one member of each such board shall be technically familiar with the character of the work in the position for which applicants are being examined. The board will review the applications, resumes, special questionnaires, and other information submitted by each qualified applicant. It will evaluate the qualifications of the applicants as they relate to the duties, responsibilities, and requirements of the class under examination. The best qualified applicants shall be invited to participate in the next phase of the examination. Whenever practical, applicants competing for the same class shall be rated by the same evaluation board.

510.3 Qualifications Appraisal Boards

In examinations where an oral interview is to be included as part of the total examination, a qualifications appraisal procedure shall be the average of the ratings assigned by each individual rater. If the examinee receives a majority of passing ratings, the examinee will be considered to have passed in this part of the examination. If the examinee receives a majority of failing ratings, the examinee shall be considered failing in this part of the examination.

510.4 Minimum Passing Ratings

A minimum passing rating may be established for each total examination and for any portion thereof. The method of examination shall be set forth in the announcement. Failure by an examinee to attain a passing rating or to be selected in any portion of an examination shall eliminate such examinee from further competition and the examinee shall be immediately notified in writing.

511. REVIEW, AUDIT, PROTEST AND APPEALS PROCEDURES Persons competing in examinations may appeal from the ratings received from selection procedures as provided in these regulations.

512. REVIEW OF WRITTEN TEST PAPER Competitors in an examination may inspect their test papers, together with the keyed copy of the written test, beginning on the second business day following mailing of "Notice of Written Test Results" for five (5) business days. During this period a competitor may file a written protest with the Personnel Office concerning the scoring of the test paper on the grounds of fraud or mistake. The Personnel Director shall rule on the protest and the candidate shall be notified in writing. Where written tests are provided by an outside consultant, keyed copies of the examination will be provided only upon consent of the consultant.

513. APPEAL FROM OTHER SELECTION PROCEDURES Candidates shall be notified by mail as to the results of examinations. During a period beginning on the second day of business following the mailing of "Notification of Examination Results" and continuing for five (5) business days the Personnel Office shall, upon written request, inform a competitor in such examination of the rating(s) the competitor received. During such period, a competitor who failed the examination may appeal the rating(s), and a passing competitor may appeal the lowest rating awarded by an individual Board member if such rating is more than ten (10) points below the next lowest rating, in writing to the Personnel Director on the basis of fraud, bias, or erroneous interpretation of the minimum qualifications. No such appeal may be considered unless it contains specific allegations of fact, citing the exact cause, and the relief requested, and no other appeal may be considered from a passing candidate. The Personnel Director shall rule upon such appeals and the competitor shall be notified in writing. The rating of the competitor shall be made to conform to the Director's decision. If dissatisfied with the ruling of the Personnel Director, the competitor may appeal to the Civil Service Commission. During such period any competitor may appeal the rating to the Civil Service Commission on the ground of unlawful discrimination. Such appeals must be in writing, signed by the appellant, and contain specific facts by which it is alleged that unlawful discrimination took place. If it grants an appeal, the Civil Service Commission may determine that the appellant is awarded the lower passing rating or that the appellant be allowed to retake the examination.

514. EXAMINATION RECORDS Examination papers, eligible lists, applications, and other records pertaining to examinations shall be open for inspection under the conditions set forth herein. The keyed copy of any written examination and written test papers submitted by competitors are the property of the examining agency and are confidential records which are open to inspection only for such conditions as specified by the Personnel Office. A competitor's paper shall be open to inspection by the competitor or representative when authorized in writing. The unauthorized copying of questions or answers by any person from any paper made available for inspection is forbidden and may result in cancellation of eligibility and disbarment from future examinations.

515. CONFIDENTIALITY Names of persons applying for County positions, the ranking or placement on eligible lists, or the evaluation of their participation in any selection process, shall not be made public.

Part 6 – EMPLOYMENT AND RE-EMPLOYMENT LISTS

601. ESTABLISHMENT AND PREPARATION OF EMPLOYMENT LISTS The Personnel Office shall establish and maintain employment lists.

602. EMPLOYMENT LIST RECORDS The Personnel Office shall prepare records of the results of each part of an examination showing the names of the applicants for the examination, applications rejected, the rating of each examinee in each portion of the examination, and the final score and rank of each examinee who passed except as otherwise provided in these regulations.

603. FINAL SCORES After computing scores on separate parts of an examination, weighing the scores, adding veterans' credits on open examinations, and adding seniority credits on promotional examinations for represented classes, the final score shall be rounded to the nearest hundredths of a point.

604. RANK ORDER IN CASE OF IDENTICAL SCORES If two or more successful examinees have final scores which are identical, they shall be ranked equally.

605. DESIGNATION OF EMPLOYMENT LISTS The Personnel Office will prepare employment lists from examinations as provided below:

605.1 Open Lists

Open lists are lists prepared from examinations designated as "open" on which passing examinees may receive veterans' preference credits, and for which any qualified person may apply subject to such limitations which may be determined by the Personnel Office in accordance with these rules.

605.2 Promotional Lists

Promotional lists are lists prepared from examinations designed as "promotional" and for which only qualified regular El Dorado County employees may apply. Departmental promotional are lists prepared from examinations designated as "departmental promotional" and for which only qualified regular employees of the department listed may apply. Extra help employees shall not be considered regular employees for the purpose of promotional examinations.

