RESOLUTION NO. 015-2014

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, on May 7, 2013 the Board of Supervisors had previously adopted the County of El Dorado Personnel Rules by way of Resolution 048-2013 regarding policies, practices, and rules relating to personnel; and

WHEREAS, on August 31,1993 the Board adopted Resolution 275-93 entitled Overfill of Positions; and

WHEREAS, on June 21,1994 the Board of Supervisors adopted Resolution 148-94 entitled Veteran's Preference Credits; and

WHEREAS the Board of Supervisors has determined that to the greatest extent possible the rules concerning the personnel practices of the County should be incorporated into a single document; and

WHEREAS, it is necessary to update, revise, and clarify language in the County of El Dorado Personnel Rules; and

WHEREAS, Human Resources has drafted revisions to the County of El Dorado Personnel Rules as a successor policy document to:

Provide clarifying language to and/or correct grammatical errors in Rules 101, 205, 403, 405, 406, 505, 508, 603, 606, 609, 610, 706, 805, 806, 902, 904, 1001, 1003, 1004, 1103, 1203, 1304, 1309, 1310, 1402, 1404, 1408, 1415; and

Delete former Rule 106, Merit System and former Rule 1005, Return to Civil Service Status Undersheriff; and

Add Rule 111, Respectful Workplace; Rule 308 Confidential Employee Status; Rule 1000, General; Rule 1418 Exempt Employee Recording Time Off, Rule 1632, Flexibly Staffed; and Rule1659, Rounding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado does hereby adopt revisions and additions to the County of El Dorado Personnel Rules, superceding the County of El Dorado Personnel Rules Resolution 048-2013;

BE IT FURTHER RESOLVED that Resolution 275-93, Overfills of Positions, and Resolution 148-94 Veteran's Preference Credit are hereby rescinded.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 4 day of March, 2014 by the following vote of said Board:

Ayes: Briggs,Santiago,Mikulaco,veerkamp,Nuttin
Noes: None
Absent: None

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

_____
Chair, Board of Supervisors

Norma Santiago

COUNTY OF EL DORADO

PERSONNEL RULES

Adopted on May 7, 2013 Resolution 048-2013
Revised March 4, 2014 Resolution 015-2014

Successor policy document combining and replacing
the Personnel Management Resolution (No. 228-84) and
the Compensation Administration Resolution (No. 227-84),
and amendments thereto, and
the Overfill Resolution (No. 275-93), and
the Veterans' Preference Credit Resolution (No. 148-94).

COUNTY OF EL DORADO

PERSONNEL RULES

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PART 1

CODE OF ETHICS, COMMITMENT TO COUNTY PUBLIC SERVICE, AND RESPECTFUL WORKPLACE

101. GENERAL. In accordance with Article V of the El Dorado County Charter, these Rules are adopted by the Board in order to implement the following principles:

(a) The County shall recruit, select and retain the best qualified officers and employees available.

(b) The County shall provide equal opportunity for all persons at all levels of county employment in accordance with provisions of the Charter and pursuant to state 0 r and federal law.

(c) The County shall appoint, evaluate, transfer, promote, compensate, discipline, and dismiss employees on the basis of job-related qualifications, performance, merit, and equal employment opportunity.

(d) No person shall be favored or discriminated against with respect to either employment with or appointment to the County service on the basis of any non-job related factor protected by state or federal law.

These standards are intended to strengthen public service and to maintain and promote faith and confidence of the people in their government.

102. CODE OF ETHICS. The County has adopted a Code of Ethics to guide County officers and employees in the performance of their duties. The Code of Ethics in effect as of the date of adoption of these Rules reads as follows:

(a) In the performance of your governmental duties, be sensitive to circumstances that could be misconstrued as a special favor, something to be gained personally, acceptance of a favor or as an influence in the outcome of your duties.
(b) Be cognizant that private promises of any kind may conflict with one's public duty and responsibilities.
(c) Always perform your governmental duties conscientiously.
(d) Always act responsibly with confidential information received in the performance of your governmental duties.
(e) Outside activities should be compatible with the objective performance of your duties or delivery of government service.
(f) Treat all individuals encountered in the performance of your duties in a respectful, courteous and professional manner.
(g) Promote only decisions that benefit the public interest.
(h) Conduct and perform job duties diligently and promptly.
(i) Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.
(j) Promote the public interest through a responsive application of public duties.
(k) Demonstrate the highest standards of personal integrity, truthfulness and honesty in all public activities.
(l) Uphold these principles being ever conscious that public office is a public trust.

103. RESPONSIBILITIES OF PUBLIC SERVICE. County officers and employees serve for the benefit of the public. They shall uphold and adhere to the Constitution of the United States, the Constitution of the State of California, and the Charter of the County of El Dorado as well as County rules, regulations and policies, and shall carry out impartially the laws of the nation, state, and County. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. All County officers and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law.

104. DEDICATED SERVICE. County officers and employees shall adhere to work rules and performance standards established for their positions. The County requires all County officers and employees to be courteous and considerate, to be accurate and truthful in statement, and to exercise sound judgment in the performance of their work. During the hours covered by active County employment, no County officer or employee shall work for any other employer or agency, nor shall they conduct or pursue any unauthorized activity for remuneration. County officers and employees shall neither exceed their authority nor breach the law, nor shall they ask others to do so. They shall work in full cooperation with other County officers and employees unless prohibited from so doing by law or by officially recognized confidentiality of the work.

105. CONFLICT OF INTEREST. During their assigned work hours, County officers and employees shall devote all their time and efforts to their assigned duties. No County officer or employee shall engage in any business or transaction or have a financial or other personal interest or association that is inconsistent, incompatible, in conflict with or adverse to the proper discharge of official duties, or would tend to impair their independence of judgment or the performance of their official duties. "Personal" (as distinguished from "financial") interest includes an interest arising from blood or marriage relationships or close business, personal, or political association.

(a) Outside or Secondary Employment

This Rule shall not serve to prohibit independent acts or other forms of paid or non-paid enterprise during those hours not covered by active County employment, provided such acts do not constitute a conflict of interest or impair the County officer or employee in the performance of official duties and functions. County employees must inform their appointing authorities of any outside employment, business activity or enterprise in which the employee is engaged. If the appointing authority determines that such employment, business activity or enterprise is inconsistent, incompatible, in conflict with or inimical to the proper discharge of the employee's official duties, the employee shall be ordered to refrain from that employment, activity or enterprise. The employee may appeal an order to refrain from outside activity to the CAO. The decision of the CAO shall be final.

County officers and employees are also subject to applicable provisions of the California Government Code, including but not limited to Sections 1090 (prohibiting the making of contracts in which an officer or employee has a financial interest), 1126 (prohibiting outside employment that is incompatible with the official duties of an officer or employee), 87100 (prohibiting an officer or employee from using his or

her official position to influence a governmental decision in which the officer or employee has a financial interest), or any other conflict of interest code, policy or rule applicable to County employment.

106. NONDISCRIMINATION IN DELIVERY OF SERVICES. In the course of their employment, no County officer or employee shall grant any special consideration, treatment, or advantage to any person beyond what is available to every other person in similar circumstances.

107. RESERVED

108. CONFIDENTIAL INFORMATION. Every appointing authority shall instruct subordinates as to County information that is regarded as confidential. No County officer or employee shall disclose such confidential information (except as authorized or required by law), or otherwise use such information for personal gain or benefit. All personnel records shall be confidential except when disclosure is required by law.

109. USE OF PUBLIC PROPERTY. County officers and employees are prohibited from using County-owned equipment, materials, or property for personal benefit or profit or for political purposes.

110. POLITICAL ACTIVITY. In the performance of their official duties, all County officers and employees shall support County governmental policies and objectives established by the Board of Supervisors or by an appointing authority, as well as County programs developed to attain these policies and objectives. Outside of their official duties, County officers and employees may express otherwise lawful opinions on all political subjects while off duty, without recourse against them unless the employee is in a sensitive or policy-making position in a department where speech and political activities may have an adverse effect on working relationships or the efficient operation of the department. Under these unique circumstances the law authorizes limiting First Amendment rights as a requirement for the job, and employees may be subject to adverse consequences for engaging in such activities.

The provisions of California Government Code sections 3201-3209 and 3302 and any future amendments thereto are hereby incorporated into this Part I. Under the provisions of these codes, the County specifically prohibits employees from engaging in political activity during working hours or such hours as they are on duty for the County, or while they are in uniform. 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, or to aid, promote, or defeat any ballot measure, 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, or to aid, promote, or defeat any ballot measure. Department heads seeking election to office are admonished to refrain from attempting to influence County employees' political attitudes while those employees are engaged in their duties for the County.

No County officer or employee in the classified service in any department engaged in the administration of federal grant-in-aid programs shall (i) use their official authority or influence to interfere with or affect the results of an election or nomination; (ii) directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization agency, or person for political purposes; or (iii) if the employee's salary is paid entirely by federal funds, be a candidate for public office in a partisan election. Such prohibited political activity includes in substance the activities prohibited to state and local employees in federally aided agencies under the Federal Hatch Political Activities Act (5 U.S.C. §§1501-1508, as amended from time to time).

111. RESPECTFUL WORKPLACE. The County promotes and values a respectful work environment and expects that the business of the County will be carried out in the most efficient and courteous manner. Repeated and/or egregious disrespectful treatment of fellow employees which is both subjectively and objectively unwelcome and sufficiently severe or pervasive to alter the conditions of the employee's working environment so as to create or perpetuate an abusive working environment shall be reported to the Department or to the Human Resources Department as set forth below.

111.1 Complaints within a single Department, not involving the Appointed Department Head/Elected Department Head/ Member of the Board of Supervisors:

Conduct occurring within a department that is believed to rise to the level described in Rule 111 above, shall first be reported to the Appointed Department Head/Elected Department Head or his/her designee within 15 working days of the incident/occurrence. After reviewing the complaint, the Department Head or his/her designee shall conduct such investigation as they deem necessary. The Department Head or his/her designee shall respond to the complaint within thirty (30) business days. The Department Head or his/her designee may at any time after being made aware of the complaint refer the matter to a Personnel Review Committee comprised of representatives from Human Resources, County Counsel and Risk Management, for discussion and recommendations.

Complaints which are not responded to by the Appointed Department Head or Elected Department Head within thirty (30) business days of the initial report may be reported to the Human Resources Department using Personnel Form 111. In the event the complaint is reported to the Human Resources Department pursuant to this subsection, the Human Resources Department shall conduct such investigation as it deems necessary to determine whether there has been a violation of this rule, and if so, the steps necessary to address the rule violation. At any time after the Personnel Form 111 has been filed with the Human Resources Department, the Human Resources Director or his/her designee may refer the matter to the Personnel Review Committee for discussion and recommendations.

111.2 Complaints involving Appointed Department Head/Elected Department Head/Member of the Board of Supervisors and/or Multiple Departments:

Conduct by an Appointed Department Head, an Elected Department Head, a member of the Board of Supervisors, or conduct involving multiple departments, that is believed to rise to the level described in Rule 111 above, shall be reported to the Human Resources Department within 15 working days of the incident/occurrence using Personnel Form 111.

The Human Resources Department will conduct such investigation of the complaint as it deems necessary in order to determine whether there has been a violation of this Rule and if so the steps necessary to address the rule violation. The Human Resources Director or his/her designee may at any time after being made aware of the complaint refer the matter to the Personnel Review Committee for discussion and recommendations.

If a complaint involves the Director of Human Resources, other than as a witness, the matter shall be referred to the Chief Administrative Officer or his or her designee.

111.3 Review and Investigation of Complaints:

In reviewing the complaints made under this Rule, the Department Head, Human Resources Director or his/her designee and the Personnel Review Committee may consider the severity of the conduct, the frequency of the conduct, whether the conduct is physically threatening or humiliating, whether the conduct is unwelcome, whether the conduct unreasonably interferes with an employee's work performance or alters conditions of employment, whether a reasonable person would find the conduct offensive or intimidating and any other factors which may have bearing upon the complaint.

Whenever an employee is interviewed as part of an any investigation under this Rule, whether by the Department head or his/her designee, the Human Resources Director or his/her designee or an outside investigator, the employee is entitled to have a Union or legal representative present during their interviews where the employee reasonably believes the investigation could result in the imposition of disciplinary action against them. If the person complained of is a public safety officer, the investigation will be in accordance with the Peace Officer Bill of Rights.

Following the completion of the investigation the complainant and accused employee(s), Department Head or Supervisor will be notified of the completion of the investigation and of the ultimate outcome, i.e. whether the evidence establishes a violation of this Rule.

If the investigation has been completed by the Department head or his/her designee and it is determined that this rule has been violated, the Department Head shall take prompt and effective remedial action commensurate with the severity of the offense(s) which may include coaching and/or counseling

intervention, required training for the employee(s) determined to have violated this Rule or disciplinary action.

If the investigation is completed by the Human Resources Director or his/her designee or an outside investigator and the determination is made that this Rule has been violated, the Director of Human Resources, CAO or Personnel Review Committee shall recommend to the Department Head prompt and effective remedial action commensurate with the severity of the offense(s), which may include coaching and/or counseling intervention, required training for the employee(s) determined to have violated this Rule or disciplinary action.

Human Resources may provide investigation materials and evidence to the relevant department head or other employee(s) as strictly necessary to carry out any disciplinary or corrective action. However, preservation of the confidentiality of the records pursuant to applicable statutes shall apply. For example, in the event disciplinary action is taken, the nature of any discipline will not be disclosed to the complainant.

Employees who make a good faith complaint under this Rule will be protected from retaliation. Repeated unfounded complaints may be determined to be a violation of this rule. Relevant supervisors and managers must continue to monitor the workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting a violation of this Rule and to maintain an environment of compliance with the provisions of this Rule.

PART 2

ORGANIZATION AND ADMINISTRATION

201. CIVIL SERVICE COMMISSION. The Board shall appoint a Civil Service Commission pursuant to the authority contained in Section 502.2 of the Charter.

201.1 Governance. The Civil Service Commission shall be governed in all respects by the Charter, the Civil Service Ordinance enacted by the Board (Chapter 2.60 of the El Dorado Code, as such chapter is amended from time to time), Commission Procedures that are prescribed by the Civil Service Commission and adopted by the Board, and such other resolutions and actions as may be adopted from time to time by the Board.

201.2 Scope. The Civil Service Commission shall have jurisdiction over those matters set forth in section 502.3 of the Charter.

202. COUNTY HUMAN RESOURCES DIRECTOR. The Director shall:

(a) Carry out all procedures in the administration of the County personnel system, including without limitation conducting recruitment and examinations, preparing employment lists, and certifying the names of candidates for employment.

(b) Act as staff for the Civil Service Commission by maintaining various personnel records and other records of the Civil Service Commission, and preparing minutes of each meeting of the Commission.

(c) Act as the appointing authority for the staff of the Human Resources Department.

(d) Administer, maintain and adjust the classification plan and recommend rates of pay for each classification of position.

(e) Maintain a central roster of employees and positions.

(f) Maintain an official record of all actions taken by the Civil Service Commission, and submit an annual report to the Board.

(g) Maintain the official personnel file for each employee in the County service.

203. ROSTER OF EMPLOYEES AND POSITIONS. The Human Resources Department shall maintain a central roster of employees and positions. The roster shall include the record of employment of each employee including dates of service, positions held, salaries received, and such other information as the Director shall deem appropriate.

204. REPORTS BY APPOINTING AUTHORITIES. Each appointing authority shall promptly report the following matters to the Director:

(a) Requests for certification of eligible candidates for employment.

(b) Appointments of all employees.

(c) Separations of all employees.

(d) Promotion, demotion and transfer of employees.

(e) Leaves of absence, whether with or without pay.

(f) Proposed disciplinary actions, together with reasons therefor.

(g) Refusal or failure of certified candidates to accept employment.

(h) Other matters deemed necessary by the Director for the effective administration of the County's personnel system.

Nothing in this Rule shall affect the ability of constitutional officers from operating their departments in accordance with California law.

