

County of Sacramento

Civil Service Rules



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**COUNTY OF SACRAMENTO
CIVIL SERVICE COMMISSION RULES
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**COUNTY OF SACRAMENTO
CIVIL SERVICE COMMISSION RULES**

SECTION 1

GENERAL PROVISIONS

1.1 AUTHORITY

These Rules are adopted pursuant to the Sacramento County Charter, Article XVI, Section 71, as amended in the General Election, November 5, 1972, and ratified by the California State Legislature, December 1, 1972.

1.2 PURPOSE

The purpose of these Rules is to provide a clear definition of the letter and intent of the Charter provisions as they relate to the responsibility and authority of the Civil Service Commission and to the personnel system within the County Government.

1.3 INTENT

It is intended that these Rules shall be interpreted as broadly as may be consistent with the meaning of the Charter and with principles of good personnel practice.

1.4 POLICY

(a) Employment Based on Merit Principles

It is and shall be the policy of the County to assure that employment is based upon merit principles; that appointment to a position in the Civil Service shall be a person qualified and available to perform that particular position; and that determination of qualifications shall be based upon competitive examination for the position.

However, the provisions of this part are not intended to prevent the establishment of special limited programs for the employment of economically, socially, physically or mentally deprived persons.

(b) County Management Expectations

The citizens of the County of Sacramento, their elected legislative and administrative representatives and appointed County department heads have the right to expect that the County will employ the best-qualified persons reasonably available; that the tenure of every employee will be based upon demonstrated need for the work performed, availability of funds, faithful effective performance, and continuing fitness for his or her position; and that each employee will be encouraged, trained, and developed to assure optimum performance.

(c) County Employee Expectations

Each employee of the County has the right to expect that he or she will be fully informed as to his or her duties and responsibilities; that he or she will be provided with adequate administrative and supervisory direction; that he or she will be encouraged and helped to improve his or her level of performance; that promotions will be made on the basis of demonstrated merit and ability; that progressively improved work performance over an extended period will be recognized and rewarded; that incompetence will not be tolerated; and that he or she will not be dismissed without just cause.

1.5 **CHANGES IN RULES**

- (a) Suggestions for change in these Rules may be submitted to the Executive Officer of the Commission in writing at any time. If the Commission determines that the change may be appropriate, the Commission shall schedule the suggested change for a public hearing. At least fourteen (14) calendar days before the scheduled public hearing, appropriate notice shall be given as directed by the Commission, stating the nature of the proposed change, the time and place of the hearing, and that any interested party may appear and be heard.
- (b) At the scheduled hearing or on a subsequent date to which the hearing is continued, the Commission may adopt the proposed change, including any rewording of the proposed change which does not substantially alter its effect. The rule shall be effective when so adopted. If the proposed change is substantially altered, it shall be processed as a new proposal as provided in subdivision (a).
- (c) By a vote of at least four Commission members, a rule change may be adopted effective immediately as an urgency measure if the Commission adopts written findings stating the reasons for the urgency. Any such change shall be scheduled for Commission hearing to be held not less than fourteen, nor more than thirty days thereafter, and notice thereof shall be given as required by subdivision (a). Within said thirty-day period the Commission may act to either approve the change as a permanent rule change or to rescind the change. If the Commission does not so act, the change shall become ineffective at the expiration of said thirty-day period.

1.6 **EXECUTIVE OFFICER AS AGENT OF COMMISSION**

The Executive Officer is hereby specifically designated as the agent of the Commission, and shall be responsible for performing all duties imposed by Charter upon the Commission except the adoption of rules, the creation, abolition, or combining of classes, the adoption of the requested budget for the operation of the Civil Service Office and the conduct of hearings upon appeals. Any action of the Executive Officer taken as agent for the Commission may be appealed to the Commission within thirty calendar days of its effective date.

1.7 **CONTRACT FOR SPECIAL SERVICES**

The Commission may request the Board of Supervisors to contract with any qualified person or agency for the performance of such technical services as may be desired in the exercise of its powers and duties under the County Charter.

1.8 **RIGHTS OF EMPLOYEES DISPLACED BY REINSTATEMENT OF ANOTHER**

Every person accepts and holds a position in the Civil Service of the County subject to possible exercise of a right of return of another person thereto. The person so displaced shall not be deprived of his or her earned position on the eligible list from which he or she was certified.

1.9 **OUTSIDE EMPLOYMENT**

Abolished pursuant to provisions of Article XVI of the Sacramento County Charter.

SECTION 2

POSITION CLASSIFICATION

2.1 **CLASSIFICATION PLAN**

The Director of Human Resources (hereinafter referred to as "Director") shall ascertain the duties and responsibilities of all positions in the Civil Service and, after appropriate consultation with employees and appointing authorities, shall recommend the classification plan to the Commission. The plan shall consist of classes of positions in the Civil Service defined by class specifications, including title, definition, a description of principal duties and responsibilities and a statement of minimum qualifications to be required of applicants for employment in each class.