606. VETERANS' PREFERENCE CREDITS Examinees who have qualified for veterans' preference as provided in Part 4, and who have qualified in all parts of an examination, shall receive in addition to all other credits, five (5) percent of the total credits shall be added to the examinee's written test score. An additional five (5) percent shall be added to the examinee's written score for veterans with ten (10) percent or greater disability.

607. SENIORITY CREDITS IN PROMOTIONAL EXAMINATIONS FOR LAW ENFORCEMENT CLASSIFICATIONS Employees in promotional examinations for law enforcement classifications who have qualified on all parts of examination shall receive, in addition to all other credits, .5 points for each completed year of service as a permanent County employee continuously preceding the final date for

filing application for the examination. For purposes of seniority credits, leaves of absences shall be considered as service. Periods of separation may be bridged if the separation is a result of a layoff in which case bridging will be authorized if the employee is reemployed in a permanent position within the period of layoff eligibility. The credits shall be included in the final percentage score from which the rank on the promotional list is determined.

608. DURATION OF EMPLOYMENT LISTS Employment lists shall continue in force for such periods of time as determined by the Personnel Office provided that the period in no case shall be less than six months nor more than one year from the date the list is promulgated, except that upon the request of the appointing authority the Personnel Director may continue a list for up to an additional one year or until a new list is promulgated for the class.

608.1 Cancellation of Regular Lists

Lists or any remaining portion of lists which have not been extended by the Personnel Director shall be automatically cancelled on the specified expiration date.

608.2 Exception to Cancellation of Lists on Which Certifications are Active

Where a certification request is active the list shall not be cancelled until the active certifications have been completed or cancelled.

608.3 Early Cancellation of Lists

Employment lists may be cancelled before the specified expiration date if there are less than five active candidates or for good cause upon the request of the appointing authority.

609. REVISION OF EMPLOYMENT LISTS Whenever it becomes evident that an error or mistake has occurred in the preparation of a list, the Personnel Office shall revise the list, placing the eligibles in the proper order to correct the error. If a name has been improperly omitted from or included in the list, the correction may be made in the same manner. If appointment(s) have been made from the employment list before an error is discovered, revision of the list to correct the error shall not affect appointments previously made.

610. REMOVAL OF NAMES FROM LISTS Names of eligibles may be removed from a list for any of the following reasons, providing that notice of the action and the reason therefore shall be mailed to the last known address of the eligible:

- a. For any cause stipulated in Section 404.1.
- b. On evidence that the eligible cannot be located by postal authorities.
- c. On receipt of a statement from the appointing authority or eligible that the eligible declines certification or indicates no further desire for appointment in the class.
- d. If three offers of permanent appointment to the class for which the eligible list was established have been declined by the eligible.
- e. If five certifications for permanent appointment from an open employment list have failed to result in selection and appointment.

- f. If the eligible fails to respond to the Personnel Office or the appointing authority within five (5) days to written notice or certification mailed to the person's last known address.
- g. Failure of the applicant to pass a departmental background investigation as determined by the appointing authority.

611. NOTIFICATION OF ELIGIBLES Whenever any list is revised or cancelled in advance of the specified expiration date or any eligible is removed from the list as provided for above, the affected eligible(s) shall be notified by mail to the last known address.

612. ESTABLISHMENT OF RE-EMPLOYMENT LISTS The Personnel Office shall establish and maintain re-employment lists and layoff lists.

613. ELIGIBILITY FOR RE-EMPLOYMENT LISTS Within one year of resignation in good standing from County service, a person who has had permanent status which included satisfactory completion of probation may make application by letter to the Personnel Director for placement on a re-employment list as follows:

- a. The class from which the person resigned, or
- b. any one class of equal or lesser rank in the occupational series and in which the person previously had attained permanent status, or
- c. for any class which has replaced the class in which the person previously had status, provided that the person meets the minimum requirements for the new class.

If the appointing authority of the department from which the person resigned recommends re-employment, the Personnel Director shall grant re-employment privileges to the person. Persons granted re-employment privileges may be considered for vacancies in all departments except those precluded by State Merit System rules. Departments shall grant consideration to such persons but we are not obligated to rehire.

614. ELIGIBILITY FOR LAYOFF LIST Whenever any person who has permanent status is laid off, has been displaced, has been demoted by displacement, or has voluntarily demoted in lieu of layoff or displacement, the person's name shall be placed on the layoff list for the class of positions from which the person has been removed. Layoff lists are by department. While departments are not required to hire employees on other departments' layoff lists, they are encouraged to give these employees consideration in filling vacancies.

615. ORDER OF NAMES ON LAYOFF AND RE-EMPLOYMENT LISTS

- a. Layoff Lists First, layoff lists shall contain the names of persons laid off, displaced, or demoted as a result of a layoff or displacement, or who have voluntarily demoted in lieu of layoff or displacement. Names shall be listed in order of layoff in the class from which laid off, displaced, or demoted on the date of layoff, the person with the most retention points listed first.

- b. Re-employment Lists Second, re-employment lists shall contain the names of persons granted re-employment privileges after resignation in the order of the date of application for re-employment, the most recent applicant last.