205. PERSONNEL RULES; MOU.

(a) These Rules are enacted by the Board of Supervisors pursuant to Section 501 of the Charter, which reads in part as follows:

The Board of Supervisors shall establish and amend, by Resolution, Personnel Rules in accordance with this Charter to implement the foregoing policies and other provisions of this Charter.

(b) In any case where by reason of unusual circumstances rigid adherence to the principles relating to salary adjustments or appointments set forth in the personnel rules and regulations would be discriminatory, unfair or detrimental to the best interest of the county, the board of supervisors by four-fifth (4/5) vote, after having received the recommendation of the chairman of the board of supervisors and the chief administrative officer thereon, may make such order relating thereto as in its opinion is not contrary to the general intent of such rules and regulations and under all the circumstances is just and proper.

(c) If a provision of these Rules conflicts with any provision of an applicable MOU, to the extent of such conflict the provision of the MOU shall be deemed controlling with regard to the employees covered by that MOU.

206. PERSONNEL RULES; LOCAL AGENCY PERSONNEL STANDARDS. In the event any provision of these Rules is determined by the Executive Officer of the State Personnel Board to be in conflict with the Local Agency Personnel Standards ("LAPS") (Title 2, Division 5 of the California Code of Regulations), that provision shall be deemed to be null and void with regard to employees covered by California Government Code section 19800 et seq., in which case LAPS shall prevail.

207. INTERPRETATION OF PERSONNEL RULES. The Board on its own initiative, or at the request of (i) the CAO, (ii) a department head, or (iii) the Director, may interpret any provision of these Rules and resolve conflicts between County officials concerning the interpretation or implementation of these Rules. Nothing in this Rule 207 shall give any individual employee or employee organization the right to appeal a matter to the Board under this Rule 207.

208. AMENDMENT OF PERSONNEL RULES. It is the intent of the Board that these Rules shall be a "living" document that will effectively guide interactions between the County and its officers and employees. To achieve this goal, the Board intends that these Rules shall be reviewed frequently and revised or amended by the Board as necessary.

PART 3

POSITION CLASSIFICATION

301. GENERAL. A classification plan is a systematic process for grouping jobs into common classifications, or classes, based upon similarities in duties, responsibilities, and requirements. All positions having substantially the same duties and responsibilities, requiring substantially the same qualifications, to which the same descriptive title can fairly be applied and which can properly be subject to the same salary schedule are included in a single class. The Human Resources Department is responsible for classifying each position in the County service and developing class specifications for each class. Upon the recommendation of the Human Resources Department, the Board approves all new classes and class specifications, abolishes classes, and determines the representation unit or units to which each class is assigned. The Board hereby delegates to the Director, after consultation with department heads where the class is utilized, the authority to make revisions to existing class specifications that do not materially change the totality of the essential functions or nature of the class.

302. CLASSIFICATION PLAN. The Human Resources Department shall prepare and maintain a classification plan based on the needs of the County service. The plan will assign all positions in the classified service to a class and develop specifications for each class, which shall include:

(a) The class title.

(b) A brief definition or description of the scope and nature of the class.

(c) A detailed statement of essential functions or tasks assigned to positions that are allocated to the class, which functions or tasks are for illustrative purposes only and are not to be regarded as inclusive or exclusive lists of functions or tasks to be performed by positions allocated to the class.

(d) A statement of the education, experience, knowledge, skills, abilities and physical characteristics that are required and/or deemed desirable in the class.

(e) A statement, where necessary, of the particular factors or features that distinguish one class from other related classes.

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

(a) In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole. Consideration shall 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.

(b) The description of essential functions or tasks 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 County to prescribe or alter the duties of any position.

304. ASSIGNMENT OF POSITIONS TO CLASSES. Each position shall be assigned to the class into which the duties and responsibilities of the position most nearly fit, as determined by the Human Resources Department.

305. 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 Director may recommend to the Board reallocation or reclassification of the position to an appropriate classification. The decision of the Board is final.

306. STATUS OF EMPLOYEES IN RECLASSIFIED POSITIONS. When a position is reclassified to a different class, the salary step and anniversary date of the employee shall be governed by Part 13 Rule 1312, Salary on Reclassification. The status of the employee in the new position may be changed in accordance with the reallocation or reclassification as follows:

306.1 Upward Reclassification. A change in the title of the position accompanied by an assignment of the position to a classification at a higher salary range constitutes an upward reclassification. Incumbents are not automatically upgraded when their positions are upgraded, but must compete through an examination and appointment process, unless the process is waived by the Director upon request of the appointing authority. The examination to qualify an incumbent for promotion to an upgraded position may be waived by the Director and the incumbent continued in current status at the request of the appointing authority if all of the following conditions are met:

(a) The position upgrading has resulted from a classification study and retention of the incumbent in such position is approved by the appointing authority.

(b) The incumbent has been in the position and has performed the upgraded class duties for the length of the probationary period of the new class.

(c) The incumbent meets the minimum qualifications of the new classification.

(d) The action has been approved by the Board.

In all other cases, upgraded positions are to be filled by examination in accordance with the rules on examinations and appointments.

Employees with post-probationary status promoted to an upgraded position shall be required to serve a probationary period in the new classification consistent with rules governing probation, unless a waiver is granted by the Director on the grounds that the employee has already satisfactorily performed the upgraded

class duties for the length of the probationary period of the new class. Incumbents not appointed to the upgraded position retain status in their current classification and may request a transfer to a vacant position in their current or equivalent classification, be retained in the position as an underfill or trainee in accordance with these Rules, or be laid off according to the provisions of the applicable MOU. Where vacant positions are not available to accommodate a transfer request, employees may request a voluntary demotion and shall have rights governed by the provisions of these Rules for voluntary demotions.

306.2 Downward Reclassification. A change in the title of the position accompanied by an assignment of the position to a classification with a lower salary range shall constitute a downward reclassification.

(a) Upon request, an employee with post-probationary status occupying a position that has been downgraded shall be placed on an eligible list as a free name under Part 6 Rule 610, Free Names, for any classification countywide that is equivalent to the employee's former classification, for a period of two (2) years. Equivalent classification is defined as one requiring all of the following: (1) the same kind and amount of experience; (2) the same degree of skills, knowledge, and abilities; and (3) a salary level no higher than the employee's former classification.

(b) Employees underfilling positions that are downgraded may be eligible for a promotion to the newly allocated level. The criteria and process indicated under Rule 306.1, Upward Reclassification, shall apply. Employees appointed from the eligible list shall retain the same status they held in their classification at the time of the downgrading. Employees with probationary status when downgraded shall be credited for time completed in their probationary period. If no vacancy is immediately available, the employee shall remain on the eligible list.

306.3 Lateral Reclassification. Study recommendations may result in the reclassification of a position, though the salary range remains unchanged. Employees may be appointed to the newly allocated classification without examination in accordance with the criteria and process indicated under Rule 306.1, Upward Reclassification.

306.4 Technical Title Change. A change in the title of a classification without any change in salary range or substantial change in the relevant class duties or requirements shall constitute a technical title change. There is no impact to the incumbent.

307. UNCLASSIFIED SERVICE. Persons employed in positions in the unclassified service do not have and cannot obtain post-probationary status. Persons appointed to positions in the unclassified service are hired and terminated at the discretion of the appointing authority, except as otherwise provided by law or these Rules. Persons employed in positions in the unclassified service must meet the minimum qualifications of the position. Working conditions and benefits of positions in the unclassified service will be determined by the Board.

308. CONFIDENTIAL EMPLOYEE STATUS. "Confidential Employee" means an employee, as designated by the County who, in the course of his or her duties, has access to information relating to the County's administration of employer-employee relations. Confidential Employees[1] are non-managerial employees who have access to confidential information that a manager has access to, information that relates to the employee relations issues of policy making, discipline, grievance handling, settlement agreements, bargaining proposals or bargaining strategy. Qualifying job duties involve aiding and assisting a department head or manager in employee investigations, processing discipline or grievances, or preparing bargaining strategy or policy formation, which includes but is not limited to typing and processing related documents. In most cases, that would call for a department head or manager to have one support person designated as confidential.

[1]*Pursuant to Arbitrator Case No. 58100-U-a*

PART 4

RECRUITMENT

401. GENERAL.

(a) The purpose of this Part is to ensure that vacancies in County employment are filled with the most qualified persons available.

(b) All positions in the classified service and all extra help positions except for emergency appointments shall be filled by persons who have participated in the recruitment process, except as otherwise provided by these Rules or waived by the Director. Positions in the unclassified service may be filled using the recruitment process used for classified positions.

(c) The appointing authority has the responsibility to notify the Human Resources Department as soon as a vacancy is anticipated and to advise Human Resources as to its plans for filling the position, leaving it vacant, or taking any other action with respect to the vacancy.

(d) The Human Resources Department shall conduct recruitments to fill vacancies or to provide eligible lists for classes of positions where vacancies are likely to occur. A recruitment may be conducted as either a closed County promotional recruitment or an open recruitment. For classes for which it is difficult to maintain adequate eligible lists, the Director may conduct recruitments on a continuous basis. Recruitments for entrance into the classified service shall be on a competitive basis.

402. RECRUITMENT ANNOUNCEMENTS. The Human Resources Department shall make public announcements of all recruitments and will administer a recruitment process that will attract qualified persons to County employment. The recruitment process selected will be commensurate with factors such as the availability of qualified candidates, number of projected positions to be filled, type of examination to be administered, and similar considerations. All recruitment announcements will be posted on the County's website and other appropriate locations for a minimum of five (5) calendar days. The Director, in consultation with the appointing authority, will determine the length of time that the Human Resources Department will accept applications. Announcements shall include:

(a) The class title, or class title and working title;

(b) A description of the distinguishing characteristics of the class;

(c) Minimum standards of education and experience required, and any additional desirable qualifications;

(d) Compensation;

(e) The method of filing applications and final filing date; and

(f) A general description of the conditions of competition, which may include the method of examination, the relative weights assigned to the steps of the examination and the minimum passing scores.

403. TYPES OF RECRUITMENTS. The Human Resources Department may use promotional, open or continuous recruitments to establish eligible lists for classes in the civil service. The Director, after consultation with the appointing authority, has the authority to decide which type of recruitment is most appropriate based upon the policies set forth in these Rules and the existing situation at any given time. Considerations for selection of a particular type of recruitment include without limitation the following: (i) upward mobility and career advancement of County employees; (ii) availability of an adequate number of qualified applicants within the County work force; and (iii) layoff considerations.

403.1 Promotional-Only Recruitments. Except as set forth in an MOU governing the position, candidates for promotional-only recruitments must be regular employees in the classified service or employees covered by LAPS rules who have achieved permanent status. Candidates must also possess the minimum qualification requirements stated on the recruitment announcement.

403.2 Open Recruitments. Open recruitments shall be open to any candidate who meets the minimum qualification requirements.

403.3 Continuous Recruitments. Continuous recruitments for a given class may be announced by publishing an announcement bulletin that will remain in effect until modified, closed or cancelled.

404. APPLICATIONS. Every person seeking employment in the County service shall submit an application in accordance with the following:

404.1 Filing Applications. All applications shall be made upon forms furnished by the Human Resources Department, filled out as directed and filed on or before the closing date or as specified in the recruitment announcement. Resumes will not be considered as substitutes for the application. It is the responsibility of the applicants to show that they meet the minimum requirements for the position. All applicants shall certify the truth and correctness of all information contained in the application. After filing, information on the application may be amended only with the permission of the Director. The Director shall not in any event waive the minimum qualifications established for a class in order to accept an application. All applications, whether accepted or rejected, are confidential records of the County and will not be returned to the applicant.

404.2 General Qualifications. Applicants must:

(a) Provide proof of legal authorization to work in the United States;

(b) Possess all the minimum qualifications established for the class; and

(c) Be capable of performing the essential functions and meet the physical demands of the position, with or without reasonable accommodation.

404.3 Modification, Suspension or Cancellation of Recruitment. The Director may modify the recruitment process as listed on the recruitment announcement by notifying eligible applicants of the modification. If there are ten (10) or fewer competitors at any stage of the recruitment process, subsequent stages may be modified or may be suspended at any time and certification of the remaining competitors made, provided that the appointing authority must interview all those certified. The Director may cancel a recruitment at any time for business reasons.

405. VETERANS' PREFERENCE CREDIT.

405.1 Qualifications for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit described in Part 6 Rule 606, Points for Veterans' Preference Credit, a person shall be either:

(a) A veteran having served on active duty in any branch of the U.S. Armed Forces and having been discharged under other than dishonorable conditions; or

(b) A qualified spouse (*i.e.,* the spouse of a veteran who is rated totally and permanently disabled due to military services, or a surviving unmarried spouse of a veteran who died on active duty or as a result of disabilities incurred while on active duty).

405.2 Verification of Eligibility for Veterans' Preference Credit. An applicant must provide either:

(a) Verification of member's military service and disability rating, if applicable (DD 214 and, if applicable, VA Disability Award Letter); or

(b) Verification of eligibility for surviving spouse's benefits (VA Dependent Indemnity Compensation Award Letter).

Proof of eligibility must be submitted with the employment application.

406. DISQUALIFICATION OF APPLICANTS. The Human Resources Department 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.

406.1 Causes for Disqualification. The Human Resources Department may disqualify an applicant for any reason expressed in Part 12, Disciplinary Actions, Rule 1203, Discipline, or if the person:

(a) Is lacking the requirements established for the class;

(b) Is not capable of performing the essential functions or meet the physical demands of the class, with or without reasonable accommodation;

(c) Has been convicted of (i) any crimes involving moral turpitude; or (ii) any other offenses, including any felony, that, after consultation with the appointing authority, have been determined by the Director to indicate unfitness for performing the duties and responsibilities of the class or position;

(d) Has made a false statement of material fact in the application, or has practiced or attempted to practice any deception, fraud or misconduct in the application, examination, or selection process;

(e) Has used or attempted to use political pressure or bribery to secure an advantage in the recruitment or appointment process;

(f) Has directly or indirectly obtained information regarding the recruitment process to which the applicant was not entitled, or has otherwise defrauded the recruitment process;

(g) Has failed to submit an application correctly or comply with the time limits for any portion of the recruitment process;

(h) Has taken part in the compilation, administration or scoring of any portion of the recruitment process;

(i) Has a history of dismissal from public or private employment, or resignation in lieu of termination, which the Director determines, after consultation with the appointing authority, is of such a nature as to have a clearly adverse effect on the candidate's ability to perform the essential functions of the class;

(j) Is a current user of a narcotic or controlled substance;

(k) Has otherwise violated provisions of these Rules; or

(l) For any material cause that, in the opinion of the Director, would render the applicant unsuitable for the position, including a prior resignation from the County, termination from the County, or a significant disciplinary action, or failure to pass a reference check, criminal background check, background investigation, or other job-related examination within the last twelve-month period.

406.2 Verification of Application. The Human Resources Department may conduct or cause to be conducted such investigation of the applicant's training and experience as may be necessary to verify and clarify statements contained in the application.

406.3 Notification of Rejection of Application. The Human Resources Department shall notify the applicant whenever an application is rejected, by electronic mail to the last address supplied to the Human Resources Department.

406.4 Appeal of Disqualification. A disqualified applicant may appeal the disqualification by filing a written appeal to the Director within three (3) business

days from the date of electronic notification of disqualification. The appeal must contain specific allegations of fact, citing the exact basis for the appeal and the relief requested. The burden of proof shall be on the disqualified applicant. The decision of the Director on the appeal shall be final, except as otherwise required by law.

407. PROMOTIONAL OPPORTUNITY. All regular employees in County service will be allowed to take time off with pay for the purpose of participating in recruitment, testing and interviews for open or promotional recruitments scheduled during normal hours of work by providing advance notice for the need for the time off in accordance with department procedures. Any recruitment, testing or interviews not occurring during the employee's regularly scheduled work hours will not be compensated.

PART 5

SELECTION PROCEDURES

501. GENERAL. It is the policy of the County to seek the best-qualified persons available for each job in County service, and to encourage all persons to compete for the best jobs for which they are qualified.

The County desires to encourage career service among its employees and to provide incentives that will enhance promotional opportunities for employees without unduly restricting competition.