The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, and employment standards are included within the same class; that the same pay range or rate may be made to apply under like working conditions to all positions in the same class; and that skills, knowledge and abilities required by the class may be examined by the same examination.

The classification of positions is solely within the jurisdiction of the Civil Service Commission and not subject to negotiation pursuant to Chapter 2.79 of the Sacramento County Code, referred to as the "Employee Relations Ordinance."

2.2 **ADOPTION OF CLASSES**

- (a) Before any class shall become effective, it shall first be approved by the Commission, after a public hearing, at which time the Commission may make such changes or modifications as it believes desirable.

After its adoption by the Commission, a class shall then become effective on the date it is approved by the Board of Supervisors.

- (b) The classification plan shall be amended or revised as occasion requires in the same manner as originally established.

2.3 **ALLOCATION OF POSITIONS TO CLASSES**

- (a) Each regular position in the Civil Service shall be allocated by the Director to one of the classes established in the classification plan. The allocation decision of the Director shall be final unless appealed to the Commission within thirty calendar days of its effective date. For purposes of this rule, an "allocation decision" includes, but is not necessarily limited to, a decision allocating a position to a class within the existing classification plan or, in the case of an existing position, a decision to allocate it to a different class within the existing classification plan, or to leave its class unchanged.

- (b) A request to the Director to review the existing allocation of a regular position or group of positions may be made by an employee, by an individual or organization representing an employee, or by a department head. Such a request shall be in writing, shall include documentation of the basis for the request and shall be in

such form as may be prescribed by the Director. If the request is initiated by an employee or by an individual or organization representing the employee, the procedure shall include initial review and response by the employee's appointing authority prior to submission to the Director. If such response is not received within 45 calendar days from the date the request is submitted, the employee or the individual or organization representing the employee may proceed to submit the matter to the Director as provided in this rule. The 45-day time limit may be waived by agreement of the parties.

- (c) If the appointing authority's response does not resolve the classification issue, the request may be submitted to the Director who shall within 180 calendar days of the receipt of such a request, render in writing a decision as to the proper allocation of the position or group of positions. This time limit may be waived by agreement of the parties. Absent such a waiver, failure of the Director to render a decision within that time shall, for purposes of this rule, be treated as a decision to leave the class of the position or group of positions unchanged; and the effective date of that decision shall be the 180th calendar day following receipt by the Director of the request, providing the request has been made in accordance with provisions of this rule.
- (d) An allocation decision may be appealed to the Commission within 30 calendar days of its effective date pursuant to Rule 9.3. If the Commission grants the appeal, it may order the following relief:
 - (1) reallocate the position or group of positions to a different class;
 - (2) defer final determination of the appropriate allocation until completion of a related study; or
 - (3) order revision of the class specification instead of reallocation.

2.4 **ALLOCATION OF NEW POSITIONS**

Abolished pursuant to provisions of Section 71-C of the Charter.

2.5 **REALLOCATIONS**

Abolished pursuant to provisions of Section 71-C of the Charter.

2.6 **STATUS OF EMPLOYEE WHOSE POSITION IS REALLOCATED**

- (a) The purpose of this rule is to specify broad guidelines relating to the exercise of the Commission's discretionary authority to grant status to the incumbent of a permanent position which is reallocated to a new class. As used in this rule the term "new class" means any class other than the one formerly applicable to the reallocated position. Except as provided in subdivision (b), this rule is not intended to require the Commission to grant status in the new class or to confer any right to status in the new class.
- (b) The Commission shall grant the incumbent status in the new class if the Commission finds that the incumbent has a right to status in the new class because it is entirely or in substantial part a continuation of a former class in which the incumbent held permanent status.
- (c) The Commission may grant the same status to the incumbent in the new class as

he or she held in the formerly applicable class if the incumbent meets the minimum qualifications for the new class and the Commission finds that either or both of the following requirements are present:

- (1) The reallocation resulted from a class study which affects all employees in a department, a major division of a department, or an occupational field.
 - (2) The duties of the position have continually evolved over a long period of time while occupied by the incumbent and have become significantly broader in scope or more difficult and complex, thereby providing the basis for reallocation to the new class.
- (d) Where the reallocated position has been changed materially over a relatively short period of time by the addition of duties not appropriate for the class in which the incumbent was appointed and the knowledge and abilities required for the new class are substantially different from the formerly applicable class for which the incumbent was examined, status shall not be granted.
- (e) If the incumbent is not granted status pursuant to the provisions of this rule, he or she may be promoted, transferred, demoted or his or her name placed on a reemployment list in accordance with these rules and the personnel rules adopted by the Board of Supervisors.