616. DURATION OF LAYOFF RIGHTS The name of any person laid off shall continue on the appropriate list for a period of two (2) years.

617. REMOVAL OF NAMES FROM LAYOFF AND RE-EMPLOYMENT LISTS

- a. The Personnel Office may remove the name of any eligible from a re-employment or layoff list for any reason listed in section 610 of this Part. Notice shall be sent to the person affected.
- b. If the person on the re-employment list is appointed to another position in the same or lower classification, the name of the person shall be removed.

Part 7 – CERTIFICATION

701. REQUEST FOR PERSONNEL Whenever a vacancy is to be filled, the appointing authority shall submit a personnel requisition to the Personnel Office as long in advance as possible. The names of persons eligible for appointment to positions in a class to which a vacant position is allocated shall be referred by the Personnel Office subject to such transfers, demotions, or other alternate provisions as may be applicable.

702. CONTENT OF PERSONNEL REQUISITION The appointing authority shall make personnel requests on the form prescribed by the Personnel office and provide such information as may be required. Any request for “special skills or qualifications” should be noted on this form.

703. CERTIFICATION OF NAMES Upon receipt of an appointing authority’s personnel requisition or as soon as practical thereafter, the Personnel Office shall certify to the appointing authority, the names, addresses, and phone numbers of the persons entitled to certification in accordance with these rules.

704. ORDER OF CERTIFICATION FROM LISTS The order of certification from employment lists for any class shall be first, departmental layoff list; second, County layoff list; third, re-employment if requested by an authority; fourth, open employment list.

705. NUMBER TO BE CERTIFIED Except as otherwise provided in these regulations, names shall be certified on each request for personnel in the order prescribed under section 704 as follows:

705.1 Open and Promotional Employment Lists – Rule of Five

On each request for personnel from an open employment list, five names shall be certified. If more than one position is to be filled in any class in a department at the same time from the same request for personnel, the number of names to be certified from an open employment list shall be equal to the number of positions to be filled plus four. This rule may be waived by the request of the appointing authority.

705.2 Complete Certification

Certification of the maximum number of eligibles, as described above, constitutes a complete certification.

706. CERTIFICATION OF PERSONS FROM LAYOFF LISTS Layoff lists contain the name(s) of person(s) laid off, displaced or demoted by displacement or voluntarily demoted in lieu of layoff. When a request for personnel is received from the appointing authority of a department from which an eligible(s) was laid off, the appointing authority shall receive and appoint the eligible highest on the layoff list from the department. When a request for personnel is received from a department from which an eligible(s) was not laid off, the appointing authority shall receive an eligible list of layoff, displaced, or demoted employees. While not required to appoint from this list, departments shall be encouraged to give consideration to such persons.

707. NUMBER OF NAMES TO BE CERTIFIED FOR MANAGEMENT CLASSES For management classifications the entire employment list may be referred in rank order at the request of the appointing authority.

707.1 Contacting and Interviewing Eligibles

Under this procedure, the appointing authority must contact the eligibles and must interview, before final selection, all interested eligibles above the rank of the person selected for appointment.

707.2 Alternative Certification Process for Management Classes

If the appointing authority so requests for management classes, the certification process described in Section 705 shall be used.

708. CERTIFICATION OF ELIGIBLES WITH SPECIAL QUALIFICATIONS In case of a position to be filled requires a person

- 1) with residence in a certain locality or with willingness and ability to work certain unusual hours, or
- 2) of a particular sex, or with some other special qualification, skill, or bona fide occupational qualification, and

upon written request of the appointing authority, the Personnel Director may authorize the certification of eligibles who possess such qualifications. A record of special qualification certifications will be maintained by the Personnel Office.

709. CERTIFICATION IN FLEXIBLY STAFFED POSITIONS In flexibly staffed positions, an employee occupying the position in the lower class for at least six months immediately prior to certification request may be promoted to the higher level of the flexibly staffed position upon the written request of the appointing authority. The Personnel Office shall insure that the eligible employee meets the minimum qualifications of the higher class. A new application form and employee evaluation will be required. Under circumstances deemed appropriate, the above six month's experience requirement may be waived upon request by the appointing authority.

710. WAIVERS OF CERTIFICATION Certification or appointment may be waived by an eligible as follows:

710.1 Temporary Withdrawal from List

Upon written or telephone request, an eligible may withdraw from an employment layoff or re-employment list for a specified period of time, provided, however, that upon again becoming an active eligible the person may not claim eligibility for any appointment to which certification has been made during the period when the person's name was inactive.

710.2 Conditional Waivers

An eligible may waive certification stating the conditions of employment such as location and hours of position.

710.3 Waiver of Particular Certifications

An eligible may waive rights to certification to any particular positions, or after certification may waive possible or offered appointment by written or telephone statement to the Personnel Office or the appointing authority giving the reason for waiver. After three such waivers of certification or appointment to permanent positions in any class, the eligible's name may be removed from the employment list. Waivers made to an appointing authority must be reported by the appointing authority to the Personnel Office.

710.4 Waiver After Permanent Appointment

The permanent appointment of an eligible to a position in the County service is an automatic waiver of certification of such persons from any other employment list on which the person's name appears for a class or position the salary of which is either equal to or lower than the salary of the position to which the person has been appointed, unless the person requests certification from such lists in writing or by telephone.