502. PROMOTION WITHIN FLEXIBLY STAFFED POSITIONS. Except as may be set forth in an MOU governing a position, upon request of the appointing authority and approval by the Director, an employee who has successfully completed the applicable probationary period for a flexibly-staffed position may be appointed to the next higher class into which his/her position is classified without examination. Before approving such requests, the Human Resources Department shall require evidence that the employee possesses the minimum qualifications for the higher class. An employment list is not necessary in order to make such an appointment.

503. COMPETITIVE SELECTION PROCEDURES. The Human Resources Department, after consultation with the appointing authority, shall designate selection procedures for each position to be filled. The selection procedures may include one or any combination of the following: application evaluation boards, written tests, oral tests, performance tests, physical agility tests, assessment centers, training and experience evaluations, or any other selection procedures. Selection procedures shall be job related and constructed to sample the knowledge, skills, abilities and/or attributes deemed essential for successful job performance.

504. ASSIGNMENT OF WEIGHTS. The Human Resources Department, after consultation with the appointing authority, may assign weights to each part of the examination. If weights are assigned, applicants will be notified of those weights prior to commencement of the selection process.

505. PROHIBITED QUESTIONS. There will be no non-job-related inquiries of any applicant, either orally or through use of an application form, that attempt to identify (directly or indirectly) protected characteristics such as race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other questions that are unlawfully discriminatory. In addition, there will be no inquiries regarding political views, labor affiliations, religious beliefs, arrest records that did not result in conviction or information concerning a referral to or participation in a pretrial or post-trial diversion program, pregnancy and child-bearing, birth control, or familial responsibilities. Nothing in this Rule shall prohibit the use of optional questionnaires to track and fulfill the Equal Employment Opportunity guidelines and/or requirements.

506. WAIVER OF SELECTION PROCEDURES IN OPEN RECRUITMENTS. When, after posting an open recruitment, the number of accepted candidates is equal to or less

than the number necessary for a full certification under Rule 706.2, after consultation with the appointing authority, the 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 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 that it be conducted.

507. CONDUCT OF SELECTION PROCESS. The Human Resources Department has the right to approve the locations and the conditions under which selection procedures are to be conducted. All methods and procedures for administering selection procedures shall comply with reasonable standards of fairness, confidentiality, standardization and reliability.

508. SCORING. Final scores resulting from the selection process will be determined as follows:

508.1 Test Scores. The Human Resources Department shall establish a passing score giving consideration to test difficulty, quality of competition, needs of the service, identification of a score predictive of minimum acceptable job performance, number of candidates, and other relevant factors.

508.2 Oral Interview Panels. Where an oral interview is part of the selection process, a candidate who receives a passing score from a majority of the oral panel members shall be deemed to have passed this part of the selection process, regardless of the numerical average of the scores. The candidate's score shall be equal to the numerical average of all raters' final scores, if the score is above the minimum passing score or the minimum passing score, whichever is greater. If the candidate receives a failing score from a majority of the oral panel members, the candidate shall be considered to have failed this portion of the selection process. All figures used will be rounded to the nearest whole number.

508.3 Minimum Passing Scores. The Human Resources Department may establish a minimum passing score for the entire recruitment process as well as for any portion of the process. The selection procedures to be used shall be set forth in the announcement. Failure by a candidate to attain a passing score or to be selected in any portion of the selection process shall eliminate the candidate from further competition.

509. REVIEW AND APPEAL PROCEDURES. Candidates may review or appeal their scores as provided in these Rules.

509.1. Review of Written Test Paper; Appeal of Written Test Results. For a period of three (3) business days immediately following notification to candidates of written test results, candidates or their representatives authorized in writing may inspect their own answer sheets and a keyed copy of the examination either by appointment or during regular business hours in the Human Resources Department. Candidates shall be prohibited from copying any of the test content. 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. If the test is copyrighted or if the County has used materials from outside consultants, other jurisdictions or publishers that require that the test material be kept confidential, candidates will not be permitted to review the test.

During this three-day period, a candidate may file a written appeal with the Human Resources Department on the grounds of fraud or error in the scoring of the test only. The appeal must contain specific allegations of fact, citing the exact basis for the appeal and the relief requested. The Director shall rule on the appeal and notify the candidate of the decision. The decision of the Director is final. The pendency of an appeal under this Rule 509.1 does not postpone or delay the recruitment process.

509.2 Review of Other Selection Procedures. Records of application evaluation panels, oral interview panels, 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.

509.3. Appeal from Other Selection Procedures.

(a) Candidates shall be notified as to the results of other selection procedures. For a period of three (3) business days after such notification, the Human Resources Department shall, upon written request, inform the candidate of the scores received by the candidate. During this period, a candidate may appeal his or her score. Any such appeal must be in writing to the Director on one of the following bases only: unlawful discrimination, fraud, or bias.

(b) No such appeal may be considered unless it contains specific allegations of fact, citing the exact basis for the appeal and the relief requested.

(c) The Director shall rule upon such appeals and notify the candidate of the decision on appeal. The candidate's score shall be made to conform to the Director's decision. The decision of the Director is final except for appeals on the basis of unlawful discrimination.

(d) In cases alleging unlawful discrimination, a candidate who is dissatisfied with the ruling of the Director may appeal to the Civil Service Commission by filing an appeal with the Human Resources Department in accordance with the timelines prescribed in the policy prohibiting discrimination. Such an appeal must contain specific facts by which it is alleged that the unlawful discrimination took place. If it grants the appeal, the Civil Service Commission may determine either that the appellant be awarded the lowest passing score, or that the appellant be allowed to retake that component of the selection process.

(e) The pendency of an appeal under this Rule 509.3 does not postpone or delay the recruitment process.

510. EXAMINATION RECORDS. Examination papers, eligible lists, applications and other records pertaining to examinations shall be open for inspection only under the conditions set forth in these Rules.

511. 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 except as required by applicable law.

512. FINAL SCORES. After compiling scores on separate parts of the selection process, weighing the scores, adding veterans' credits on open examinations, and adding seniority credits on promotional examinations for represented classes if required by the MOU covering the position, the final score shall be rounded to the nearest hundredth of a point.

513. RANK ORDER IN CASE OF IDENTICAL SCORES. If two or more successful examinees have identical final scores, they shall be placed in the same ranking on the employment list.

514. DISPOSITION OF RECRUITMENT RECORDS. All recruitment records and backup documentation to those records are the property of the County, are confidential, and may be inspected or copied only under conditions specified by the Director, the Board, or competent judicial authority. All such records are official County records that will be sent to the Human Resources Department to be maintained and disposed of in accordance with the Human Resources Department record retention schedule.

PART 6

ELIGIBLE LISTS

601. GENERAL. An eligible list is an arrangement of applicants for County employment or promotion who are qualified as a result of the recruitment process or are eligible to be restored to County employment in accordance with these Rules.

602. ESTABLISHMENT AND MAINTENANCE OF EMPLOYMENT LISTS. The Human Resources Department shall establish and maintain employment lists of eligible applicants. Lists are maintained in accordance with the County's classification of jobs and procedures established by the Human Resources Department.

603. DESIGNATION OF EMPLOYMENT LISTS. The Human Resources Department will prepare employment lists from recruitments as provided below:

603.1 Restoration Lists: lists composed of employees with post-probationary status who, within the preceding twelve-month period, have been laid off, displaced, demoted by displacement or have voluntarily demoted in lieu of layoff or displacement. The employees will be listed in order of retention points if so specified in the MOU covering the position. Such employees shall have the right to be restored to the classification in the department that they previously occupied for a period of one (1) year following the date of lay off, displacement, demotion by displacement or voluntary demotion in lieu of layoff or displacement, unless otherwise specified in the MOU covering the position; Provided, however, that three refusals to accept restoration will remove the eligible employee's name from further consideration unless the offer of restoration is for a position in a different geographical location from the position from which the employee was laid off (Western Slope or South Lake Tahoe). Names will be added to lists in accordance with Part 7 Rule 706.1 Restoration Lists.

603.2 Promotional Lists: lists prepared from promotional-only recruitments described in Part 4 Rule 403.1, Promotional-Only Recruitments.

603.3 Open Lists: lists prepared from examinations designed as "open" or "continuous" described in Part 4 Rule 403.2, Open Recruitments, and Rule 403.3, Continuous Recruitments, or a combination of open and promotional.

604. SUBDIVISION OF LISTS. The Director may subdivide an eligible list according to any one or a combination of the following factors:

(a) Geographical area (Western Slope or South Lake Tahoe);

(b) Persons who are willing to serve under an extra help recurrent appointment. A recurrent list for a position shall be established at the beginning of a calendar year and will consist of the names of persons who were certified from a regular list and who performed in a recurrent appointment within the past two (2) years. This list includes terminating employees who, prior to separation, may request placement on a recurrent list.

(c) Persons who will work a shift other than a Monday through Friday day shift.

(d) Persons who will serve on a temporary extra help basis.

(e) Any other special or objective factor applicable to a position.

605. EMPLOYMENT LIST RECORDS. Except as otherwise provided in these Rules, the Human Resources Department shall prepare records of the results of each portion of the recruitment process showing the names of the applicants, applications rejected, the rating of each applicant for each portion of the recruitment process, and the final score and rank of each applicant who passed.

606. VETERANS' PREFERENCE CREDIT. In an examination held open to the public, and from which an open list is established in accordance with Rule 603.3, a veteran who has qualified for veterans' preference as provided in Rule 405.1(a) and 405.2(a) and who has received a passing score in each and all parts of the recruitment process, shall receive five percentage (5%) points, to be added to the candidate's final score. A disabled veteran with ten percent or greater service-connected disability or a qualified spouse, as defined in Rule 405.1(b) and 405.2(b), shall receive ten percentage (10%) points to be added to the final examination score. Spouses of veterans who are rated totally and permanently disabled due to military service, and surviving unremarried spouses of veterans who die on active duty or as a result of disabilities incurred while on active duty, shall receive a ten percentage (10%) point disabled veterans' preference upon submitting verification in accordance with Rule 405.2(b).

Veterans' preference credit shall not apply to closed promotional examinations from which promotional lists are established in accordance with Rule 603.2.

607. DURATION OF EMPLOYMENT LISTS. Employment lists shall continue in force for at least three (3) months up to a maximum of one year, as determined by the Director. Notwithstanding the foregoing, at the Director's discretion or upon the request of the appointing authority and concurrence by the Director, the Director may continue a list for up to one additional year or until a new list is promulgated for the class, whichever is earlier.

(a) Lists or any remaining portions of lists that have not been extended by the Director shall be automatically cancelled on the specified expiration date; provided, however, that where a certification request is active the list shall not be cancelled until the active certification has been completed or cancelled.

(b) The Director may cancel employment lists before the specified expiration date if there are less than five active candidates, or for good cause upon the request of the appointing authority.

(c) 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 Human Resources Department shall notify the affected eligibles.

608. REVISION OF EMPLOYMENT LISTS. Whenever it becomes evident that an error or mistake has occurred in the preparation of a list, the Human Resources Department 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.

609. REMOVAL OF NAMES FROM LISTS. Names shall be removed from any eligible list after appointment or at the end of the eligibility period. The acceptance of a temporary, recurrent or limited term appointment by persons on eligible lists for regular appointments shall not affect their certification for regular appointments. Names of eligibles may be removed from a list for any of the following reasons, provided that notice of the action and the reason therefor shall be sent to the eligible:

(a) Any cause stipulated in Part 4 Rule 406.1, Causes for Disqualification.

(b) On evidence that the eligible cannot be located.

(c) Upon receipt of a written request from the eligble to remove the eligible's name.

(d) 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.

(e) After the third instance of either (i) a refusal of an offer of employment, or (ii) the failure of an eligible to accept, respond or report to a department's documented invitation to an interview or other department selection procedure.

(f) If three certifications for regular appointment from an open employment list have failed to result in selection and appointment. Removal for this reason requires the review and approval of the Director.

(g) If the eligible fails to respond to the Human Resources Department or the appointing authority within three (3) business days following notification using the eligible's last known contact information.

(h) If the eligible fails to pass, or has failed to pass within the last twelve-month period, a reference check, criminal background check, background investigation, or other job-related examination.

(i) On demonstrated loss of skill or ability to perform the essential functions of the job.

Any employee or candidate removed from an eligible list or withheld from certification may appeal for restoration to the eligible list or certification after withhold or removal by filing an appeal in writing with the Director within three (3) business days of the date notification was sent to the individual. The appeal must contain specific allegations of fact, citing the exact basis for the appeal and the relief requested. The decision of the Director shall be final.

610. FREE NAMES. The name of each candidate who has filed an application for any position, who has successfully completed any required testing for the position, and who is approved at the discretion of the Director for placement on an employment list under any of the following categories shall be placed on the employment list for that recruitment as a "free name" without standing or priority when determining the order of rankings on an employment list:

(a) Within one year of separation for any reason other than reduction in force, an employee who (i) has achieved post-probationary status, (ii) has performed satisfactorily ("competent and effective" or above), and (iii) resigned in good standing from County service may request in writing to be considered for reappointment in the same class, a class the individual formerly occupied, any one class of equal or lesser rank in the occupational series and in which the person previously had attained civil service status, or any class that has replaced the class in which the person previously had status, provided that the person meets the minimum qualifications for the position. "Resignation in good standing" does not include employees who resign while on suspension or while charges or disciplinary action are threatened or pending, or who resign to avoid dismissal.

The Director shall refer each such request to the appointing authority for which the person last worked for a written statement as to whether or not the person would be reappointed to a vacancy in the appropriate job class. If the appointing authority would rehire the person and the person meets all of the requirements in the preceding paragraph, the Director may place the name of the person on the appropriate employment list as a free name and the appointing authority may rehire the person without the necessity of completing the remainder of the recruitment process. Such persons may be considered for vacancies in all departments except those precluded by State Merit System rules. Departments shall grant consideration to such persons but are not obligated to rehire.

The name of any person requesting reemployment shall continue on the appropriate list for a period of one (1) year.

(b) A current employee serving under a regular appointment may request a transfer to the same class in another department.

The name of any person requesting transfer shall continue on the appropriate list for a period of one (1) year.

(c) An employee who has voluntarily demoted under Part 10 Rule 1003, Demotion, may request reappointment to the class from which he/she has demoted. The Director will review each such request and may place the name of the employee on the appropriate employment list as a free name. The employee will remain on the appropriate employment list for a period of one (1) year.

(d) Upon satisfactory evidence that a person on disability retirement (i) is no longer incapacitated, (ii) left in good standing, and (iii) is now able to perform the essential functions and meet the physical demands of the job, the person's

name shall be placed on the eligible list for the class of position held by the person when retired for disability. 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 one (1) year or until the candidate is either reinstated, refuses to accept reinstatement, or fails to respond to an offer of reinstatement.

611. INACTIVE STATUS. Applicants whose names are on an eligible list may request inactive status and their names shall be removed from the active eligible list. Upon notification, such names may be restored to the eligible list for the remaining period of eligibility. Eligibility shall not be extended by reason of such inactivity.

612. CONFIDENTIALITY. Eligible lists are confidential, and the relative position of an eligible on a list, or their scores on any part of the selection process, shall not be made available except to the eligible independently, the eligible's designated representative, or an authorized representative of a department in which the eligible may be considered for appointment.

PART 7

CERTIFICATION

701. GENERAL. Certification is the process whereby available applicants are referred by the Human Resources Department to the appointing authority for selection. The Director shall establish standard procedures for list certification.

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

703. CONTENT OF PERSONNEL REQUISITION. The appointing authority shall make personnel requests on forms prescribed by the Human Resources Department and provide such information as may be required. Any request for special skills or qualifications should be noted on this form.

704. CERTIFICATION OF NAMES. Upon receipt of an appointing authority's personnel requisition the Human Resources Department shall, as soon as practicable, certify to the appointing authority the names, contact information and applications of the persons entitled to certification in accordance with these Rules. The Director shall determine the appropriate certification list to be used, based upon the classification of the position, special qualifications required to perform the duties of the position, and subdivisions of the eligible list pursuant to Part 6 Rule 604, Subdivision of Lists.