2.7 **OFFICIAL COPY**

The Director of Human Resources shall maintain the official copy of the Classification Plan, which shall be open to public inspection at any time during business hours. A copy of the Classification Plan, including class specifications, shall be furnished to each agency administrator and each department head, and the Director shall supply each agency administrator and each department head with notice of changes as they are made by the Commission.

2.8 **COMMISSION'S RIGHT TO INVESTIGATE**

The Commission shall retain the right to initiate and conduct investigations of positions in the Civil Service as such inquiry becomes necessary, and to direct that changes be made in the classification plan when the facts warrant such action. The Commission may, at any time, secure from the appointing authority, department heads, or employees involved, such facts or information as are necessary.

SECTION 3
COMPENSATION

3.1 **PREPARATION OR REVIEW OF THE COMPENSATION PLAN**

Abolished. Superseded by Sacramento County Code, Chapter 2.78.

SECTION 4

EXAMINATION ANNOUNCEMENTS, APPLICANTS AND APPLICATIONS

4.1 ANNOUNCEMENTS

The Director shall publish announcements of examinations which shall state the class title, salary, nature of work to be performed, minimum standards of education and experience required, when and where to file applications and other pertinent information. Employment standards stated in the announcement shall be those established for the class as approved by the Commission and the Board of Supervisors.

Announcements shall be considered published when they are posted on the official bulletin board maintained for that purpose in the reception area of the Employment Office of the Department of Human Resources.

The Director shall additionally publish notice of examinations as he or she deems appropriate in order to recruit qualified applicants.

All examinations must be announced at least fourteen calendar days prior to the last date for filing applications.

4.2 QUALIFICATION OF APPLICANTS

(a) It is the applicant's responsibility to insure that his or her application is received within the filing period at the time and place specified on the examination announcement. Applications received after that time will be rejected.

The Director of Human Resources may accept applications after the final filing date where persuasive reasons are shown and the security of the examination process is not compromised. The Director shall report quarterly to the Commission regarding acceptance of late applications. Decisions of the Director are appealable to the Commission pursuant to Rule 9.3.

(b) Applicants for examination must have met the minimum qualification requirements by 5:00 p.m. on the final filing date for the examination, unless specifically excepted in the published announcement.

4.3 DISQUALIFICATION

The Director may disqualify an applicant, or remove a name from the eligible list, or refuse to refer any person on an eligible list for employment for any of the following reasons:

(a) Failure to demonstrate that the requirements or qualifications established for the examination have been met.

(b) Physical inability to perform the duties of the class.

(c) Excessive use of narcotics or intoxicating liquors.

(d) Conviction of a felony or a misdemeanor which was of such a nature as to have a clearly adverse effect on the candidate's ability to perform the duties of the

position.

- (e) False statement of material fact or actual or attempted deception, fraud, or misconduct in connection with an application or examination.
- (f) A history of dismissal from public or private employment for any of the above causes, or resignation to avoid such dismissal, which, after thorough investigation is determined to have been of such a nature as to have a clearly adverse effect on the candidate's ability to perform the duties of the position.
- (g) Failure to pass the alcohol and/or drug test administered by the County in accordance with County Policies B-7 and J-7 and the Federal Regulation, 49 CFR Part 40.

4.4 **DISQUALIFICATION LIMITED TO A SINGLE DEPARTMENT OR OFFICE**

Deleted March 29, 1996.

4.5 **NOTICE OF REJECTION**

Whenever an application is rejected, written notice shall be given the applicant. Incomplete or deficient applications may be returned to the applicant for amendment. Such amendments must be received by the Department of Human Resources not less than two calendar days prior to the scheduled date of the examination. (See Rule 5.7.)

4.6 **FINGERPRINTING**

Candidates and employees may be required to be fingerprinted.

4.7 **MEDICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) The Commission, upon advice and consultation with the Director, shall establish physical or medical standards for each class.
- (b) An examination by a licensed physician or psychologist may be required by the Director before appointment. Such examination shall be performed by a physician or psychologist designated by the Director without cost to the applicant. The Director's determination that a candidate fails to meet the physical or medical standards established by the Commission will result in disqualification for appointment.
- (c) The Director shall notify the candidate of his or her disqualification by certified mail. The notice shall include a statement of the right of the applicant to file an appeal with the Commission not later than 30 days following the date of mailing of the notice of disqualification.

4.8 **APPEAL OF MEDICAL DISQUALIFICATION**

- (a) An applicant who is disqualified because of failure to meet the physical or medical standards established pursuant to Rule 4.7 may appeal the disqualification to the Commission. The appeal shall be submitted in writing, shall state the basis for the appeal, and must be received in the office of the Commission not later than 30

calendar days following the date of mailing of the notice of disqualification. The letter of appeal by the appellant shall constitute a waiver of the confidential nature of the reports of medical examination and consent to the consideration of such reports by the Commission, its agents, the Director, and the appointing authority.