710.5 Request for Certification While on Leave of Absence

An eligible who is a County employee and is granted a leave of absence may request in writing to the Personnel Office to be certified from any employment list upon which the employee's name appears during the period of the leave of absence. Such requests must be submitted prior to the beginning of the leave and must include an explanation of the request.

710.6 Failure to Respond to Certification

Failure of an eligible to respond to a written notice by the appointing authority within five (5) calendar days is an automatic waiver of certification. The appointing authority may request or furnish an additional name in lieu of the eligible. An eligible who fails to keep the Personnel Office advised of a correct mailing address may be removed from the employment list. A person may be restored when so removed upon receipt of a satisfactory reason for failure to respond.

711. CERTIFICATION FROM ALTERNATE OR HIGHER EMPLOYMENT LIST Whenever a personnel requisition is received to fill a position in a class for which no employment list exists, the Personnel Office, upon the request of the appointing authority, may certify consenting eligibles from a layoff, re-employment or employment list for a class, the top salary of which is within 5% or higher of the top step of the class for which names were requested. The minimum qualifications of the classification from which names are requested must be similar to or greater than the minimum qualifications of the class in which the vacancy exists. Such certifications shall otherwise be in accordance with regular certification procedures and shall result in cancellation of eligibility for the class from which referred if the person is appointed.

Part 8 – APPOINTMENTS

801. APPOINTMENT AFTER CERTIFICATION Upon receipt of the certification of eligibles, the appointing authority shall contact the persons certified and shall offer to interview them as provided in these regulations. The appointing authority may examine applications, examination records, and any reports of background investigation of the eligible certified. The appointing authority may conduct any additional investigations or test of fitness which are job related. Appointments must be signed by the appointing authority in the form of a Payroll/Personnel Form with the Personnel Office. The Personnel Office shall verify that a vacant budgeted position exists in the affected department. The Personnel Office shall also verify that the appointment has been made at the proper range and step of the salary schedule.

801.1 Employment Date

The day employment and salary commence under such appointment shall be the date specified on the Payroll/Personnel Form.

801.2 Minimum Qualifications

The Personnel Director shall not approve the appointment of any regular employee who does not possess the minimum qualifications established for the position, unless the Board of Supervisors waives that portion of the qualifications specifications. The appointing authority must request in writing such a waiver stating the justification for this action.

802. APPOINTING AUTHORITY The Board of Supervisors is the appointing authority for all appointed department heads. In the process of employing or dismissing any appointed department head other than the County Counsel, the Board of Supervisors shall review and consider the recommendations of the Chief Administrative Officer. The Board of Supervisors is the appointing authority for all County employees. The Board of Supervisors, however, has designated department heads as the appointing authority for that department. In the performance of personnel and administrative matters, the Chairman of the Board of Supervisors acts for and on behalf of the Board of Supervisors.

803. APPOINTMENT OF LEAVE OF ABSENCE VACANCY Appointment to a permanent position from which another employee has been granted leave of absence is subject to the return of the employee on leave, in which case the provisions of these rules pertaining to layoff shall apply.

804. STATUS DURING PROMOTIONAL PROBATION PERIOD An employee who has permanent status and promotes to another position shall have the right, in case of rejection from probation, to displace into the position from which the employee promoted and incumbent in such position shall be subject to layoff. In such cases the rejected employee's rights and responsibilities of employment status in the original position shall apply as though the promotion had not occurred.

805. TEMPORARY APPOINTMENTS An appointment for a limited period of time, paid on an hourly extra-help basis, is a temporary appointment. Temporary appointments shall not exceed six months.

806. APPOINTMENT IN EMERGENCIES In emergency situations, which are defined as situations where there is a threatened interruption of essential County services and immediate action is necessary, the appointing authority may appoint a person or persons without reference to employment lists. The appointing authority may employ a person as extra-help at the salary specified in step 1 for the appropriate position, for a period which shall not extend after the adjournment of the next regular meeting of the Board of Supervisors. Any such emergency appointment shall be reviewed by the Board of Supervisors, and the Auditor shall not pay any County funds for such employment until the Board confirms and approves of the appointment.

807. REPORTS OF APPOINTMENT All appointments in the County service shall be promptly reported to the Personnel Office.

808. UNDERFILLING OF PERMANENT FULL/PART TIME POSITIONS Any vacant position may be filled at a level lower than that authorized when the department's internal promotional program would be enhanced, where there are no qualified candidates to fill said vacant position, or for other pertinent departmental reasons. The vacancy may be filled by appointment of a person to any lower salary classification which contains a substantial portion of the duties listed in the class specifications for the authorized position.

809. CONDITION OF APPOINTMENT As a condition of appointment all new employees may be required to do the following:

809.1 Fingerprinting

Individuals, subject to the decision of the appointing authority, may be fingerprinted by the Sheriff's Department before his/her appointment or as soon thereafter as is reasonably possible. Such information obtained from the fingerprint check shall be forwarded to the appointing authority and the individual in question only.