705. ORDER OF CERTIFICATION FROM LISTS. The order of certification from employment lists for any class shall be (i) restoration lists; (ii) promotional lists; and (iii) open employment lists. The Director shall certify free names as described in Part 6 Rule 610 on any applicable open or promotional employment list.

706. NUMBER TO BE CERTIFIED. Except as otherwise provided in these Rules, the Director shall certify the appropriate number of highest standings as follows:

706.1 Restoration Lists. Restoration 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 was laid off, the appointing authority shall receive and appoint the eligible highest on the restoration 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 a restoration list of employees laid off, displaced, demoted by displacement or voluntarily demoted in lieu of layoff. While not required to appoint from this list, departments are encouraged to give consideration to such persons. All persons on a restoration list for the classification shall be certified. (See also Part 6 Rule 603.1 for Restoration Lists)

706.2 Open and Promotional Employment Lists. On each request for personnel from open or promotional employment lists, the Director shall certify in alphabetical order a minimum of four more names than the number of vacancies to be filled (a "full certification"), in addition to all candidates certified by the Director as free names for the class. When requested in advance, the appointing authority may request names to be banded in groups greater than five. 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. All candidates certified must be interviewed by the department.

When a certified employment list is referred to a department and interviews have been conducted, subsequent vacancies in the department may be filled from the referred list in rank order, as determined by the department, within three (3) months after the date of referral.

706.3 Referral of Entire List. The entire employment list, in alphabetical order, may be referred at the request of the appointing authority. Under this procedure, the appointing authority must contact and interview, before final selection, all of the certified eligibles.

707. CERTIFICATION OF ELIGIBLES WITH SPECIAL QUALIFICATIONS. Whenever a vacant position requires an employee of a particular sex, or with residence in a certain locality, or who is willing and able to work certain unusual hours or at certain locations, or who is able to speak, read or write a language other than English, or who possesses other special qualifications, the Director may, upon written request by the appointing authority, certify only those candidates who meet the conditions requested. A record of special qualification certifications will be maintained by the Human Resources Department.

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

708.1 Temporary Withdrawal from List. Upon written request, an eligible may withdraw from a restoration list, a promotional list, or an open 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.

708.2 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 statement to the Human Resources Department or the appointing authority giving the reason for waiver. After three such waivers of certification or appointment to regular positions in any class, the eligible may be removed from the employment list. Waivers made to an appointing authority must be reported by the appointing authority to the Human Resources Department.

708.3 Waiver After Regular Appointment. The regular appointment of an eligible to a position in the County service is an automatic waiver of certification of that person from any other employment list on which the person's name appears for a class of position the salary of which is either equal or lower than the salary of

the position to which the person has been appointed, unless the person requests in writing to be maintained on that list.

708.4 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 an additional name in lieu of the eligible. An eligible who fails to keep the Human Resources Department advised of correct contact information 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.

709. 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 Human Resources Department 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. DISPOSITION.

(a) When a conditional offer of employment is made to a candidate from a certification or upon exhaustion of a certification without issuing a conditional offer of employment, the appointing authority shall promptly notify the Director, indicating thereon the action taken with regard to each candidate certified. The Director shall maintain all such information in the official recruitment file in accordance with department policy.

(a) The appointing authority shall inform each certified candidate, other than the appointee, that the candidate has not been selected.

PART 8

APPOINTMENTS

801. GENERAL. An appointment is the offer and acceptance of a job made in accordance with these Rules and the laws governing these Rules. The offer must be made by the appointing authority or authorized representative of the appointing authority and only to a person eligible under these Rules for the type of appointment offered.

802. APPOINTMENT AFTER CERTIFICATION. Upon receipt of the certification of eligibles, the appointing authority shall contact the persons certified and offer to interview them as provided in these Rules. The appointing authority may examine applications, examination records and any other pre-employment tests, investigations or examination results of the eligible certified, and conduct additional job-related investigations or tests of fitness. After confirmation by the Human Resources Department that all pre-employment tests and inquiries have been conducted, the appointing authority signs each appointment using forms designated by the Human Resources Department. The Human Resources Department shall verify that (i) a vacant budgeted position exists in the affected department, and (ii) the appointment has been made at the proper range and step of the salary schedule.

802.1 The day employment and salary commence under such appointment shall be the date specified on forms prescribed by the Human Resources Department.

802.2 The 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.

802.3 The appointing authority shall promptly report all final appointments in the County service to the Human Resources Department.

803. APPOINTING AUTHORITY. Except as otherwise provided by law, the Board 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 shall review and consider the recommendations of the CAO. Department heads are the appointing authority in each department, who have and may delegate the authority to appoint, supervise, suspend and remove all employees in their respective departments, subject to applicable law and these Rules.

804. APPOINTMENT TO LEAVE OF ABSENCE VACANCY. Appointment to a position from which another employee has been granted leave of absence is subject to the return of the employee on leave, and generally shall be made using a limited term extra help appointment unless otherwise approved by the Director.

805. EXTRA HELP APPOINTMENTS. An extra help appointment consists of one of the following at-will appointments, as defined below: emergency appointment, temporary appointment, recurrent appointment, or limited term appointment.

805.1 Emergency appointment. An emergency appointment is an appointment made to meet immediate requirements caused by an emergency condition where there is a threatened interruption of essential County services and immediate action is necessary. Emergency appointments are made by the appointing authority for the duration of the emergency, but may not exceed thirty days without approval by the Board. All emergency appointments must be reviewed and confirmed by the Board no later than the adjournment of its next regular meeting. All emergency appointments are made at the salary specified in Step 1 for the appropriate position.

805.2 Temporary appointment. A temporary appointment is an appointment made to accomplish a specific project that is limited in duration, is not of a recurring nature, and will not exceed one day less than six months. Temporary appointments are made by the appointing authority after authorization by the CAO. Successive appointments under this category are prohibited, although the length of the appointment may be extended one time with the approval of the CAO. Temporary appointments are made from eligible lists. Employees serving under a temporary appointment shall not exceed 1,000 hours per fiscal year, unless authorized by the CAO.

805.3 Recurrent appointment. A recurrent appointment is an appointment made to maintain adequate coverage of work for short periods of time at frequent intervals, or where employment is of a recurrent nature. Recurrent appointments are made by the appointing authority after authorization by the CAO. Recurrent appointments are made from eligible lists,. Employees serving under a recurrent appointment may not exceed 1,000 hours per fiscal year.

805.4 Limited term appointment. A limited term appointment is an appointment made to accomplish a specific project that is limited in duration, is not of a recurring nature, and will continue for a period of six months or more. Limited term appointments are made by the appointing authority after authorization by the CAO. Limited term appointments, unless earlier terminated, terminate automatically at the end of the specific project for which appointment is made. Limited term appointments are made from eligible lists, unless waived by the Director. Employees serving under a limited term appointment receive benefits (health, retirement and paid leave benefits) but not permanency or civil service rights, including seniority or layoff rights.

806. UNDERFILL OR OVERFILL OF REGULAR FULL/PART TIME POSITIONS.

(a) Underfill: The appointing authority is authorized to fill vacant positions using the specific classifications allocated in the department. An appointing authority may underfill an authorized position with a related classification that has a lower salary range and that contains a substantial portion of the duties listed in the class specifications for the authorized position. The classification used for the underfill appointment must be approved by the Director. 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 the vacant position at the higher level, or a

critical departmental reason exists. An appointment to underfill a position may last until the next budget cycle, but in no event longer than one (1) year.

(b) Overfill: In order to maximize flexibility of the organization to meet unusual and/or unique staffing needs requiring longer term temporary "overfills", The CAO may authorize an allocation to be temporarily overfilled with an authorized position in a related classification that has a higher salary range. The Appointing Authority must submit the request to the Director and the CAO for approval. The request must describe the unique need, the amount of additional salary benefit cost above the amount allocated, and that the amount is available in the department's budget. When an overfill is approved, it must be filled with a regular or temporary employee that has been selected through a competitive recruitment process. An appointment to an overfilled position may last until the next budget cycle, but in no event longer than one (1) year.

807. CONDITIONS OF APPOINTMENT. Candidates who have been offered regular or extra help appointments must meet the conditions of employment specified by the Human Resources Department for a particular position. Failure of such pre-employment tests or examinations may be cause for the Director to cancel the eligible's name from a certification or remove the name from an eligible list. Conditions of employment may include:

807.1 Criminal Background Check. Prior to initial appointment or reinstatement, a candidate may undergo a criminal background check as determined by the Director after consultation with the appointing authority.

807.2 Pre-employment Physical Examination. Prior to initial appointment, reinstatement, or appointment to a classification with different physical demands, a candidate shall undergo medical screening and/or a physical examination as determined by the Director.

807.3 Other Job-Related Examinations. For job-related reasons determined by the Director, candidates may be required to submit to other examinations or tests prescribed by the Human Resources Department after consultation with the appointing authority, or required by applicable law.

807.4 Other Background Investigation. The appointing authority or the Human Resources Department shall conduct such work-related reference checks and verification of education, certifications, or prior work experience as may be prescribed by the Director after consultation with the appointing authority, or required by applicable law.

807.5 Oath of Allegiance. No appointment shall be completed until the candidate has subscribed to an oath of allegiance or affirmation as required by the Government Code.

808. NEPOTISM. The County does not discriminate in its employment and personnel actions with respect to employees or applicants on the basis of marital or familial status. Notwithstanding this policy, the County retains the right to refuse to appoint a person to a

position in the same department, division or facility if the person's relationship to another employee has the potential for creating an adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for making the initial determination of whether a potential for adverse impact exists or does not exist. This determination shall be submitted in writing for approval by the Director prior to any appointment being made. The decision of the Director shall be final. If the Director determines that an adverse impact could occur or a conflict of interest is present, the department head and CAO shall be notified.

This Rule 808 applies to individuals who are related by blood, marriage or adoption in any of the following ways: spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law, or any other situation that the Director determines creates the possibility of a conflict of interest as described in Rule 105. A spouse is a person who is a husband or wife in a valid marriage or who is a registered domestic partner as those terms are defined by California law. In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined in this policy who is presently employed by the County, but such information may not be used as a basis for an employment decision except as stated in this Rule.

This Rule 808 shall apply to all appointments to allocated positions in the County service. It shall also apply to appointments of extra help employees and contract employees when the expected duration of the appointment is in excess of 80 hours in a fiscal year.

When two existing employees enter into a relationship where the Director determines that the potential exists for creating an adverse impact as described above, the department head in conjunction with the Director shall make reasonable efforts to minimize problems of supervision, safety, security or morale through reassignment of duties, relocation or transfer. If the County is unable to make an acceptable accommodation, then the two individuals will be notified by the department head that one of the employees must separate from County employment within 60 days. The choice of who shall separate from County service shall be made by the affected employees. In the event the employees do not agree with respect to which one shall resign, the employee with the least seniority shall be separated from County service pursuant to Part 11, Resignation, Non-Disciplinary Separation and Layoff.

PART 9

PROBATIONARY PERIOD

901. GENERAL. The probationary period is the final phase of the examination process. It is utilized by the appointing authority to determine the employee's fitness for post-probationary status, for the effective adjustment of employees to new jobs, and for the separation of any probationary employee whose performance does not meet the required standards of performance.

State Merit System employees will serve probationary periods and have rights of restoration as specified by LAPS regulations.

902. DURATION. Regular appointments, whether for original entrance or promotion, shall be subject to a probationary period as set forth in this Rule 902. The length of the probationary period for the individual employee's classification is provided in the applicable MOU.

902.1 Probationary periods are required in the following instances:

(a) Upon initial appointment to a position in a class in the classified service.

(b) Upon promotion to a position in a class in the classified service, except for promotion of an employee who has completed probation in the lower class to the next higher class in a flexibly staffed position.

(c) Upon voluntary demotion or transfer to a position in a different class series in which the employee has not previously achieved post-probationary status, unless a department head and employee agree to waive or reduce the probationary period with the approval of the Director.

(d) Upon displacement to a classification in a different class series where the employee has not completed probation at the lower level.

(e) Upon displacement resulting from layoff or release from probation after promotion where total time in the higher and lower level classes is less than the required probationary period at the lower level.

(f) Upon transfer to a position in the same classification in a different department when the employee has not attained post-probationary status in the class, except that the total time in the probationary period in the class shall not exceed the normal probationary period for that class.

(g) Upon reclassification to a class at the same or higher salary range, unless waived by the appointing authority with the approval of the Director.

(h) In any other circumstance not specifically excluded in Rule 902.2.

902.2 Probationary periods are not required in the following instances:

(a) Upon involuntary demotion.

(b) Upon promotion of an employee who has completed probation in the lower class to the next higher class in a flexibly staffed position.

(c) Upon displacement resulting from layoff or release from probation after promotion where time in higher and lower level classes satisfies the required probationary period at the lower level.

(d) Upon voluntary demotion to a position in a class in the same class series when the employee has completed the required probationary period in a higher level class.

(e) Upon reassignment to a position in the same class in the same department.

(f) Upon transfer of the employee to a position in the same class in a different department when the employee has previously achieved post-probationary status in the class, except where the department head and employee concur on a probationary period not to exceed thirteen (13) pay periods.

(g) Upon restoration resulting from a layoff to the employee's former position or a lower position in the class series where the employee had completed a probationary period.

(h) Upon reclassification to a classification in which the incumbent is Y-rated.

903. TIME INCLUDED. The probationary period shall commence on the date of appointment. Unless otherwise specified in the applicable MOU, it shall not include time served in extra help appointments or time spent in acting status. Probationary periods may be extended in accordance with the provisions of the MOU applicable to the employee.

904. STATUS DURING PROMOTIONAL, VOLUNTARY DEMOTION OR TRANSFER PROBATION PERIOD

(a)

An employee who has attained post-probationary status who fails to satisfactorily complete a probationary period as a result of a promotion shall have the right of return to a position in the class and department that the employee previously occupied, and an incumbent in such position shall be subject to layoff. The right must be exercised within three (3) business days of notification of the failure to complete probation. If the employee held post-probationary status in the former classification, the employee will not

be required to serve a new probationary period, and the employee's step and anniversary date shall be restored to the pre-promotion status.

(b) An employee who has attained post-probationary status who fails to satisfactorily complete a probationary period in a new class as a result of a voluntary demotion to a class in a new class series or transfer to a class in a new class series, or transfer in the same class in a different department where the parties have agreed upon a probationary period, shall have the right of return to a position in the class and department that the employee previously occupied if the employee had attained post-probationary status in the class, provided such right of return shall be exercised within ninety (90) days of the effective date of the transfer or voluntary demotion. After ninety (90) days, an employee who does not satisfactorily complete the new probationary period shall have a right of return to any vacant position in the former class and department for a period not to exceed six (6) months.

905. REJECTION DURING PROBATION.

(a) An appointing authority may reject a probationary employee who has not achieved post-probationary status at any time during the probationary period without the right of appeal in any manner and without recourse to either the grievance or the appeal procedure. The appointing authority shall notify the employee in writing that he or she is rejected; no reasons for the action are necessary.

(b) Notwithstanding subsection (a) above, a probationary employee may appeal when the employee alleges and substantiates in writing that the rejection was due to political, religious or union activities, or on the basis of race, color, national origin, sex, age, disability, sexual orientation, or any other basis protected by law. For State Merit System employees, appeals on this basis shall be processed under procedures set forth in the Local Agency Personnel Standards, 2 Cal. Code of Regulations §17010 *et seq.*; for other employees, appeals shall be processed using the County's Discrimination Complaint Procedure. Any such appeal must be made no later than ten (10) calendar days after the date of delivery to the employee of notice of rejection or three days after mailing of such notice, whichever is earlier.

(c) An employee who is rejected during the employee's initial probationary period and placed back on the eligible list shall, if subsequently certified and appointed, begin a new probationary period in the new position.

906. CONDITIONS PRELIMINARY TO POST-PROBATIONARY STATUS. Post-probationary status for an 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 in accordance with the provisions of an MOU, shall acquire post-probationary status automatically.