- (b) The 30 calendar day filing requirement of this rule may be waived by the Commission upon determination that the applicant's failure to file in a timely manner was beyond the control of the applicant and that the appeal was filed within 30 calendar days of when the ability to file the appeal was no longer beyond the control of the applicant.
- (c) If the appellant submits a medical opinion from a physician stating that the appellant meets the physical or mental standards established by the Commission, the Commission may request another medical opinion from a consulting physician who is a specialist in the area of medical or physical disqualification. The specialist shall report his or her findings and recommendation to the Commission. Referral to a consulting physician shall be at the sole discretion of the Commission.
- (d) All costs incurred by the appellant in securing any medical information used in connection with the appeal shall be borne by the appellant. The cost of any consultation by a medical specialist requested by the Commission shall be borne by the Commission.
- (e) In hearing appeals from medical disqualification, the Commission shall consider:
 - 1) medical evidence submitted by the County examining physician;
 - 2) medical evidence submitted by the appellant;
 - 3) medical evidence submitted by the Commission's consulting physician;
 - 4) relevant work history of the appellant;
 - 5) duties required by the classification;
 - 6) environmental conditions which are present at the work site; and
 - 7) any other relevant evidence presented to the Commission.
- (f) The decision of the Commission on the appeal shall be final.

4.9 **APPEAL OF PSYCHOLOGICAL DISQUALIFICATION OF APPLICANTS FOR PEACE OFFICER POSITIONS**

- (a) An applicant for a peace officer position who is disqualified because of failure to pass the psychological examination required by Government Code Section 1031(f) may appeal the disqualification to the Commission in accordance with subsections (a) and (b) of Rule 4.8.
- (b) If the appellant submits an opinion from a licensed physician and surgeon, or a psychologist who satisfies the criteria set forth in Government Code Section 1031(f), stating that the appellant is free from any emotional or mental condition which might adversely affect the exercise of the powers of a peace officer, the Commission shall request another opinion from a consulting physician or psychologist. The consulting physician or psychologist shall report his or her findings and recommendation to the Commission.

- (c) When the Commission requests an opinion from a consultant pursuant to subsection (b) hereof, all records relating to the County's examination and the appellant's examination shall be provided to the Commission's consultant. The Commission's consultant shall review the opinions, together with all supporting material, prepared on behalf of the County and the appellant. The Commission's consultant shall also conduct an independent examination of the appellant to determine whether the appellant is free from any emotional or mental condition which might adversely affect the exercise of the powers of a peace officer. Upon completion of such review and independent evaluation, the Commission's consultant shall prepare and transmit to the Commission a written report which analyzes the following: (1) the conclusions reached by the physician or psychologist examining the appellant on behalf of the County; (2) the conclusions reached by the appellant's physician or psychologist; and (3) the reasons for the conclusion reached by the Commission's consultant after his or her independent evaluation of the appellant.
- (d) In recognition of the fact that the psychological examination required by Government Code Section 1031(f) is a part of the examination process and in order to safeguard the integrity of that portion of the examination process, no records or other information relating to the County examination or the examination conducted by the Commission consultant will be provided to the appellant until the Commission has received the written report from its consultant provided for in subsection (c) hereof. At any time after the Commission's receipt of such written report, the appellant, upon submitting a written request, shall be entitled to obtain copies of the results of, and all records and other information in the possession of the County or the Commission relating to, any psychological examinations relevant to the appeal.
- (e) All costs incurred by the appellant in securing any psychological information used in connection with the appeal shall be borne by the appellant. The cost of any consultation by a physician and surgeon or psychologist requested by the Commission shall be borne by the Commission.
- (f) In hearing appeals from psychological disqualification, the Commission shall consider:
 - 1) psychological evidence submitted by the County examining physician or psychologist;
 - 2) psychological evidence submitted by the appellant's physician or psychologist;
 - 3) evidence submitted by the Commission's consulting physician or psychologist;
 - 4) relevant work history of the appellant; and
 - 5) any other relevant evidence presented to the Commission.
- (g) The Commission shall grant the appeal only if it finds that the appellant is free from any emotional or mental condition which might adversely affect the exercise of the powers of a peace officer. The decision of the Commission on the appeal shall be final.

4.10 **GENERAL QUALIFICATIONS**

Where the position requires the driving of an automobile, the employee must have a valid California driver's license, a good driving record, and is expected to drive the car safely.

Unless otherwise provided by law, the basic minimum age for employment is sixteen (16) except that a minimum age of eighteen (18) will apply to those occupations declared hazardous by the U.S. Secretary of Labor or found hazardous by the Commission, provided, however, that a higher minimum age, as well as a maximum age, may be established for a class when the circumstances of a particular case so warrant.

The foregoing general qualifications shall be deemed to be a part of the employment standards of each class specification and need not be specifically set forth therein.