809.2 Pre-employment Physical Examination

Individuals appointed to permanent full or part-time positions, or who are to be hired as extra help for a period in excess of ninety days, are required to complete either a health history report to be reviewed by the County Health Officer or a physical examination by the County Health Department before his/her appointment. The County shall determine which classes of positions shall be required to take the physical exam. The County Health Officer shall certify whether in his/her opinion the individual is physically able to perform the duties of the classification. Such certification shall be filed in the individual's personnel file. Results of such pre-employment physical are confidential and may only be disclosed to the Personnel Director, Board of Supervisors, the appointing authority, and the individual.

810. NEPOTISM The fact that an applicant is related by blood or marriage to a current employee of the County shall neither aid nor hinder the person's opportunities for County employment. However, it is the policy of the County to prohibit employment of relations by blood or marriage as defined herein as husband, wife, children, parents, grandparents, grandchildren, brother, sister, niece, nephew, uncle or aunt in the same department, division, or facility where there is an adverse impact on supervision,

safety, security, or morale, or involves potential conflicts of interest. If County employees marry and there is an adverse impact on supervision, safety, security, or moral as a reasonably foreseeable conflict of interest exists, the County shall make reasonable efforts to reassign or transfer one of the employees. However, if no accommodation can be arranged, one of the employees must resign. The choice of which will resign is to be made by the individual employees.

Part 9 – PROBATIONARY PERIOD

901. PURPOSE OF PROBATION The probation period shall be the final phase of the examination process and shall be utilized by the appointing authority for the effective adjustment of the new employee and for the termination of an employee whose performance is unsatisfactory.

902. DURATION All appointments, whether for original entrance or promotion, shall be subject to a probationary period. The length of the probationary period for the individual employee's classification is provided in the M.O.U. applicable to the employee but are generally summarized below.

902.1 Management and Department Heads

Positions designated as management or appointed department head shall serve a twenty-six pay period probationary period.

902.2 Law Enforcement and Related

Positions in the law enforcement and district attorney's investigators unit shall serve a twenty-six pay period probationary period.

902.3 General, Professional, Supervisory, Attorney, and Trades Units

Positions in these units shall serve a thirteen (13) pay period probationary period.

903. TIME INCLUDED The probationary period shall commence from the date of appointment. It shall not include time served in provisional or temporary appointments. Probationary periods may be extended as per provisions of the MOU applicable to the individual employee.

904. LAYOFF DURING PROBATION An employee who is laid off during probation, if re-employed in the same class by the same department, shall be required to complete a new probationary period. If re-employed in another department or in another classification, the employee shall serve a new full probation period.

905. REJECTION DURING PROBATION An employee who is rejected during the probationary period and restored to the eligible list shall begin a new probationary period if subsequently certified and appointed.

- a. Appeal from Rejection Notwithstanding any other provisions of this article, an employee (probationer) shall have the right to appeal from any rejection during the probationary period based on political or religious or union activities, or race, color, national origin, sex, age, handicap or sexual orientation, or as otherwise provided by law.
- b. Time, Form and Consideration The appeal must be written, must be signed by the employee and set forth the facts by which it is claimed that grounds for appeal exist under subsection (a), and must be filed through the Personnel Office to the Civil Service Commission by 5:00 p.m. on the 10th working day after the date of delivery to the employee of notice of rejection.
- c. Final Disposition If the Civil Service Commission finds no probable cause for a hearing, it shall deny the appeal. If, after hearing, the Civil Service Commission upholds the appeal, it shall direct

that the appellant be reinstated in the position and the appellant shall be reinstated in the probationary period unless the Civil Service Commission specifically directs the appellant begin a new probationary period.

906. CONDITIONS PRELIMINARY TO REGULAR APPOINTMENT The regular appointment of a probationary employee shall begin on the day following the end of the probationary period. An employee who is not rejected prior to completion of the probationary period, unless extended as per provisions of an M.O.U., shall acquire permanent status automatically.

907. TIME OF PROBATION EMPLOYEE EVALUATION REPORT The appointing authority shall be notified of the end of such probationary period. The Personnel Office shall supply forms upon which the employee evaluation report will be submitted. The appointing authority should advise the employee prior to completion of probation whether the employee's services are to be continued under regular status or are to be terminated. It is desirable but not mandatory that such notice be given at least five (5) days prior to completion of probation. The appointing authority shall then return the employee evaluation report to the Personnel Office. If a clerical or administrative error delays an employee evaluation report and it is determined that it was the intent of the appointing authority to retain the probationer, the employee affected will not suffer any loss of pay or benefits.

908. RESTORATION OF PROMOTIONAL PROBATIONARY EMPLOYEE Notwithstanding any other provisions of this article, an employee rejected during the probationary period from a position in the County service to which the employee had been promoted, shall be restored to a position in the classification in the department from which the employee was promoted.

909. RESTORATION OF ELIGIBILITY The Personnel Director, after consultation with the appointing authority, may restore the name of a probationary employee who has been rejected or has resigned from probation, to the eligible list from which the employee was certified, if the list is still in effect. The Personnel Office shall not certify the name of such person to the same appointing authority by whom the person was rejected from the same eligible list, unless such certification is requested in writing by the appointing authority.