907. TIME OF PROBATION EMPLOYEE EVALUATION REPORT. The Human Resources Department shall notify the appointing authority when probation evaluation reports are required in accordance with the applicable MOU. The Human Resources Department

shall supply forms upon which the employee evaluation report will be submitted. The appointing authority shall return all employee evaluation reports to the Human Resources Department. The appointing authority is responsible for notifying the employee prior to completion of probation whether the employee's services are to be continued under civil service status or are to be terminated.

908. RESTORATION OF ELIGIBILITY. The Director shall restore the name of a probationary employee who has been laid off during probation to the eligible list from which the employee was certified, if the list is still in effect.

909. CIVIL SERVICE STATUS. Civil service status shall be granted to an employee after the successful completion of the employee's initial probationary period. In the event of promotion to a higher classification within the classified service, the employee's 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 probationary period specified in the applicable MOU. Prior to any employee receiving civil service status, the department shall initiate the appropriate paperwork prescribed for the action and forward it to the Human Resources Department. This Rule shall not apply to positions designated as "at will" or positions in the unclassified service.

PART 10

PROMOTION, REASSIGNMENT, VOLUNTARY DEMOTION AND TRANSFER

1000. GENERAL. This section provides definitions of different types of employment transactions; however it does not deal with the salary implications which are found in Part 13 of these Rules.

1001. PROMOTION. Promotion is the move of a regular employee to another position in a class allocated to a salary range for which the top step is at least five percent (5%) higher than the top step of the class the employee formerly occupied, except as otherwise provided for in these Rules. Promotion shall be by competitive examination. Upon request of an appointing authority, the Human Resources Department shall determine whether an examination is to be conducted on a promotional-only or open basis. To qualify for a promotional examination, a person must be a regular employee in the classified service holding probationary or post-probationary 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.

1001.1 When an employee is promoted from a non-exempt to an exempt position, the employee must:

(a) Be paid off for any compensatory time off on the books at the time of promotion, or

(b) Use the accumulated compensatory time off within six months of the date of promotion. If the employee does not use the compensatory time off within this six-month period, the remaining compensatory time off will be paid in cash at the rate of pay in effect immediately prior to the date of promotion. The employing department is responsible for ensuring correct utilization of accrued compensatory time off, and initiating payment for any remaining compensatory time off at the end of the six-month period.

Once the employee is promoted to the exempt position, the employee no longer accrues compensatory time off.

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. DEMOTION. Demotion is the move of a regular employee to another position in a class having a lower salary range than the class previously occupied by the employee or to a lower compensation level within the employee's salary range. An employee may voluntarily demote with the approval of the appointing authority and the Director to a position in another class for which the employee possesses the minimum qualifications. Appointing authorities shall report voluntary demotions in writing to the Human Resources Department indicating the effective date, accompanied by a signed statement of agreement by the employee. Voluntary demotions also may be accomplished through regular examination and appointment procedures.

If the voluntary demotion is to a class unrelated to the previous position, as determined by the Director, the employee shall start a new probationary period.

An employee may be involuntarily demoted for cause by an appointing authority in accordance with Part 12, Disciplinary Actions.

(See Part 13 Rule 1309 Salary on Demotion)

1004. TRANSFER. Transfer is the move or change of an employee (i) to another position in the same class in a different department, or (ii) to another position in a class that is allocated to a salary schedule where the top step of the new position is equal to the top step of the class previously occupied or less than 5% of the top step of the class previously occupied. (Any move or change to a classification where the top step is 5% than the top step of the class previously occupied constitutes a promotion under Rule 1001 above. Any move or change to a classification that results in a lower salary range than for the position previously occupied constitutes a demotion under Rule 1003 above.) Transfers are accomplished through regular examination and appointment procedures. Movement within the same class within one department is considered a reassignment under Rule 1002, not a transfer.

PART 11

RESIGNATION, NON-DISCIPLINARY SEPARATION AND LAYOFF

1101. GENERAL. The separation of any employee with post-probationary status in the classified service shall comply with these Rules and shall be reported to the Human Resources Department in the manner and on the forms prescribed.

1102. RESIGNATION. An employee's voluntary termination of service is a 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. Written resignations shall be forwarded to the Human Resources Department by the appointing authority immediately on receipt for inclusion in the employee's service record, indicating the effective date. The appointing authority shall promptly accept all written resignations in writing. Oral resignations shall be immediately confirmed by the appointing authority in writing to the employee and to the Human Resources Department, indicating the effective date.

1102.1 Notice. Employees shall give notice of intent to resign at least two (2) weeks in advance of the last date of service (unless the appointing authority requests a longer period of notice, or consents to the employee's terminating on shorter notice).

1102.2 Effect of Resignation on Eligible Lists. 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 Director, the name may be placed on the eligible list for that class as a free name.

1102.3 Effective and Operative Dates of Resignations. An expressed resignation is effective when delivered or spoken to the employee's supervisor or appointing authority, operative either on that date or another date specified.

1102.4 Job Abandonment. A constructive resignation occurs and is effective when an employee has been absent from duty for three (3) or more consecutive working days without authorized leave. The department may consider that a constructive resignation has occurred due to the absence, or that the absence provides a reasonable basis for believing that the employee has abandoned the job.

1102.5 Revocation. After acceptance, a resignation is revocable only by written concurrence of the employee and the appointing authority.

1102.6 Resignation in Lieu of Disciplinary Action. An employee who resigns while charges or disciplinary action is pending, or who resigns while on suspension or to avoid dismissal, is (i) not considered to have resigned in good standing,

(ii) will be subject to removal from all eligible lists, and (iii) may be excluded from future examinations.

1103. NON-DISCIPLINARY SEPARATION. The provisions of this Rule governing non-disciplinary (medical) separations shall apply to non-State Merit System employees. Medical separation of State Merit System employees shall be processed in accordance with LAPS.

(a) An appointing authority, in consultation with the Human Resources Department, may separate a permanent employee for demonstrated incapacity to perform the essential functions of the position, with or without accommodation. 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 Part 12, Disciplinary Actions.

(b) Prior to implementing any separation, the appointing authority in consultation with the Director shall consider all relevant medical information provided 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 to the Director, whose decision shall be final, except as otherwise required by law.

(c) Post-probationary employees who are found to be disabled shall, if eligible, be retired under CalPERS; provided, however, that a medical separation may not be initiated until the County or the employee has filed a CalPERS disability retirement application and CalPERS has rendered a decision or cancelled the application on the grounds that the employee has failed to cooperate. If the post-probationary 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."

(d) A written notice of intent to separate shall be provided to the employee and include the following:

(i) The proposed effective date of separation;

(ii) The particular facts and specific grounds for the proposed separation in sufficient detail to permit the employee to understand and to respond to them;

(iii) Copies of any materials upon which the proposed separation is based; and

(iv) 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.

(e) 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:

(i) The effective date of the action;

(ii) A copy of the notice of proposed action which explained the particular facts and specific grounds for separation; and

(iii) Notice of the availability of any appeals procedure.

Copies of any notices under this Rule 1103 and any other materials provided to the employee shall be filed with the Director. Service of the notices shall be made as provided in Part 12, Disciplinary Actions, Rule 1206.1, Notice of Intent to Discipline (Skelly Notice).

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.

1105. PROCEDURES FOR LAYOFFS. Procedures for any layoffs shall be as set forth in the MOU applicable to the position.

PART 12

DISCIPLINARY ACTIONS

1201. GENERAL. Disciplinary action with respect to any employee with post-probationary status in the classified service shall comply with these Rules and shall be reported to the Human Resources Department in the manner and on the forms prescribed.

1202. CONDUCT. All County employees are expected to render the best possible service that will reflect credit upon the County. The highest standard of conduct is essential to the proper operation of the County service. The County has the right and authority to establish work standards for all officers and employees. Any officer or employee may be dismissed, suspended or reduced in rank or compensation for cause.

1203. DISCIPLINE. The appointing authority may suspend without pay, reduce in pay, demote or dismiss any employee who has attained post-probationary status for reasonable cause, including but not limited to:

(a) Absence without authorized leave;

(b) Conviction of any felony or criminal act involving moral turpitude, or accepting a plea of *nolo contendere* to any felony or criminal act involving moral turpitude;

(c) On-duty or off-duty conduct, including without limitation crimes that do not fall within subsection (b) above, that (i) tends to bring the County service into disrepute, or (ii) is a direct hindrance to the effective performance of County functions;

(d) Disorderly or immoral conduct;

(e) Incompetence or inefficiency;

(f) Insubordination or willful disobedience;

(g) Being at work under the influence of intoxicating beverages, non-prescribed narcotics or drugs; carrying onto County premises any such substance; or consuming or using any such substance or misusing any prescribed drugs during work hours and/or on County premises;

(h) Being under the influence of intoxicating beverages, non-prescribed narcotics or drugs in any public place while wearing or displaying clothing, badges, or insignia identifying the employee as a County employee;

(i) Neglect of duty;

(j) Violation of any lawful or reasonable regulation or order given by a supervisor or department head;

(k) Violation of any of the provisions of applicable law, these Rules or County policies;

(l) Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment;

(m) Failure to obtain or maintain a current license or certification required as a condition of employment;

(n) Misappropriation of County funds;

(o) Unreasonable failure or refusal to undergo any physical, medical and/or psychiatric exam and/or treatment authorized by these Rules;

(p) Dishonesty or theft;

(q) Violation of the County's Code of Ethics;

(r) Acceptance of any bribe, gratuity, kickback, or other item of value when the item is given in the hope or expectation of receiving preferential treatment;

(s) Excessive or unexcused absenteeism and/or tardiness;

(t) Repeated and/or egregious discourteous or disrespectful treatment of fellow employees;

(u) Discourteous treatment of the public;

(v) Disregard of a departmental or County policy or statutes regarding the confidentiality of records;

(w) Negligence or willful damage to public property, or waste, theft or unauthorized use of public supplies or equipment;

(x) Sick leave abuse;

(y) Unlawful harassment or unlawful discrimination or retaliation against another employee, an applicant for employment, or anyone using County services; and

(z) Any other conduct of equal gravity with the above.

1204. DISMISSAL OF PROBATIONARY EMPLOYEE. A probationary employee may be dismissed at any time during the probationary period without right of appeal or hearing, except as may otherwise be provided by law, ordinance or rule.

1205. DISMISSAL OF UNCLASSIFIED EMPLOYEE. An unclassified employee may be dismissed at any time without right of appeal or hearing except as may otherwise be provided by law, ordinance or rule.

1206. PRE-DISCIPLINE (SKELLY) REQUIREMENTS.

1206.1 Notice of Intent to Discipline (Skelly Notice). Except as otherwise expressly provided in these Rules, before taking action to suspend without pay, reduce in pay, demote or dismiss an employee, the appointing authority or his or her

designee shall (i) consult with the Human Resources Department on the nature of the proposed discipline, and (ii) cause to be served on the employee either personally or by mail to the employee's last known address a Notice of Intent to Discipline (NOI). The NOI shall contain the following:

(a) The name and title of the initiator;

(b) A statement of the action proposed to be taken;

(c) A statement of the reason for the proposed action, including the acts or omissions alleged and grounds upon which the action is based and any rule or regulation claimed to be violated;

(d) A copy of any written materials upon which the proposed action is based;

(e) The date upon which the proposed action is to become effective;

(f) A statement of the employee's right, prior to the effective date of the proposed action, to a meeting with a designated Skelly officer, at which time the employee will be afforded a reasonable opportunity to respond orally or in writing to the proposed action;

(g) A statement of the employee's right to be accompanied by a representative of the employee's choice during the meeting;

(h) A statement of the employee's rights to a hearing and appeal process; and

(i) A statement that the employee has ten (10) working days to respond to the appointing authority either orally or in writing.

The initiator shall also serve a complete copy of the NOI, including all accompanying documentation, upon the Human Resources Department on or before the date on which service of the NOI is made upon the employee.

Service shall be deemed complete upon personal service or five (5) days after mailing.

Nothing in this Rule shall affect the ability of constitutional officers from operating their departments in accordance with California law.

1206.2 Employee Response. The employee upon whom a NOI has been served shall have at least ten (10) working days to respond to the Skelly officer 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. Responses, if made, may be oral or in writing and shall be communicated to the Skelly officer at a reasonable time and place

designated by the County. Any meeting pursuant to this Rule is not an evidentiary hearing.

If the employee's response is not communicated to the Skelly officer within ten (10) working days or at the time and place designated by the County, the right to respond will be deemed waived.

The Skelly officer shall consider the response, if any, of the employee in determining the propriety and nature of disciplinary action.

1207. SERVICE OF ORDER. Following any meeting held in accordance with Rule 1206 or presentation of the employee's written response to the Skelly officer, or any waiver of such response by the employee, the appointing authority may uphold, modify or revoke the proposed action. The appointing authority shall give written notice of the decision (NOD) to the employee, with a copy to the Human Resources Department. For post-probationary employees, the NOD shall contain a statement of the employee's hearing and appeal rights under Section 1208. The NOD shall be effective either upon personal service or deposit with the U.S. Postal Service.

1208. EMPLOYEE APPEALS FROM NOTICE OF DECISION. A post-probationary employee may, within ten (10) working days after service or mailing of the NOD, appeal in writing through the Director to the Civil Service Commission. Implementation of the action described in the NOD will not be stayed pending the outcome of this appeal. Employees who do not wish to appeal but who wish to make a statement regarding the NOD may have a written response or statement entered into their personnel file.

Part 13

COMPENSATION ADMINISTRATION

1301. FEES AND COMMISSIONS. Except for regular County salaries or wages, all fees and commissions or other remuneration or compensation of any kind or character received by any County officer or employee, including elective County Officers, shall be paid into the County treasury; provided, however, that this requirement shall not apply to the fees and commissions paid to any County officer who does not receive a monthly salary for his/her services from the County, nor to that portion of any fees collected that is (i) authorized by statute to be paid to other persons, or (ii) necessarily diverted to other persons for the purpose of carrying out the objects of the statute. All funds received by the Sheriff from the State as reimbursements for expenses incurred in the transportation of prisoners and patients to State institutions shall be paid into the County Treasury. Each County officer shall file monthly forms reporting the collection of fees with the Auditor as required by Government Code section 24353.

1302. AUTHORIZED PERSONNEL.

(a) The Board shall from time to time, by resolution, specify the number and classification of all regular employees authorized for each department of the County. Such resolution shall be known and may be referred to for all purposes as the Authorized Personnel Allocation Resolution. All additions, deletions or modifications to an Authorized Personnel Allocation Resolution shall be made by amending resolution. No person shall receive any compensation from County funds for his/her services unless his or her employment is authorized by (i) an Authorized Personnel Allocation Resolution, or (ii) an extra help appointment made in accordance with County rules.

(b) Promptly upon adoption by the Board, the Board Clerk shall forward to the Human Resources Department, the Auditor and the CAO a copy of the Authorized Personnel Resolution, and of any and all resolutions making additions, deletions or modifications thereto.

(c) The County may also utilize the services of volunteers who shall serve without compensation for their services. Recruitment, selection and deployment of volunteers shall be performed in accordance with County policies and procedures.

1303. STANDARD SALARY RANGES. A standard salary range schedule consisting of ranges of hourly and monthly salary rates in dollars for employment in paid positions shall be established and amended by resolution of the Board. The schedule of monthly salary rates established by the Board resolution is for the purpose of convenience in quotation of monthly salaries. Computations for purposes of paying employees shall be on the basis of hourly rates.

1304. COMPENSATION PLAN. Except as otherwise provided by law or ordinance, officers and employees shall receive the hourly rate compensation provided in the basic salary schedule that has been adopted by the Board by resolution or ordinance for their respective classifications of positions. Classifications shall be allocated to specific

ranges of the basic salary schedule in accordance with the terms of employment hereinafter set forth.

1304.1 Salary Computation-Full-Time Employees. A full-time employee shall receive the full amount of salary based upon the step in the range for the classification to which the employee is appointed, if the total hours in pay status for the biweekly pay period as shown equals or is greater than eighty (80) hours. A full-time employee who is not in pay status for 80 hours for a particular biweekly pay period shall be entitled only to the total hours in pay status shown by the Payroll Time Report.