4.11 **APPEAL OF ALCOHOL OR DRUG TESTING DISQUALIFICATION**

The Director shall disqualify and remove from the eligible list the name of any applicant who fails to pass the pre-employment alcohol and/or drug test administered by the County in accordance with County Policies and Procedures B-7 and J-7 and the Federal Regulation 49 CFR Part 40, and shall immediately notify the applicant of the disqualification.

An applicant who is disqualified due to failure to pass the pre-employment alcohol and/or drug test administered by the County may appeal the disqualification to the Commission. The appeal shall be in writing and must be received in the office of the Civil Service Commission within 30 calendar days of the date of the mailing of the notice of disqualification by the Director. The letter of appeal by the applicant shall constitute a waiver of the confidential nature of the alcohol or drug test results and consent to the consideration of such results by the Commission, its agents, the Director, and the appointing authority.

Upon receipt of a timely appeal, the applicant shall be provided by the County with the test result information used by the Director in disqualifying the person. The results of any drug test conducted pursuant to County Policies B-7 and J-7 and Federal Regulation 49 CFR Part 40 shall be presumed to be correct. Such presumption shall affect the burden of proof and shall impose upon the appellant the burden of demonstrating by clear and convincing evidence to the satisfaction of the Commission that such a result is incorrect, and that some other determination should be made.

SECTION 5

EXAMINATIONS

5.1 **POLICY**

It is the policy of the County to seek the best-qualified persons available for each job in County service, and to encourage persons to compete for the best jobs for which they are qualified without regard to race, color, religion, sex, national origin or political belief.

The County desires to encourage career service among its employees and to provide such incentives as will enhance promotional opportunities for employees without unduly restricting competition. Therefore, preference shall be given to County employees, in accordance with this Section.

5.2 **TYPES OF EXAMINATIONS**

In establishing eligible lists for classes in the Civil Service, promotional, open or continuous examinations may be used.

(a) Promotional-Only Examinations

Candidates for promotional-only examinations must, as of the final filing date, have either (1) completed a probationary period and hold permanent status in the Civil Service, or (2) have held permanent status in the Civil Service and, without a break in service, be currently employed in an exempt County position. Candidates must also possess the minimum qualification requirements stated on the examination announcement, in accordance with Rule 4.2. As used in this rule, "exempt County positions" includes Superior and Municipal Court positions, and any County positions not in the Civil Service.

The Director of Human Resources has the authority to decide which type of examination is most appropriate based on the Commission's policy as set forth in these rules and the existing situation at any given time. Considerations for the type of examination include, but are not limited to the following guidelines:

- (1) upward mobility and career advancement of County employees; and
- (2) availability of an adequate number of qualified applicants within the County work force; and
- (3) availability of minority applicants; and
- (4) layoff considerations.

The Director shall report quarterly to the Civil Service Commission regarding examinations announced on a promotional-only basis. Decisions of the Director are appealable to the Commission pursuant to Rule 9.3

(b) Open Examinations

- (1) All examinations except promotional-only examinations shall be open to any candidate who meets the minimum qualification requirements.
- (2) In open examinations the passing score of persons who by the final filing date have earned permanent status in any County class shall be annotated to indicate that the employee's score shall be regarded as five (5) points higher only for the purpose of determining the three ranks along with which the employee's name shall be certified. No score shall actually be changed and no new rank shall be created as a result of the application of this preference for certification purposes.
- (3) Regardless of any other circumstances, persons entitled to promotional preference under this rule are not eligible, in the same examination, for veterans preference credit under the provision of Rule 5.3.

(c) Continuous Examinations

Continuous examinations for a given class may be announced by publishing an announcement bulletin which shall remain in effect until modified, closed or cancelled.

Eligible lists shall be maintained and names of qualifying candidates shall be merged in the order of their final grades in the examinations.

For continuous examinations, names of qualified candidates shall remain on the list for no less than one year or more than three full years from the date they were placed on the list unless sooner removed in accordance with these rules or as noted on the announcement regarding specific requirements for re-applying or re-testing.

5.3 **VETERAN'S PREFERENCE**

- (1) Military veterans who have served during wartime shall be given preference in initial appointment to County service, in accordance with this rule. Such preference shall apply only to the first appointment in any permanent County position. Such preference shall apply provided the veteran has first achieved a minimum passing score in the examination.
- (2) The passing score of a veteran shall be annotated to indicate that the veteran's score shall be regarded as 5 points higher only for the purpose of determining the three ranks along with which the veteran's name shall be certified. No score shall actually be changed and no new rank shall be created as a result of the application of veteran's preference for certification purposes.
- (3) The passing score of a disabled veteran shall be annotated to indicate that the disabled veteran's score shall be regarded as 10 points higher only for the purpose of determining the three ranks along with which the disabled veteran's name shall be certified. For purposes of this rule, "disabled veteran" means any veteran who has served during wartime and, who, as of the final filing date for an examination, is declared by the United States Veteran's Administration or military service

department to be 10 percent or more disabled as a result of his or her military service. No score shall actually be changed and no new rank shall be created as a result of application of disabled veteran's preference for certification purposes.