910. PROBATION PERIOD FOR LAID OFF EMPLOYEES An employee with permanent status who is laid off and subsequently reinstated to their former position's classification or lower position in their class series, shall not serve a new probationary period. Laid off employees hired into a County department from which they were not specifically laid off shall serve a new probationary period as a new employee. Former probationary employees who were laid off and subsequently reinstated shall serve a complete new probationary period upon rehire.

911. REJECTION DURING PROBATION OF LAID OFF EMPLOYEE An employee who has achieved permanent status in the class before layoff and who subsequently is appointed from the layoff list and then rejected during the probation period shall be automatically restored to the layoff list, unless discharged for cause, if the person is within the period of layoff eligibility. The employee shall begin a new probation period if subsequently certified and appointed in a different department or classification than that from which the employee was laid off.

912. CIVIL SERVICE STATUS Civil Service Status shall be granted to an employee after the successful completion of the employee's initial probationary period as outlined in Section 902. In the event a County employee is promoted to a higher classification, his/her civil service status shall not be affected unless the original probationary period has not been completed. In that event, civil service status shall be obtained at the end of the time period outlined in Section 902. Prior to any employee receiving Civil Service status, the department shall initiate a Payroll/Personnel Form for said employee and forward the same to the Personnel Office.

Part 10 – PERSONNEL TRANSACTIONS

1001. PROMOTION Promotion is the change of a permanent employee to another position in a class allocated to a salary range for which the top step is higher than the top step of the class which the employee formerly occupied except as otherwise provided for in these rules. Promotion to a permanent position shall be by competitive examination except as provided in Part 5. The Personnel Office upon the request of an appointing authority shall determine whether an examination is to be conducted on a promotional only, departmental promotional, or open basis. To qualify for a promotional examination, persons must have probationary or permanent status and must possess the minimum qualifications for the class on or before the final filing date for the examination. Names of persons who separate, except by layoff, shall be removed from promotional employment lists.

1002. ASSIGNMENT AND REASSIGNMENT The appointing authority may assign an employee from one position to another position in the same class within the department.

1003. TRANSFER Transfer is the change of an employee to another position in the same class in a different department, or to another position in a class which is allocated to a salary schedule the top step of which is within five percent of the top step of the class previously occupied in the same or a different department. Any employee or appointing authority may request a transfer by advising the Personnel Office, in writing, stating the reason(s) for the request. Upon consent of the appointing authority(s) and the employee involved, a transfer within the employee's classification may be approved. If the transfer is to a position in a different class it must be determined that it is a comparable position. Transfers may also be accomplished through the regular examination and appointment procedures. Movement within the same class within one department is not considered a transfer.

1004. DEMOTION Demotion is the reduction of an employee to another position in a class having a lower salary allocation than the class previously occupied by the employee or to a lower compensation level within the employee's salary range. An employee may be involuntarily demoted for cause by an appointing authority in accordance with part 11 of these regulations. An employee may be voluntarily demoted by an appointing authority to a position in another class for which the employee possesses the minimum qualifications. Appointing authorities shall report voluntary demotions in writing to the Personnel Office indicating the effective date, accompanied by a signed statement of agreement by the employee. Voluntary demotions also may be accomplished through the regular examination and appointment procedures.

1005. LEAVE OF ABSENCE WITHOUT PAY Upon written request, an employee may be granted a leave of absence without pay by the appointing authority whose decision is final. Leaves of absence of over 10 working days and returns shall be reported to the Personnel Office. Leaves in excess of 10 working days must be requested on a form provided by the Personnel Office and shall state specifically the reasons for the request, the date leave is desired to begin, and probable date of return. Leave may be granted for the following reasons:

- a. Illness or disability

- b. Pregnancy (Employees requesting paid or unpaid leaves due to pregnancy shall have the right to a total of 4 months of paid and unpaid leave. Employees may, however, request less than 4 months.)
- c. To take a course of study such as will increase the employee's usefulness on the employee's return
- d. For personal reasons acceptable to the appointing authority

1005.1 Duration

Leave without pay may be granted for a period not to exceed six (6) months.

1005.2 Return Before Expiration

An employee who desires to return before the expiration of a leave without pay shall make a request to the appointing authority in writing at least 15 calendar days in advance of the requested return date. The appointing authority may deny the request or determine the date of return.

1005.3 No Vacation and Sick Leave Accruals

An employee who is on leave without pay, or who is otherwise absent without pay, shall not accrue vacation or sick leave during such time.

1006. MILITARY LEAVE Any employee in the County service and who is required to serve as a member of the state militia or the United States Army, Navy, Air Force, Marine Corps, Coast Guard or any division thereof shall be granted a military leave in accordance with Section 395.01.05 of the Military and Veteran's Code. A County employee shall receive his/her regular salary while on military leave up to a maximum of thirty (30) days per fiscal year if the individual has been an El Dorado County employee for over one (1) year. Upon the termination of such service or upon honorable discharge, the employee shall be entitled to return to the position from which granted leave in the classified service provided the position still exists and the employee is otherwise qualified, without any loss of standing of any kind whatsoever.

1006.1 Military Leave and Employee Rights

An employee who has been granted a military leave shall not suffer loss of vacation, holiday, or sick leave credits which have accrued to the employee at the time leave is granted, but shall not accrue vacation or sick leave credits while on unpaid military leave. Employees on military leave shall not be prejudiced with reference to salary adjustments or continuation of employment. For purposes of determining eligibility for salary adjustments or time in service in case of layoff or promotional examination, military leave shall be considered as time in County service.