1304.2 Salary Compensation-Part-Time Employees. A part-time employee shall receive a prorated portion of the full-time salary for the classification to which the employee is appointed based upon the number of hours in pay status in the pay period. Part-time employees shall earn vacation with pay and accrue sick leave and holiday pay on a prorated basis based upon the number of hours in pay status in the pay period. In other respects, provisions of these Rules applicable to full-time employees shall apply to part-time employees on a pro-rated basis unless otherwise expressly specified herein.

1304.3 Initial Step Placement. Except as specified in Rule 1304.4 below, the entrance salary for a new employee entering County service shall be the first step of the salary range for the class to which the employee is appointed. In exceptional cases after reasonable effort has been made to obtain employees for a particular class, employment of individuals who possess special qualifications higher than the minimum qualification prescribed for the particular class may be authorized at a higher step upon recommendation of the appointing authority.

1304.4 Advanced Step Hiring. An appointing authority may recommend to the Director that new or current employees that have competed in the recruitment process be hired at up to the third step of the salary range of the employee's classification, if (i) the candidate possesses exceptional skills or qualifications that would be highly beneficial to the County or department, or (ii) due to the difficult nature of the recruitment, few qualified candidates were available and it is necessary to hire at an advanced step in order to obtain a person to fill the vacancy.

The department head shall file a written justification for any advance step hiring with the Director. Upon finding that the department's request complies with the above criteria, the Human Resources Department shall process the necessary paperwork granting the advanced step hiring.

Any request to hire at step four or five of the salary range must be approved by the CAO. All advanced step hires shall be reported annually to the Board.

1304.5 Salary Compensation-Extra Help. The CAO may authorize the temporary employment of a person as extra help upon a determination that sufficient funds are budgeted within the department concerned. Extra help employees shall receive the first step hourly rate listed in the Salary Schedule and Compensation Plan for the classification to which they are assigned unless the individual meets the requirements for advanced step hiring set forth in Rule

1304.4. Extra help employees shall be paid the designated hourly rate for all time worked, but shall not be entitled to sick leave, vacation, absence for temporary military duty or holiday pay except for limited term extra help employees, who shall be entitled to such benefits.

1304.6 Salary Compensation-Board of Supervisors. Salary compensation and benefits for members of the Board of Supervisors shall be established by ordinance adopted by the Board from time to time.

1305. SALARY STEP PLAN. Eligibility for salary step movement for regular employees and limited term extra help employees shall be based upon demonstrated satisfactory service as determined by the appointing authority, and time in classification. Extra help employees other than limited term are not eligible for salary step movement.

1305.1 Salary Step Movement. Eligible employees hired at Step 1 shall be eligible for advancement to Step 2 after completion of thirteen full pay periods of satisfactory performance at Step 1, and with the approval of the appointing authority. Employees at Step 2 or higher shall be eligible for advancement to the next step in the range after completion of twenty-six full pay periods of satisfactory performance in the current step, and upon the approval of the appointing authority.

1305.2 Early Step Advancement – Third Step. A department head may recommend to the CAO or his or her designee that an eligible employee be advanced from the second step to the third step of the salary range of the employee's classification after the employee has completed at least six months of service in the prior step of the salary range of that classification. The department head shall submit written justification to the CAO demonstrating the following:

(a) The employee's performance and abilities are outstanding and clearly above the level of their fellow employees, as documented in an attached performance evaluation;

(b) The employee is functioning as a fully qualified and advanced level employee;

(c) The amount of the additional salary and benefit costs are available in the department's budget for the balance of the fiscal year (department's calculations to accompany the estimate); and

(d) Should the County's financial condition require reductions in departmental appropriations during the fiscal year, the department agrees to identify departmental savings that will offset the added cost of the early step advancement.

1305.3 Early Step Advancement – Fourth and Fifth Steps. A department head may recommend to the CAO or his or her designee that an eligible employee be advanced from the third step of the salary range to the fourth step or from the fourth step of the salary range to the fifth step of the salary range after the employee has completed at least six months of service in the prior step of the

salary range of that classification. The department head shall submit written justification to the CAO demonstrating the following:

(a) The employee has made significant achievements of County-wide importance, or

(b) The continuing outstanding performance of the employee is such that it places them clearly above the level of their fellow employees; and

(c) The amount of the additional salary and benefit costs are available in the department's budget for the balance of the fiscal year (department's calculations to accompany the estimate); and

(d) Should the County's financial condition require reductions in departmental appropriations during the fiscal year, the department agrees to identify departmental savings that will offset the added cost of the early step advancement.

1306. PROCEDURE. All performance salary step advancements must be initiated by the department head on the prescribed personnel form, accompanied by an employee evaluation filed with the Director prior to the proposed effective date of the performance salary step advancement. Approved performance salary step advancements shall be effective on the first day of the biweekly pay period following completion of the required period of service. The Director shall notify the Auditor of the approved performance salary step advancement.

1307. APPEAL OF DENIAL OF MERIT INCREASE. Unless otherwise specified in an MOU governing the employee, in the event any eligible employee with post-probationary status in the employee's class who would otherwise be eligible for performance step advancement is denied such an advancement by the department head, the employee has the right to appeal the denial in writing to the Civil Service Commission following procedures established by the Civil Service Commission and by ordinance. Any such appeal must be brought within any timelines for filing grievances established by the MOU covering the employee. The appeal must contain specific allegations of fact, citing the exact basis for the appeal and the relief requested. Employees without post-probationary status in the class shall have no right of appeal. When an appeal is taken, there shall be a presumption that the action of the department head was proper.

1308. SALARY ON PROMOTION. An employee who is promoted shall receive the nearest step within the new salary range that is not less than five percent more than his/her former step; provided, however, that in no case shall the increased salary be more than the top step in the new range. The effective date of a promotion shall be the first day of the first full pay period following the appointment. Increases in salary shall be made effective on the effective date of the promotion. For purposes of further annual increases within the salary range, the employee's anniversary date shall be changed to the effective date of the promotion.

1309. SALARY ON DEMOTION The salary of an employee who has been demoted shall be determined as follows:

1309.1 Demotion to Another Position or Class-Voluntary. Except as otherwise provided in these rules, an employee who voluntarily demotes to a position of a class having a lower salary range than the class previously occupied by the employee shall have his/her salary reduced to the step in the range next lower than the salary he/she received before the demotion. A new probationary period shall commence on the effective date of this action if the employee has not previously served in the lower class and if that lower class is not part of his/her current class series.

1309.2 Demotion as a Disciplinary Action. An employee may be involuntarily demoted to a lower class or to a lower compensation level within a salary range as a disciplinary action only, in accordance with Part 12, Disciplinary Actions.

1310. SALARY ON TRANSFER. An employee who transfers from one position to another in accordance with Part 10 Rule 1004, Transfer, shall be compensated at the same step in the salary range as he/she previously received. For purposes of further annual increases within the salary range, his/her anniversary date shall remain the same as it was before the transfer. The effective date of all transfers shall be the first working day of the pay period.

1311. SALARY IN RANGE CHANGE. Whenever the salary range for a class is revised, each incumbent in a position to which the revised schedule applies shall remain at the step held in the previous range, unless otherwise specifically provided by the Board.

1312. SALARY ON RECLASSIFICATION. The salary of an incumbent in a position that is reclassified shall be determined as follows:

1312.1 Lateral Reclassification. If the position is reclassified to a class that is allocated to the same salary range as the class of the position before it was reclassified, the salary and anniversary date of the employee shall not change.

1312.2 Upward Reclassification. If the position is reclassified to a class that is allocated to a higher salary range than the class of the position before it was reclassified, the salary of the employee shall be governed by Rule 1308.

1312.3 Downward Reclassification. If the position is reclassified to a class that is allocated to a lower salary range than the class of the position before it was reclassified, the employee shall receive the step, if any, in the new range that is the same or greater than the salary he/she was receiving prior to reclassification and his/her anniversary date shall not change. If the salary of the employee is greater than the maximum step of the new range, the salary of the employee shall be designated as a "Y" rate and the salary will be frozen until the top step salary of the new classification equals or exceeds the present salary. At that time, the employee will be placed on the top step and will become eligible for cost of living increases granted to incumbents of that classification.

1313. BOARD AUTHORITY TO SPECIFY SALARY. Notwithstanding anything in these Rules to the contrary, the Board may by resolution, upon recommendation of the CAO, specify that the incumbent of a particular position shall occupy a step on the salary range for that class that is either higher or lower than that provided for in these Rules.

1314. ADDITIONAL COMPENSATION. Notwithstanding anything in these Rules to the contrary, when in the judgment of the Board it becomes necessary or desirable to utilize the service of County employees in capacities other than those for which they are regularly employed, the Board may so authorize and fix an additional rate of compensation for such employees, who shall be paid such additional compensation as may be specified by the Board.

1315. PAYROLL RECORDS. The office of the Auditor shall be the office of record with respect to maintenance of payroll records to implement the payroll provisions of all ordinances and resolutions. Each employee is responsible for reviewing each pay stub for accuracy, and promptly notifying their supervisor or the Auditor of any errors. The County shall pay the employee the amount of any underpayment; the employee shall reimburse the County for any overpayment.

1316. PAY DATE. The date of payment shall be the first Friday following the close of the biweekly pay period, except that when such following Friday falls on a legal holiday, the date of payment shall be the first Thursday (or first Wednesday if Thursday is a holiday) following the close of the biweekly pay period.

PART 14

TERMS OF EMPLOYMENT

1401. HOLIDAYS. The County shall designate specific days as County holidays, as enumerated in the various MOUs applicable to employees. The following provisions for administration of holidays shall apply to all employees:

(a) A new employee whose first working day is the day after a paid holiday shall not be paid for that holiday;

(b) An employee who is terminating his/her employment and whose last day as a paid employee is the day before a holiday shall not be paid for that holiday.

(c) An employee who is on leave of absence without pay shall not be paid for that holiday.

(d) Extra help and contractual employees are not covered by holiday provisions herein or in any MOU, except for limited term extra help employees.

(e) Regular employees on an irregular work week schedule shall be entitled to the same number of paid holiday hours as regular employees on a regular work week schedule.

1402. VACATION LEAVE. For purposes of this section, one year shall be equivalent to 26 biweekly pay periods. Elected officials are not subject to vacation leave provisions.

1402.1 Accrual Rates. Every regular employee and limited term extra help employee shall accrue vacation leave with pay as set forth in the MOU covering that employee. New employees shall be eligible to use accrued vacation leave as specified in the MOU covering that employee or upon approval of the appointing authority.

1402.2 Maximum Vacation Leave Accrual. The maximum vacation leave accrual for employees with less than four years of continuous service is 240 hours. The maximum accrual for employees with four or more years of continuous service is 320 hours. When an employee accrues the maximum number of hours set forth above, the employee shall cease accruing vacation until such time as the employee has utilized vacation hours to bring the total hours below the maximum stated.

1402.3 Provisions. Vacation leave shall be accrued from each employee's hire date. Upon termination of an employee's employment for any cause, he/she shall be paid for any unused vacation hours accumulated, up to the maximum amount permitted to be accumulated.

1402.4 Vacation Scheduling. The County recommends that employees take their vacation each year; provided, however, that for reasons deemed sufficient by the appointing authority an employee may take less than the normal vacation

accrued that year, subject to the maximum leave accrual. All vacations shall be taken at times approved by the employee's supervisor.

The employee is responsible for taking vacation leave in order to avoid exceeding the maximum accrual limits. At no time may an employee have a total balance of vacation hours in excess of the maximum leave accrual.

All requests for vacation must be approved by the employee's department, which is responsible for ensuring that the employee is eligible for the vacation requested. No person shall be allowed vacation in excess of that actually accrued at the time taken.

1403. ATTENDANCE. Attendance is an essential function of each position. Employees of the County are expected to report to their work site and perform their assigned duties on a sustained, regular and punctual basis. The only exceptions to this requirement shall be those leaves authorized by these Rules and approved by the employee's supervisor.

1404. SICK LEAVE. Sick leave is provided by the County to regular employees and limited term extra help employees who, due to illness or injury, are unable to report and perform their assigned duties. Eligible employees are encouraged to accrue a sufficient amount of sick leave to avoid undue economic hardship in the event of catastrophic or major illness or injury.

The minimum amount of sick leave that can be charged to the employee's sick leave account is six minutes.

1404.1. Accrual. Every covered employee shall accrue sick leave at the rate of .04625 hour per hour worked plus vacation taken, sick leave taken, workers' compensation taken, and compensatory time taken. No maximum accrual is imposed.

No covered employee shall be entitled to use sick leave with pay until the employee has completed at least 2 biweekly pay periods continuous service with the County.

Elected officials, extra help (except for limited term extra help) and contractual employees are not be covered by sick leave.

1404.2. Usage. Employees may use accrued sick leave, with the approval of the department, for the following conditions:

(a) The employee's illness, injury, disability, or exposure to contagious disease, any of which may incapacitate the employee from the performance of the duties of the position.

(b) The employee's medical, dental, chiropractic or optical appointments that cannot be scheduled outside the work day.

(c) The employee's care of a member of the immediate family who is ill or disabled. Immediate family for the purposes of this subsection is

defined by law (*i.e.*, the Family Medical Leave Act, California Family Rights Act, and California Kin Care Leave Act).

(d) The employee's preparation for or attendance at the funeral of a member of the employee's immediate family (up to a maximum of 40 hours). Immediate family for the purposes of this subsection means parent, spouse, registered domestic partner, son, daughter, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents or grandchildren by blood or marriage, or person for whom the employee has been designated legal guardian.

1404.3. Exception to Use of Sick Leave. No County employee shall be entitled to sick leave when absent from duty for any of the following reasons:

(a) Disability arising from any sickness or injury purposely self-inflicted or caused by the employee's willful misconduct.

(b) Sickness or disability while on leave of absence with or without pay other than the employee's regular vacation or regular paid holiday.

1404.4. Integration with Other Benefits

Workers' Compensation: A covered employee who is entitled to receive temporary disability indemnity under the California Labor Code (Workers' Compensation) may elect to take only that portion of accumulated sick leave or earned vacation that, when added to the employee's disability indemnity, will total the employee's full pay. The election must be made by filing a request to integrate these benefits with the Risk Manager prior to the end of the biweekly pay period.

State Disability Insurance (SDI): A covered employee who is entitled to receive SDI may elect to use only that portion of accumulated sick leave or earned vacation that, when added to SDI, will equal up to one hundred percent (100%) of the employee's total base salary. The employee is responsible for filing for SDI and making all arrangements with the Auditor's office for sick leave and vacation integration.

1404.5. Administration of Sick Leave.

(a) Departments are charged with the responsibility of managing sick leave for their employees. Upon return to work, departments may require employees to submit a sick leave request form or record of sick leave use to the department head for approval.

(b) Departments may request information in order to aid in the determination of whether the sick leave use is legitimate. Departments may require a physician's statement or acceptable substitute from an employee who applies for sick leave, or make whatever reasonable investigation into the circumstances appears warranted before taking action on a sick leave request.

(c) Proof of illness or medical certification may be requested as authorized by law. Departments may require a prescribed affidavit or medical report form. When an employee is absent for longer than (10) consecutive working days the employee may be required to submit a statement from the employee's physician releasing the employee for normal duty.

(d) The County may recover sick leave paid to an employee who is found to have used sick leave for illegitimate purposes.

(e) The appointing authority shall have the discretion to place employees on sick leave when the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of the employee's duties. In such cases, the employee's sick leave balance will be reduced by the time away from work.

1404.6. Fitness for Duty Examination. An appointing authority who has reasonable cause to believe that an employee cannot perform the duties of the position may require the employee to submit to a fitness-for-duty examination. The appointing authority must obtain the approval of the Human Resources Department or Risk Management prior to taking action.

1404.7. Recovery of Sick Leave. If benefits are payable under this Rule because of an injury to the employee that is the proximate consequence of the wrongful act of another, and the employee recovers damages for the time lost, the employee shall not receive sick leave pay under this Rule for the same time, or shall repay the County for any amount already paid. The repaid sick leave shall be credited back to the employee's sick leave accumulation account.