- (4) Persons claiming eligibility for veteran's preference must submit a copy of Form DD 214 or other acceptable proof of veteran's status to the Employment Office on or before the final filing date for the examination. Persons claiming eligibility for disabled veteran's preference must also submit to the Employment Office, on or before the final filing date, a certification from the United States Veterans Administration or a military service department, dated within one year, which certifies the present existence of a service-connected disability of 10% or more, or other acceptable proof of such disability as a result of his or her military service.
- (5) Veterans who are in the process of separation from military service may file a written statement showing the anticipated date of discharge, certifying that the discharge is for reasons other than dishonorable, and if applicable stating that disability rating has been applied for. Such statement must be filed no later than the final filing date for the examination. A veteran in the process of being discharged shall be entitled to preference pursuant to this rule only if Form DD 214 or other satisfactory proof of discharge and, if applicable, disability certification, is filed with the Employment Office prior to the date of certification for appointment. Until such proof is filed, the veteran's position on the eligible list for certification purposes shall be determined on the basis of the veteran's score on the examination, without the veteran's preference. For purposes of this rule, "reserve" status does not constitute active duty.
- (6) Qualified veterans who submit proof of status in accordance with the provisions of this rule shall be accorded either the 5-point veteran's preference or the 10-point disabled veteran's preference, but not both.
- (7) For purposes of this rule, "wartime" is defined as any period of time designated in Section 205 of the California Revenue and Taxation Code as a "war under Section 1¼ of Article XIII of the Constitution", including but not limited to: World War II, December 7, 1941 to January 1, 1947; campaign against the North Koreans and Chinese Communists in Korea, June 27, 1950 to January 31, 1955; and campaign against the Viet Cong and North Vietnamese Communists in South Vietnam, August 5, 1964 to May 8, 1975.

5.4 **TYPES OF TESTS**

As the Director may determine, examinations may be assembled or unassembled and may consist of any one or a combination of the following types of tests: written, performance, physical, evaluation of training and experience, or any other forms designed to test the qualifications of applicants. If a combination of two or more types of tests are used in the same examination, the relative weighted value of each part, expressed as percentages, shall be included on the announcement for the examination.

- (a) Written
Written tests may be used to measure knowledge, abilities, or aptitude, insofar as such traits are related to ability to perform the work in a class.

(b) Oral

Oral qualification appraisal examinations may be used to evaluate experience, training or education, and other factors that relate to the knowledge and abilities required to perform the work of the position or class. Oral examinations may be either structured or unstructured, as the Director shall determine.

Composition of Oral Examination Panels: Each oral examination panel shall consist of:

- a representative of the Department of Human Resources who shall be assigned by the Director to serve as Chairperson; and
- one or more persons not in the County service; and
- one or more persons familiar with the job requirements of the class for which the examination is being held; and
- one or more persons who shall be a member of an ethnic minority group as designated in the County's Affirmative Action Policy, who may also be one of the other persons designated in this rule; and
- one or more women, who may also be one of the other persons designated in this rule.

Exceptions due to unusual circumstances may be approved by the Director of Human Resources and are to be reported to the Civil Service Commission at the next regularly scheduled meeting. Decisions of the Director are appealable to the Commission pursuant to Rule 9.3.

(c) Performance

Performance tests may be used to evaluate the skill, speed, or accuracy with which principal tasks of the class are performed.

(d) Physical Agility

Physical agility tests may be used to measure agility, strength, coordination, or general physical fitness required to perform the duties of the class.

(e) Credentials Screening Panel

A Credentials Screening Panel may be assembled to evaluate the comparative qualifications of applicants, when it is desirable to limit the number of candidates to be interviewed for a given class. To allow full consideration of the relevance, level, recency, progression and quality of candidates' education and experience, the Director may require that written statements and/or transcripts of college credits be submitted in addition to the standard application form. Such requirements shall be clearly stated on the examination announcement.

When a Credentials Screening Panel is used, the Oral Qualifications Appraisal interview shall be an integral part of the examination and shall be weighted 100 percent.

(f) Formula Rating of Application

In any examination, names may be placed on an eligible list in accordance with a predetermined formula for rating candidates' education and experience. Such

rating may constitute the total score in the examination.

(g) Trainee to First Working Level Examination

There are in County service a number of classes in which it is desirable to allocate the position at the first working level, employ a person in the position at the trainee level, and promote him or her in the same position when his or her training is completed and he or she is deemed competent to function at the first working level.