1006.2 Proof of Military Service

An employee who has been granted a military leave may, upon return, be required to furnish proof of performance of military service or of honorable discharge.

Part 11 – SEPARATIONS

1101. SEPARATION, GENERAL PROVISIONS The separation of any employee holding a position in the County service shall comply with these regulations and shall be reported to the Personnel Office in the manner and on the forms prescribed

1102. RESIGNATION An employee’s voluntary termination of service is a resignation. Written resignation shall be forwarded to the Personnel Office by the appointing authority immediately on receipt, and shall indicate the effective date of termination. Oral resignation shall be immediately confirmed by the appointing authority in writing to the employee and to the Personnel Office and shall indicate that effective date of termination.

1102.1 Resignation in Good Standing

A resignation giving the appointing authority written notice at least two (2) weeks in advance of the last date of service (unless the appointing authority requires a longer period of notice, or consents to the employee’s terminating on shorter notice) is a resignation in good standing.

1102.2 Effective and Operative Dates of Resignations

- a. Expressed Resignations An expressed resignation is effective when delivered or spoken to the appointing authority, operative either on that date or another date specified.
- b. Constructive Resignations When an employee has been absent from duty for three (3) or more consecutive working days without leave, the department may consider that a constructive resignation has occurred due to such absence or that such absence to be a reasonable basis for believing that the employee has abandoned his/her job.

1102.3 Revocation

A resignation is revocable only by written concurrence of the employee and the appointing authority.

1102.4 Coerced Resignations

- a. Time Limit A resignation which a permanent employee believes has been coerced by the appointing authority may be appealed within five (5) working days after its expression, by serving written notice on the Personnel Director and a copy on the appointing authority. The employee’s appeal shall be forwarded to the Civil Service Commission.
- b. Disposition Upon appeal, the Civil Service Commission shall determine whether the resignation was coerced and, if not, the resignation shall stand; if coerced, the resignation shall be deemed revoked and the employee returned to duty effective on the day following the decision of the Civil Service Commission but without loss of time in service or pay, subject to the employee’s duty to mitigate damages.

1103. TENURE AND DISMISSAL, SUSPENSION AND REDUCTION The tenure of every officer or employee holding permanent status in a position in the County service shall be during good behavior

and the rendering of efficient service, but any such officer or employee may be dismissed, suspended, or reduced in rank or compensation for cause.

1104. CAUSE The appointing authority may dismiss, suspend, or demote any employee for cause. The following are sufficient causes for such action; the list is indicative rather than inclusive of restrictions and dismissal, suspension, or demotion may be based on reasons other than those specifically mentioned:

- a. Absence without leave
- b. Conviction of any criminal act involving moral turpitude
- c. Conduct tending to bring the County service into disrepute
- d. Disorderly or Immoral conduct
- e. Incompetence or Inefficiency
- f. Insubordination
- g. Being at work under the influence of liquor or drugs, carrying onto the premises liquor or drugs or consuming or using liquor or drugs during work hours and/or on County premises
- h. Neglect of duty
- i. Negligent or willful damage to public property or waste of public supplies or equipment
- j. Violation of any lawful or reasonable regulation or order given by a supervisor or department head
- k. Willful violation of any of the provisions of the Salary Compensation or Personnel Resolution
- l. Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment
- m. Misappropriation of County funds or property
- n. Unreasonable failure or refusal to undergo any physical, medical and/or psychiatric exam and/or treatment authorized by these regulations
- o. Dishonesty or theft
- p. Excessive or unexcused absenteeism and/or tardiness
- q. Discourteous treatment of the public or other employees
- r. Sick leave abuse

1105. DISABILITY

- a. An employee physically or mentally incapacitated for the performance of duty is subject to dismissal, suspension, or demotion subject to Public Employee Retirement System laws and regulations. An appointing authority, after giving notice, may place an employee on leave if the County has filed an application for disability retirement for the employee, or whom the appointing authority believes to be temporarily or permanently physically or mentally incapacitated for the performance of the employee's duties.
- b. An appointing authority who has reasonable cause to believe that there are physical or mental health conditions present in an employee which endanger the health or safety of the employee, other employees, or the public, or which impair the employee's performance of duty, may order the employee to undergo at County expense and on the employee's paid time

a physical, medical and/or psychiatric examination by a licensed physician and receive a report of the findings on such examination. If the examining physician recommends that treatment for physical or mental health problems, including leave, are in the best interest of the employee or the County in relation to the employee overcoming any disability and/or performing his or her duties, the appointing authority may direct the employee to take such leave and/or undergo such treatment.

- c. Leave due to temporary or permanent disability shall be without prejudice to the employee's right to use sick leave, vacation, or any other benefit to which the employee is entitled other than regular salary.
- d. Before an employee returns to work from any absence for illness or injury, other leave of absence or disability leave, exceeding ten working days in duration, the appointing authority may order the employee to undergo, at County expense, a physical, medical and/or psychiatric examination by a licensed physician, and may consider a report of the findings on such examination. If the report shows that such employee is physically or mentally incapacitated for the performance of duty, the appointing authority may take such action as deemed necessary as authorized by these regulations.