1404.8. Payment for Unused Sick Leave. The County may pay regular employees for a portion of their annual sick leave accruals according to requirements, provisions and limitations in the MOU applicable to the individual employee.

1404.9 Return to Work.

(a) Post-probationary employees unable to perform the essential functions of the position, with or without reasonable accommodation, as a result of a physical or psychological illness or injury for a period of six (6) months from the first date of the absence shall:

(i) Be terminated from employment. Employees who are separated pursuant to this section shall be given notice and an opportunity to respond to the separation in accordance with Part 11 Rule 1103, Non-Disciplinary Separation; or

(ii) If disabled, be retired under CalPERS in the circumstances described in Rule 1103(c); or

(iii) Be offered the opportunity to resign from the position and be placed on appropriate eligible lists as a free name in

accordance with Part 6 Rule 610, Free Names, for a period not to exceed one (1) year. Any employee returning to work under this section shall provide to the Human Resources Department verification from a medical practitioner of the employee's ability to return to work and perform the essential functions of the position, with or without accommodation, and may be required to undergo a fitness for duty examination prior to their return.

(iv) Pursuant to state law, sworn employees are entitled to regular pay for temporary disability caused by an injury or disease arising out of or during the course of employment. If they are determined to be permanent and stationary, the employee or the County may file an application for disability retirement.

(v) Employees on family and medical care leave, pregnancy disability leave or other statutory leaves will not be terminated if separation during such leave would be precluded by law.

(b) Whenever an employee receives a permanent and stationary rating, return to the job must be based on the same medical information upon which the rating was based. It is the policy of the County that employees return to duties they can perform safely without undue risk or further injury to other employees. It is also the policy of the County that, if employees cannot safely perform such duties without undue risk or if the employee is unable or unwilling to accept some other vacant position that the employee is qualified to perform, employment will be terminated.

The medical criteria presented by the employee shall be utilized by the County and interpreted in terms of specific job restrictions and limitations. The Director, in consultation with the appointing authority, will apply such job restrictions and limitations to the requirements of the employee's position. The Director will then determine whether the employee will (i) return to the job, (ii) transfer to some other vacant position for which the employee is qualified, or (iii) separate from the County service.

1405. HEALTH/DENTAL INSURANCE BENEFITS. Health/dental insurance benefits are provided to regular employees and limited term extra help employees. Except as required by applicable federal law, other extra help employees are not entitled to participate in health/dental insurance plans offered by the County.

1405.1. County Premium Contribution – Full Time Employees. The County contribution towards payment for health/dental insurance premiums for covered full-time employees (80 hours per bi-weekly pay period) shall be as set forth in the MOU covering each employee.

1405.2. County Premium Contribution – Part Time Employees. The County contribution specified in each MOU towards payment for health/dental insurance premiums for covered part-time employees hired on or after September 7, 1991 shall be as follows:

Hours Scheduled	Percentage of County Portion paid by County
64 to 79 hours/bi-weekly pay period	100%
40 to 63 hours/bi-weekly pay period	75%
32 to 39 hours/bi-weekly pay period	50%
Less than 32 hours/bi-weekly pay period	0% (employee ineligible to participate)

The County will continue to pay 100% of the County portion for part-time employees hired before September 6, 1991 and their dependents.

The County percentage is based upon scheduled hours shown on the employee's employment/payroll form, and can be changed only by amending that form. Any such changes are effective on the next full bi-weekly pay period following amendment; provided, however, that employee eligibility to participate in the County's health/dental program may be postponed until the next open enrollment period if required by plan documents and/or IRS requirements.

1405.3 County Premium Contribution – Pay Status Requirement. Pay status requirements for payment by the County of its portion of an employee's health insurance premium shall be as set forth in the applicable MOU.

1406. LEAVE OF ABSENCE WITHOUT PAY. Any regular employee or limited term extra help employee may be granted a leave of absence without pay upon written request approved by the appointing authority; provided, however, that leaves for pregnancy, pregnancy disability, serious health condition of the employee, and family care shall be granted in accordance with applicable state and federal law.

1406.1 Reasons for Leave Without Pay. Leave without pay may be granted for any of the following reasons:

(a) Illness, disability, or serious health condition;
(b) Pregnancy or pregnancy disability;
(c) Family care and baby bonding;
(d) To take a course of study that will increase the employee's usefulness on return to the position; or
(e) For other reasons or circumstances acceptable to the appointing authority.

1406.2 Administration.

(a) Requests for leave of absence without pay shall be made upon forms prescribed by the Director and shall state specifically the reason for the request, the desired beginning date, and the probable date of return. Leaves in excess of ten (10) working days must be reported to the Human Resources Department.

(b) Subject to applicable law, the appointing authority may grant a leave without pay for a period not to exceed six (6) months. A leave of absence for the employee's serious health condition or for family care shall be granted to an employee who so requests it for up to twelve (12) weeks per twelve-month period in accordance with Rule 1406.3, Family Care Leave or Medical Leave, and applicable law.

(c) Whenever an employee who has been granted a leave without pay desires to return before the expiration of such leave, the employee shall submit a request to the appointing authority in writing at least fifteen (15) days in advance of the proposed return. Early return is subject to prior approval by the appointing authority. The Human Resources Department shall be notified promptly of such return.

(d) Except in the case of leave of absence due to family care, pregnancy, pregnancy disability, illness, disability, or serious health condition, the decision of the appointing authority granting or denying leave or early return from leave shall be subject to appeal to the Director and not subject to appeal through the grievance procedure set forth in the applicable MOU.

(e) An employee must request family care leave at least 30 days before the leave is to begin if the need for the leave is foreseeable. If the need is not foreseeable, the employee must provide written notice to the employee's supervisor within five (5) calendar days of learning of the qualifying event.

(f) 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.

(g) Employees who are granted a leave of absence without pay shall have the option to exhaust any accumulated vacation time or to leave such vacation time in their accumulated account.

(h) Employees requesting a leave of absence due to illness or disability shall use any accumulated sick leave concurrently with the requested leave of absence.

(i) An employee on leave of absence without pay due to illness or injury for a period of ten (10) days or more may be required by their department head to present a statement by the employee's physician releasing the employee for normal duty prior to returning to work and may be required to undergo a fitness for duty examination.

(j) Except as otherwise required by law, the County does not provide benefits to employees on unpaid leave of absence. Employees may at their own expense make arrangements with the Human Resources Department to continue to participate in the county health, dental and vision insurance programs. Employees may also make arrangements with the Auditor's office for payment of any other payroll deductions the employee desires. Such payments must be made to the Auditor's office in advance of their due dates. The County will not make the payment and then attempt to collect from the employee.

1406.3 Family Care Leave or Medical Leave.

(a) Upon request to the Human Resources Department, any employee who has worked at least 1250 hours during the last twelve months may be entitled to up to twelve (12) weeks (less if so requested by the employee) leave per twelve-month period for (i) medical leave of absence for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position; (ii) family care leave of absence without pay for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, or the serious illness or health condition of a child, parent, spouse, or domestic partner of the employee; or (iii) any other condition or circumstance authorized by law. Upon request by the Human Resources Department, the employee shall provide certification of the need for family care leave or medical leave.

(b) Employees granted a leave of absence under this Rule shall use any accumulated sick leave concurrently with the requested leave where allowed by federal and state statutes. Employees may, but are not required to, use any accumulated vacation time. An employee may be allowed to bank up to eighty (80) hours of sick leave for use upon return to work if allowed under an MOU covering the employee.

(c) The twelve (12) weeks' leave may be in broken periods, intermittently on a regular or irregular basis, or may include reduced work schedules depending on the specific circumstances and situations surrounding the request for leave.

(d) In the situation where husband and wife are both employed by the County, the family care or medical leave entitlement based on the birth, adoption or foster care of a child or the need to care for the employee's parent with a serious health condition is limited to an aggregate for both employees together of twelve (12) weeks during each calendar year period. Employees requesting family care leave are required to advise the Human Resources Department when their spouse is also employed by the County.

(e) For family care and medical leaves of absence under this section, the terms "child," "parent," "serious health condition," "certification for

medical leave," "certification for family care leave" and "comparable position" shall be as defined in Government Code section 12945.2. The term "spouse" shall mean a person who is a husband or wife in a valid marriage or who is a registered domestic partner as those terms are defined by California law.

(f) The County shall continue to pay its portion of any group health, dental and vision insurance during a leave of absence under this Rule so long as the employee pays the portion for which it is responsible. In order to maintain such coverage, employees are required to pay timely the full employee contribution to maintain their group health plan coverage, either through payroll deduction or by paying the County directly. Employees may also make arrangements with the Auditor's office for payment of any other payroll deductions. All such payments must be made to the Auditor in advance of their due dates; the County will not make payment and then attempt to collect from the employee. If any such payments are made by the County, the County shall collect from the employee any amounts so paid. The County may recover any portion of the premiums paid by the County if the employee fails to return from leave under the circumstances described in Government Code section 12945.2(f)(1).

(g) If at any time the medical condition of the employee appears to be permanent, long term, of uncertain duration or likely to preclude the employee's ability to return to work, the County will move to separate the employee and, if appropriate, make application to PERS for a disability retirement on behalf of the employee who is eligible for a PERS disability retirement. If an employee is not eligible for PERS retirement, then the County will move to refer the employee to long-term disability (LTD).

1406.4 Pregnancy Disability Leave.

(a) Upon request to the appointing authority, regular employees and limited term extra help employees shall be entitled to at least four (4) months (less if so requested by the employee) pregnancy disability leave rights as set forth in California Government Code section 12945.

(b) Employees planning to take pregnancy disability leave must give the employer reasonable notice of the date the leave is expected to commence and the estimated duration of the leave.

(c) Employees granted a leave of absence under this Rule shall use any accumulated sick leave concurrently with the requested leave. Employees may, but are not required to, use any accumulated vacation time.

(d) The County shall continue to pay its portion of any group health, dental and vision insurance during a leave of absence under this Rule so long as the employee pays the portion for which it is responsible. In order to maintain such coverage, employees are required to pay timely the full

employee contribution to maintain their group health plan coverage, either through payroll deduction or by paying the County directly. Employees may also make arrangements with the Auditor's office for payment of any other payroll deductions. All such payments must be made to the Auditor in advance of their due dates; the County will not make payment and then attempt to collect from the employee. The County may recover any portion of the premiums paid by the County if the employee fails to return from leave under the circumstances described in Government Code section 12945(a)(2)(A).

1407. MILITARY LEAVE.

(a) Any employee in the classified service who is ordered 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 the California Military and Veterans Code. The employee shall provide copies of military orders to the Human Resources Department. Any employee who volunteers for such service during a mobilization under Executive Order of the President or the Congress of the United States and/or the State Governor in time of emergency, shall be granted a leave of absence if necessary in accordance with applicable state or federal laws upon providing the Human Resources Department with a copy of the military orders. Upon the termination of such service or upon honorable discharge, the employee shall be entitled to return to the employee's position, provided the position still exists, the employee requests reinstatement within the required time frame, and the employee is otherwise qualified to perform, without any loss of standing of any kind whatsoever.

The County shall pay the difference between the military compensation and the employee's regular salary while on military leave up to a maximum of thirty (30) days per fiscal year if the individual has been employed in the County service for at least one continuous year at the time of deployment. In addition, in the event an employee described in this Rule is called up for active duty for other than training purposes, the County shall pay the difference between the military compensation and the employee's regular salary for up to an additional three hundred sixty-five days, for a period not to exceed three hundred ninety-five days. Other County employees may donate vacation time to further extend the salary augmentation period beyond the three hundred ninety-five days prescribed by this Rule 1407.

(b) An employee who has been granted a military leave shall not suffer loss of previously accrued vacation, holiday, or sick leave credits, 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 seniority in case of layoff or promotional examination, military leave shall be considered as time in County service.

(c) 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.

1408. LEAVE OF ABSENCE WITH PAY. The appointing authority with the approval of the CAO may place an employee on leave of absence with pay (also referred to as "suspended with pay" or as "administrative leave with pay") for a period not to exceed thirty (30) working days. A copy of the approved notice will be forwarded to the Director. The CAO may approve any extensions. This leave with pay (suspension with pay) shall be used when an employee is under investigation or for other necessary or emergent need such as when the employee's continued presence at the work site may be hazardous or disruptive to the employee or to his or her co-workers or customers.

1409. UNAUTHORIZED ABSENCE. An unauthorized absence from the work site or failure to report for duty after a leave request has been disapproved, revoked, or canceled by the appointing authority, or at the expiration of a leave, shall be without pay. Such absence may also be grounds for disciplinary action.

1410. JURY DUTY. Any employee who is summoned for attendance to any court for jury duty during normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received shall be paid forthwith to the Auditor to be deposited in the General Fund of the County, together with any mileage allowed if the employee uses an assigned County take-home vehicle. Employees released from Jury Duty during their normal duty hours shall report back to their departments. Employees scheduled to work the evening or late night shift and who serves four (4) or more hours on jury duty, will not be required to report for duty on the evening or late night shift and shall be deemed to be on duty and there shall be no loss in salary, but any fees received shall be paid forthwith to the Auditor to be deposited in the General Fund of the County. The employee shall provide to the employee's supervisor evidence of jury service, such as notice for jury duty and any time cards or similar appearance documents issued by the court.

1411. COURT APPEARANCES.

1411.1 On Duty Time. Any employee called as a witness arising out of and in the course of County employment shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by the employee shall be paid to the Auditor to be deposited in the General Fund, together with any mileage allowed if the employee uses a County vehicle assigned to the employee. Employees released from witness duty during their normal duty hours shall report back to their department.

1411.2 Off Duty Time. Any employee called as a witness arising out of and in the course of County employment during off duty hours shall be compensated for the time spent or for two hours, whichever is greater.

1411.3 Private Litigation. Any employee called as a witness in a private or civil matter unconnected with the course of their County employment shall not be compensated by the County. Earned vacation or compensatory time off may be utilized. It is the employee's responsibility to make arrangements for payment of witness fees from the involved parties in accordance with the California Code of Procedure.

1412. TIME OFF TO VOTE. If an employee does not have sufficient time outside of working hours to travel to the employee's designated voting location to vote at a statewide election, the employee may take up to two hours off without loss of pay at the beginning or end of the day. Prior approval for this off by the employee's supervisor is required.

1413. SCHOOL-RELATED LEAVE. Pursuant to the Family School Partnership Act (Labor Code section 230.8), any County employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of their child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation and/or compensatory time off to cover the absence. The County may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date. If both parents, guardians or grandparents having custody work for the County at the same work site, only the first parent requesting shall be entitled to leave under this Rule.

1414. TIME OFF FOR VICTIMS OF VIOLENT CRIMES OR DOMESTIC ABUSE.

(a) An employee who has been a victim of a violent crime or domestic violence may take time off to: (i) appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; (ii) seek medical or psychological assistance; or (iii) participate in safety planning to protect against further assaults.

(b) Affected employees must give the County reasonable notice that they are required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, affected employees must, within a reasonable time after the appearance, provide the County with written proof that the absence was required for any of the above reasons.

(c) Leave under this section is unpaid unless the employee uses accrued time off.

1415. OVERTIME AND COMPENSATORY TIME OFF. The County shall compensate non-exempt employees for overtime worked subject to provisions, requirements and limitations of the employee's MOU and applicable law. The following shall apply to all employees:

1415.1 Reporting. All work of a non-exempt employee required by the employee' s department head beyond the regularly scheduled work period shall be designated as overtime and shall be reported in increments of not less than one-tenth of an hour. All overtime must be expressly approved by the supervisor in advance. No non-exempt employee shall engage in overtime work without authorization. Working overtime without advance approval is grounds for discipline.

1415.2 Scheduling. Each department head shall schedule and arrange the work of the department so that overtime is avoided and held to a minimum, consistent with efficient performance of required functions.

1415.3 Attendance Sheet. Total hours of overtime authorized and earned as well as all compensatory time off used shall be reported on the prescribed form. Any overtime hours for which payment is to be made shall be specified on the attendance sheet.

1415.4 Compensatory Time. Compensatory time off may be accumulated to the maximum set forth in any MOU applicable to an employee. Compensatory time off shall be administered in the same manner as vacation.