Examinations for such promotions shall be subject to the following:

- (1) The Director shall publish an examination announcement in accordance with Rule 4.1.
- (2) Applicants must hold permanent status and must meet the minimum qualification requirements of the working level class as of the final filing date for the examination, and must submit an application within the filing period.
- (3) For each candidate whose application is accepted, the Department of Human Resources will send a promotional eligibility evaluation form to the applicant's employing department. The department will complete the evaluation form and return it to the Department of Human Resources within five (5) working days.
- (4) The Department of Human Resources, within five (5) working days of the receipt of the promotional eligibility form from the department and the application form from the candidate shall (1) verify the candidate's eligibility for the examination; (2) if eligible, use a formula rating as in Section (f) of this rule, or other appropriate non-written examination method, to arrive at a test score for the candidate, and (3) establish an eligible list on which the candidate's name shall be placed.
- (5) An eligible list shall be established which shall then be certified automatically to departments having such persons employed.
- (6) The Executive Officer shall maintain a list of classes which have been so approved, and shall amend the list as classes are approved for addition or deletion. The list shall be appended to these Rules. (See Appendix A)

5.5 **SCHEDULING**

The Director shall schedule examinations as the current and anticipated needs of the service require. Scheduled examinations may be postponed or cancelled or the final date for filing applications extended by the Director by notifying all persons who have filed applications and by posting a notice on the bulletin board.

5.6 **TEST ADMINISTRATION**

The Director shall be responsible for administering and scoring tests.

(a) Assistance

As needed, the Director may appoint special examiners for any phase of the testing

process. Special examiners may be paid reasonable expenses and/or a daily fee in accordance with budgetary provisions and at such rates as may be approved by the County Executive and the Board of Supervisors.

(b) Disqualification

The Director may disqualify any candidate who attempts to interfere with the fair, equitable and orderly conduct of any part of the competitive examination process.

Tardiness may be grounds for disqualification in the examination.

Failure to appear for or failure to achieve a passing score in one test of the examination shall disqualify a candidate in the entire examination.

(c) Qualifying Grades and Rating Tests

The final score of a candidate shall be based upon all tests and evaluations in the examination, according to the weights for each phase established by the Director. The Director shall set minimum qualifying ratings for each phase of the examination and shall provide that all competitors failing to achieve such ratings in any phase shall be disqualified from any further participation in the examination.

(d) Oral Board Ratings

In oral qualifications appraisal panel interviews, ratings shall be expressed in percentages with 70 percent being the minimum passing score or shall be expressed as passed or failed without percentage score.

When ratings are expressed in percentages, the ratings of the members of the board shall be averaged. If the average rating of a competitor is below 70 percent, but a majority of the members of the board assigns a passing score, the competitor shall be given a score of 70 percent. If the majority of the members of the board assign a failing score, the competitor shall be failed regardless of the average rating.

Minimum qualifying ratings shall be stated on the examination announcement.

(e) Notification

Each candidate taking an examination shall be given prompt written notice of whether or not he or she qualified in the examination, his or her final rating and his or her relative position on the eligible list.

(f) Review of Test Materials

Appropriate opportunity to inspect test materials shall be granted in accordance with procedure established by the Director. Examinations which are standardized shall not be available for review by candidates.

(g) Correction of Rating or Grading Errors

An error in grading or rating if called to the attention of the Director within fourteen (14) calendar days after the mailing of notices of results of an examination shall be corrected. Correction shall not, however, affect certification or appointments already made from the eligible list.

5.7 **APPEALS FROM EXAMINATIONS**

- (a) Persons who believe their applications have been improperly rejected may request the Department of Human Resources to review its decision to reject the application. If the applicant desires to submit additional proof of qualifications, such proof must be received not less than two (2) calendar days prior to the scheduled date for the examination and, if found acceptable, the Department shall thereupon admit the applicant to the examination.
- (b) The Department of Human Resources shall not admit to an examination any applicant who has not certified in writing that he or she possesses the minimum qualifications for the examination.
- (c) The Department of Human Resources shall not admit to an examination any applicant whose application was not received by 5:00 p.m. on the final filing date, except as provided in Rule 4.2.
- (d) Persons who are disqualified in any phase of an examination, or who otherwise believe that their qualifications have been improperly evaluated in an examination, may appeal such adverse action to the Commission pursuant to Rule 9.3. Such appeals must be filed within thirty (30) calendar days after notice of the adverse action appealed from was mailed to the candidate. The Executive Officer may order on behalf of the Commission such interim relief as is necessary to maintain the status quo pending Commission action on the appeal.
- (e) The Commission shall have no authority under this Rule to change a candidate's score on the oral interview phase of an examination, except that when the Commission grants an appeal from disqualification by an oral board, the candidate shall be given a rating of seventy percent (70%) for such phase of the examination. That rating shall be combined with the score from any other phase of the examination to constitute the candidate's total score. The candidate's name shall then be placed on the eligible list in the order which the candidate's total combined score provides.
- (f) Valid appointment from an eligible list shall not be affected by any subsequent action by the Commission which affects the eligible list.