1106. SUSPENSION Suspensions are without pay and shall be for cause or due to pending criminal charges or disability.

1107. SKELLY REQUIREMENTS

1107.1 Notice of Proposed Action (Skelly Notice)

Before taking action to dismiss, suspend for more than forty work hours or to reduce an employee in rank or compensation, the appointing authority shall cause to be served on the employee either personally or by certified mail a Notice of Proposed Action, which shall contain the following:

- a. A statement of the action proposed to be taken.
- b. A copy of the charges, including the acts or omissions and grounds upon which the action is based.
- c. If it is claimed that the employee has violated a rule or regulation of the County, department, or district, a copy of said rule shall be included with the notice.
- d. A statement that the employee may review and request copies of materials upon which the proposed action is based.
- e. A statement that the employee has ten (10) working days to respond to the appointing authority either orally or in writing.

1107.2 Employee Response

The employee upon whom a Notice of Proposed Action has been served shall have ten (10) working days to respond to the appointing authority either orally or in writing before the proposed action may be taken. Upon application and for good cause, the appointing authority

may extend in writing the period to respond. If the employee's response is not filed within ten (10) days or any extension, the right to respond is lost

1107.3 Leave Pending Employee Response

Pending response to a Notice of Proposed Action, the appointing authority for cause specified in writing may place the employee on temporary leave of absence, with pay.

1108. PROCEDURE ON DISMISSAL, SUSPENSION OR REDUCTION In any action to dismiss, suspend, or reduce in rank or compensation an officer or employee having permanent status in a position in the County service, after having complied with such Skelly requirements as may be applicable, the appointing authority shall make an order in writing stating specifically the causes for the action.

1109. SERVICE OF ORDER Said order of dismissal, suspension, or reduction in rank or compensation shall be filed with the Personnel Office, showing by whom and the date a copy was served employee's last known mailing address. The order shall be effective either upon personal service or deposit in the U.S. Postal Service.

1110. EMPLOYEE APPEALS FROM ORDER Such officer or employee dismissed, suspended, or reduced in rank or compensation may, within ten (10) working days after service or mailing to the employee of the order, appeal in writing through the Personnel Office to the Civil Service Commission from such order. Employees not wishing to appeal but who wish to make a statement regarding the disciplinary order may enter into their personnel file a written response or statement.

Part 12 – EMPLOYEE RECORDS & RIGHT TO PRIVACY

1201. POLICY ON ACCESS OF INFORMATION COLLECTED It shall be the policy of the Board of Supervisors to prohibit access to or disclosure of any Information collected by the County relative to any employee for personnel administration purposes except as provided by law and these procedures. For the purpose of this policy, the following definitions and procedures shall apply.

1202. PERSONNEL RECORDS

1202.1 Official Personnel File

Personnel records shall mean all information, data and documents collected by the County relative to an employee for personnel administration purposes. Such records shall include the official personnel file maintained on each employee in the Personnel Office, Personnel/Payroll Forms (PPFs), medical reports relative to an employee, individual payroll record information, Employee Evaluation Reports, personnel data stored and produced by data processing and any other material relating to and used in making employment decisions about an employee. An official personnel file shall be established and maintained in the Administrative Office for each employee. Only the information contained in the official personnel records shall be used to make employment decisions relative to any employee.

1202.2 Departmental Personnel File

A departmental personnel file may be established by a department head when necessary for the proper functioning of the department but shall not contain any information relative to an employee's performance that is not on file in the official personnel file. Additionally, a departmental personnel record shall be subject to the same rights and restrictions contained in this policy.

1203. DISCLOSURE OF EMPLOYEE RECORD INFORMATION No employee record information shall be disclosed by any person to a third party relative to an employee of the County except as provided by law and the following procedures.

1203.1 Public Disclosure

The names, classifications, gross salary, and assigned department may be disclosed to the public upon request. Additionally, the contents of a written employment contract may be provided.

1203.2 Inspection of Personnel Records

An employee shall be permitted to inspect his/her own personnel record during normal working hours and under such conditions as the Chief Administrative Officer shall establish to ensure the security of personnel records.

1203.3 Third Party Disclosure

Information from an employee's personnel record may be disclosed to a third party upon the written request of the employee.

1203.4 Disclosure Pursuant to Legal Process

Disclosure of employee record information shall be made pursuant to legal process and to authorized law enforcement authorities for the purpose of law enforcement including investigations.

1203.5 Disclosure for the Operations and Management of County

As determined by the Chief Administrative Officer or Personnel Officer, employee record information may be disclosed as necessary for the proper operations and management of the County and its departments.

1203.6 Disclosure of Peace Officer Information

The disclosure of addresses and telephone numbers of peace officers is specifically prohibited.

1203.7 Disclosure in Case of Emergency

In case of emergency or need, when disclosure of employee information appears to be reasonable to protect an employee's health or welfare and when permission of an employee cannot be timely obtained, necessary employee information may be disclosed by competent authority within their department.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular Meeting of said Board, held on the 17th day of July, 19 84, by the following vote of said Board:

Ayes: Supervisors Dorr, Lowe, Walker, Flynn, Stewart

Noes: None

Absent: None