1415.5 Benefit Accumulations. Overtime shall not be considered or be a basis for increasing vacation, sick leave or advancement of completion of probationary periods or salary step increases.

1415.6 Exemption. Exempt employees are not entitled to overtime, and are therefore not subject to this section.

1416. REST PERIODS. If required by an MOU, non-exempt employees may be allowed compensated rest periods of fifteen (15) minutes during each four (4) consecutive hours of work. Rest periods shall be scheduled in accordance with the requirements of the individual department, but shall generally occur near the middle of each four-hour period insofar as is practicable. All eligible employees are instructed to take allowed rest periods; any rest periods not taken are lost. Rest periods may not be accumulated to extend lunch hours or to shorten the work day, nor shall any additional pay accrue to an employee who fails to take a rest period.

1417. MEAL PERIOD. Full-time employees will be allowed an uncompensated meal period of not less than thirty (30) minutes, nor more than one (1) hour, scheduled approximately at the midpoint of a full work shift. Employees required to be at work stations for eight (8) or more consecutive hours shall have their meal period during the work period, consistent with the requirements of the Fair Labor Standards Act (FLSA). Employees directed by their supervisors to work during the meal period shall be compensated consistent with the FLSA. Combining meal periods, "banking" meal periods from day to day, or saving meal periods to shorten work days is not permitted.

1418. EXEMPT EMPLOYEE RECORDING OF TIME OFF. Some County classifications, including but not limited to, Department Heads, represented and unrepresented management employees, sworn management employees, board of supervisors' assistants, the executive assistant to the chief administrative officer, criminal attorneys, deputy county counsels and unrepresented confidential supervising employees have been designated by the County to be salaried, exempt employees within the meaning of the Fair Labor Standards Act.

The County believes that attendance is an essential function of each position within the County, including all exempt, salaried position. Exempt employees are expected to report to their work site and perform their assigned duties on a sustained, regular and punctual basis. Exempt, salaried employees have established work schedules as determined by their appointing authority and are expected to work that schedule, and

to work the hours necessary to perform their duties and responsibly as set forth by the appointing authority. Exempt, salaried employees shall not be entitled to receive overtime compensation or compensatory time off for hours worked in excess of the 40 hour work week; these employees receive additional compensation and benefits, including management leave, in recognition of the extra hours they may be called upon to work in order to adequately perform their job duties.

1. Salaried, exempt employees' absences are subject to the following provisions in addition to the provisions in the Personnel Rules part 14 that address vacation and sick leave.

2. Salaried, exempt employees will be paid a weekly salary, which is payable bi-weekly. However, proper documentation of time is an important responsibility of all public sector employees to ensure accountability. All salaried, exempt employees are expected to work the regularly scheduled hours set by the appointing authority, accurately document the actual time worked, and, if required by their appointing authority, shall document the duties performed during those hours.

   (a) Salaried, exempt employees shall receive approval from their appointing authority in advance when they intend to be absent during their regularly scheduled work hours.

   (b) An approved absence of less than four hours in one day will not be deducted from an employee's weekly salary or appropriate accrued leave balances unless the County has determined the employee has an attendance problem.

   (c) Time off of more than four hours in one day for illness, injury, and medical appointments or the care of an immediate family member as defined by law will be charged to sick leave. If the employee does not have adequate sick leave, the employee may use other available leave balances. If the employee has no adequate leave balances, approved time shall be taken as unpaid leave.

   (d) Time off of more than four hours for any other reason will be deducted from an exempt salaried employee's other accrued leave balances as appropriate. If the employee does not have adequate leave balances, approved time shall be taken as unpaid leave.

   (e) Ongoing, repeated absences of less than four hours per day which result in the employee working less than 80 hours for more than one consecutive pay period shall, depending on the duration of, and reason for, the absence, be deducted from the appropriate leave balances or result in a change to the employee's standard schedule. (Example: Employee requests to leave every Thursday at 3:00 p.m. for familial obligation. Appointing authority can deny request, modify employee's work schedule so employee still works 80 hours/pay period, or require employee to use leave balances.)

Part 15

EMPLOYEE RECORDS AND RIGHT TO PRIVACY

1501. GENERAL. It is the policy of the Board 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 Rules.

1502. PERSONNEL RECORDS.

(a) 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 Human Resources Department, personnel forms, 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 Human Resources Department for each employee.

(b) A departmental personnel file may be established by a department when necessary for the proper functioning of the department. Departmental personnel files shall be subject to the rights and restrictions contained in this Rule.

1503. DISCLOSURE OF EMPLOYEE RECORD INFORMATION. No employee record information shall be disclosed by any person to a third party except as provided by law and the following procedures.

(a) 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.

(b) Employee shall be permitted to inspect their own personnel records during normal working hours and under conditions established by the Director to ensure the security of personnel records. The inspection shall be done in the presence of a staff member from the Human Resources Department. On request, the employee may receive a copy of any employment-related document. The County may charge a reasonable fee for the copies.

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

(d) Disclosure of employee record information shall be made pursuant to legal process and to authorized enforcement authorities for the purposes of law enforcement, including investigations.

(e) As determined by the CAO or the Director, employee record information may be disclosed as necessary for the proper operation and management of the County and its departments.

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

(g) In case of emergency when (i) disclosure of employee information is reasonably necessary to protect an employee's health or welfare and (ii) permission of the employee cannot be timely obtained, necessary employee information may be disclosed by the Human Resources Department.

1504. NOTIFICATION OF CHANGE IN PERSONAL INFORMATION. Each employee is responsible for promptly notifying the Human Resources Department of any changes in relevant personal information, including residence and mailing addresses, telephone number, person to contact in an emergency, and number and names of dependents.

1505. MEDICAL INFORMATION. All medical information concerning an employee or applicant is kept separately and is treated as confidential, in accordance with the Americans with Disabilities Act (ADA) and the California Confidentiality of Medical Information Act (CCMIA) and any amendments thereto, as well as any successor statutes and any other applicable state or federal law.

1505.1 Information in Medical Files. The County will not obtain medical information about an employee or applicant except in compliance with the CCMIA. To enable the County to obtain certain medical information, the employee or applicant may need to sign an authorization for release of medical information.

1505.2 Access to Medical Information. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for County purposes, or if access is required by law, pursuant to subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The County will not provide employee or applicant medical information to a third party (except as permitted under the CCMIA) unless the employee signs an authorization for release of medical information in the form prescribed by the Human Resources Department. The County will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the County will communicate those limitations to the person or entity to which it discloses the medical information.

1506. REFERENCES. All requests from outside the County for reference checks or verification of employment concerning any current or former employee must be referred to the Human Resources Department. Information will be released only if the employee signs an authorization for release of employment information in the form prescribed by the Human Resources Department, except that without such authorization the following limited information will be provided: dates of employment

and salary upon departure. Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment unless (i) required by law, (ii) specifically approved by the Director on a case-by-case basis, or (iii) made by an appointing authority to whom the Director has delegated such responsibility.

PART 16

DEFINITION OF TERMS

The terms used in these Rules shall have the meaning indicated below unless the context indicates otherwise.

1601. ACTUAL SERVICE, for the purpose of determining the amount of sick leave and vacation earned by a regular employee, means the number of regular hours worked within a biweekly pay period and absence from work with pay due to sick leave, vacation, injury or illness incurred in County service, absence on protected leave, and compensatory time taken. Actual service does not include compensatory time earned or overtime.

1602. ALLOCATED POSITION means a position within a classification established by a Personnel Allocation Resolution adopted by the Board of Supervisors, and funded through the County's budget process.

1603. ANNIVERSARY DATE for all regular employees means the first day of the biweekly pay period following their accession to Step 2 status in their current classification, and each yearly anniversary date thereafter. For employees hired at an advanced step, the anniversary date is the date of hire or promotion to the advanced step.

1604. APPOINTING AUTHORITY means the Board of Supervisors, with respect to appointed department heads; and department heads, with respect to employees within their departments.

1605. AT-WILL EMPLOYEE means any County employee who: (i) does not hold regular status, (ii) serves at the pleasure of the Board or another County employee or appointee, and (iii) can be terminated at any time without cause and without the opportunity to appeal.

1606. AUDITOR means the Auditor-Controller of El Dorado County or his or her designee.

1607. BIWEEKLY PAY PERIOD means, unless otherwise indicated, the eighty (80) hour biweekly period utilized by the Auditor for payment of County employees.

1608. BOARD, when used alone, means the Board of Supervisors of El Dorado County.

1609. CalPERS means the California Public Employees Retirement System.

1610. CAO means the Chief Administrative Officer of El Dorado County.

1611. CHARTER means the El Dorado County Charter approved by a majority vote of the electors on November 8, 1994, as such Charter may be amended from time to time.

1612. CIVIL SERVICE COMMISSION means the duly appointed Civil Service Commission of El Dorado County established pursuant to Section 502.2 of the Charter.

1613. CIVIL SERVICE STATUS means the status achieved by a regular employee who has successfully completed the probationary period specified for a class in the classified service. Civil service status is also referred to as "post-probationary status."

1614. CLASS means a position or group of positions having duties and responsibilities sufficiently similar that (i) the same title may be used, (ii) the same qualifications and selection procedures may be used, and (iii) the same schedule of compensation may be made to apply with equity.

1615. CLASSIFIED SERVICE means all allocated and classified positions to which appointments are made through a competitive process and in which an employee can achieve post-probationary (civil service) status in the classification. Positions in the classified service are subject to the provisions of the El Dorado County Civil Service Ordinance, Chapter 2.60 of the El Dorado County Code.

1616. CLASS TITLE means the designation given to a class, to each position allocated to the class, and to the employee allocated to the class.

1617. CONTINUOUS SERVICE means that period of actual service commencing with the employee's hire date and continuing until broken by resignation or dismissal for the purpose of determining eligibility for sick leave allowance, eligibility for longevity advances, vacation eligibility for regular employees, and eligibility for performance step advancement.

1618. COUNTY means the County of El Dorado

1619. COUNTY OFFICER means those officers enumerated in California Government Code section 24000 and following.

1620. COUNTY SERVICE means all positions in all departments subject to control and regulation of the Board of Supervisors.

1621. DEMOTION means the movement of an employee to another position in a class having a lower salary allocation or to a lower compensation level within the employee's salary range.

1622. DEPARTMENT means the agency or organizational unit of County government.

1623. DEPARTMENT HEAD means the administrative head of a department, including elected officials who administer departments.

1624. DIRECTOR, when used alone, means the Human Resources Director or his or her designee.

1625. ELIGIBLE means any person whose name is on an employment, reemployment or layoff list for a given class.

1626. EMERGENCY APPOINTMENT means an at-will appointment to the unclassified service for emergency purposes, as further defined in Part 8 Rule 805.1.

1627. 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.

1628. EMPLOYMENT LIST means a list of names of persons who have been found qualified for employment in a specified class.

1629. EXEMPT EMPLOYEE means an employee who meets one or more of the duties test exemptions from overtime under the FLSA (*e.g.* executive, administrative, professional, computer employee) and who is paid on a salary basis. An exempt employee is not generally entitled to overtime compensation.

1630. EXTRA HELP APPOINTMENT means any of the following at-will appointments to the unclassified service, as further defined in Part 8 Rule 805, Extra Help Appointments: emergency appointment, temporary appointment, recurrent appointment, or limited term appointment.

1631. EXTRA HELP EMPLOYEE means a person serving under an extra help appointment, authorized and accomplished as provided in these Rules.

1632. FLEXIBLY STAFFED is a classification that has two or more levels and an employee can be initially appointed to any level (they are qualified for) in the classification and can be promoted from one level to another without further testing. The most common flexible staffing consists of a trainee and a journey level. Some classifications may have a trainee, a journey level and an advanced journey level classification.

1633. FULL-TIME EMPLOYEE means a regular employee appointed to an allocated position that requires full-time work as specified by the Board of Supervisors. All positions are full time unless designated otherwise.

1634. FULL-TIME POSITION means any position which requires the full-time services of an employee.

1635. FULL-TIME WORK means eighty (80) hours per bi-weekly pay period.

1636. HIRE DATE means the beginning date of the employee's current period of continuous service.

1637. HOLIDAYS means those days so enumerated in an MOU, applicable to the employees covered by that MOU.

1638. HUMAN RESOURCES DIRECTOR means the position with direct supervision of the functions of the Human Resources Department, however that position is denominated.

1639. LAPS means Local Agency Personnel Standards found in Title 2, Division 5 of the California Code of Regulations, which applies State Merit System employees

1640. LAYOFF LIST means a list of persons who have occupied position allocated to a class and who have been involuntarily separated by layoff.

1641. LIMITED TERM APPOINTMENT means an at-will appointment to the unclassified service to accomplish a specific project of limited duration lasting longer than six months, as further defined in Part 8 Rule 805.4.

1642. MOU means, individually, either (i) a Memorandum of Understanding with a recognized employee bargaining unit pursuant to the Meyers-Milias-Brown Act, California Government Code section 3500 and following, or (ii) a salary and benefits resolution of the Board covering unrepresented employees.

1643. NON-EXEMPT EMPLOYEE means an employee who is entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis. An employee assigned to an exempt position on an acting or temporary basis only remains overtime-eligible.

1644. PART-TIME EMPLOYEE means a regular employee appointed to an allocated position that requires less than full-time work.

1645. PART-TIME POSITION means any position that requires the services of an employee on a regularly scheduled basis less than full-time.

1646. PAY PERIOD means 14 calendar days from 12:00 a.m. Saturday to 12:00 a.m. the second Saturday thereafter.

1647. PAY STATUS means whenever an employee is at work, absent on a paid holiday, absent on leave with pay, or absent on authorized compensatory time off.

1648. POST-PROBATIONARY EMPLOYEE means a regular employee who has successfully completed the probationary period prescribed for a position in the classified service.

1649. POST-PROBATIONARY STATUS means the status achieved by a regular employee who has successfully completed the probationary period specified for a class in the classified service. Post-probationary status is also referred to as "civil service status."

1650. POSITION means the duties and responsibilities calling for the regular full-time or part-time employment of a person.

1651. PROMOTION means the change of a regular employee to a position in a class allocated to a salary range where the top step is five percent (5%) or more higher than the top step of the class that the employee formerly occupied.

1652. REALLOCATION means the act of reassigning an individual position from one class to another class with the approval of the Board. Reallocation occurs only in the case of vacant positions.

1653. RECLASSIFICATION means the act of changing a position by raising it to a higher class or reducing it to a lower class on the basis of significant changes in the nature, difficulty or responsibility of the duties performed in the position.

1654. RECURRENT APPOINTMENT means an at-will appointment to the unclassified service where employment is of a recurrent nature, as further defined in Part 8 Rule 805.3.

1655. 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.

1656. REGULAR APPOINTMENT means appointment by the appointing authority to an allocated position in the classified service as a result of a competitive recruitment process.

1657. REGULAR EMPLOYEE means a person who receives a regular appointment to a position in the classified service, and includes both probationary and post-probationary employees. Extra help and contract employees are not regular employees.

1658. RESIGNATION means the voluntary termination of employment with the County.

1659. ROUNDING means rounding to the nearest whole number, .5 and greater round up and when less than .5 round down.

1660. SATISFACTORY SERVICE means meeting the work, performance and conduct standards established by the employing department. Eligibility as to periods of service required for performance step advancements shall be verified by the Human Resources Department.

1661. STATE MERIT SYSTEM EMPLOYEES means employees covered by California Government Code section 19800 *et seq.*

1662. TEMPORARY APPOINTMENT means an at-will appointment to the unclassified service for a short-term project lasting less than six months, as further defined in Part 8 Rule 805.2.

1663. TRANSFER means the change of an employee to another position in the same class in a different department, or to another position in which the top step of the salary schedule is the same as or up to 4.99% more than the top step of the class previously occupied in the same or a different department.

1664. UNCLASSIFIED SERVICE means those positions of the County service identified in Section 502.1 of the Charter as part of the unclassified service; persons serving under an extra help appointment; and any other position placed in the unclassified service by the Board of Supervisors in accordance with the Charter.