SECTION 6

ELIGIBLE LISTS

6.1 PREPARATION

- (a) As soon as possible after an examination has been completed, the Director shall prepare an eligible list consisting of the names of persons successfully passing the examination and scoring high enough to be included on the eligible list.
- (b) Names shall be arranged in order of final ratings received, from the highest score down to the lowest qualifying score.
- (c) Scores shall be computed in accordance with the relative weighted value, expressed as a percentage, assigned to each part of the examination announcement. The final rating shall be determined by the total of the scores received by each candidate for each part of the examination.
- (d) Whenever identical final ratings are received, names shall be arranged in order of scores on that part of the examination which was assigned the heaviest relative value. Thereafter, tie scores shall be broken by lot, in accordance with Paragraph 6.1(c) above.
- (e) Final ratings of fractional percentage points shall be rounded upward to the next highest whole percentage point and names of all candidates achieving the same whole percentage score shall be certified to the appointing authority in accordance with Rule 7.1(c).

6.2 LIFE OF ELIGIBLE LISTS

Unless an appeal is received from some action of the Director in connection with an examination, eligible lists shall become effective upon the certification by the Director that the list was legally prepared and represents candidates' relative rating in comparison with other candidates in the same examination.

Eligible lists shall remain in effect one year unless cancelled sooner by the Commission.

A list may be extended for additional six-month periods beyond one year, but in no event shall a list remain in effect for more than three years, nor shall any name remain on such a list for more than the life of the list. The Director of Human Resources may extend an eligible list, based on, but not limited to, the following guidelines:

- number of candidates on list: originally, appointed, remaining;
- number of openings anticipated;
- type of examination;
- effect on promotional opportunities;
- unusual expenses or circumstances regarding development or administration of examination;
- affirmative action concerns;
- unexpected events or circumstances affecting use of list.

The Director will report quarterly to the Commission regarding extensions of eligible lists.

At any time during the life of an eligible list the Director may establish a new eligible list through giving another examination. An existing eligible list, up to one year old, shall have precedence over the new list.

This section shall have no effect on procedures outlined under 5.2 of these Rules regarding the administration of continuous examinations.

Decisions of the Director are appealable to the Commission pursuant to Rule 9.3.

6.3 **DISQUALIFICATION AND REMOVAL FROM LIST**

- (a) Names of eligible persons may be withheld from certification from an eligible list or placed in inactive status on the list by the Director for any of the following:
 - (1) Inability of postal authorities to deliver mail to the eligible person within reasonable time;
 - (2) Conviction of a felony or misdemeanor which is of such a nature as to have a clearly adverse effect on the candidate's ability to perform the duties and responsibilities of the job;
 - (3) Proof of fraud or false statement in the application, or proof of fraudulent conduct in connection with an examination;
 - (4) Permanent appointment to a position in the class for which the eligible list was established, or for which the list is deemed suitable by the Director;
 - (5) Upon written request of an appointing authority after certification to the same appointing authority three times without appointment. The appointing authority shall communicate, in writing, his reasons for rejection of the candidate to the Director;
 - (6) Upon resignation from the Civil Service of an eligible person on a promotional eligible list;
 - (7) Failure to appear or to arrange for an interview with an appointing authority within a reasonable time after notification or certification, or failure to appear for work after appointment;
 - (8) Upon written request of an eligible person that his/her name be placed in inactive status on the list.

- (b) The Director may disqualify an applicant, remove a name from the eligible list, or refuse to refer any person on an eligible list for employment for any of the following reasons:
 - (1) Failure to demonstrate that the requirements or qualifications established for the examination have been met.
 - (2) Physical inability to perform the duties of the class.
 - (3) Excessive use of narcotics or intoxicating liquors.
 - (4) Conviction of a felony or a misdemeanor which was of such a nature as to have a clearly adverse effect on the candidate's ability to perform the duties of the position.
 - (5) False statement of material fact or actual or attempted deception, fraud, or misconduct with an application or examination.

- (6) A history of dismissal from public or private employment, or resignation to avoid such dismissal, which, after thorough investigation, is determined to have been of such a nature as to have a clearly adverse effect on the candidate's ability to perform the duties of the position.
- (c) The Director may disqualify an applicant or candidate or refuse to certify a name on an eligible list for a class or position in a department or office when such applicant, candidate or eligible person has been dismissed or released from probation from such department or office in the same or related class or position.
- (d) The person subject to adverse action for any of the reasons set forth in subdivisions (a)-(c) herein may appeal such rejection or disqualification to the Commission pursuant to Rule 9.3 within fifteen (15) days of the mailing of notice of the adverse action. If the Commission grants the appeal, it shall order the appellant restored to the eligible list or shall order the applicant to be admitted to the examination.

6.4 **WAIVER OF CERTIFICATION**

Eligible persons may waive certification upon giving satisfactory reason in writing to the Director.

Waivers must be filed within five (5) days from the date of certification, and, if approved, such name shall not be certified to an appointing authority until such waiver has expired or has been withdrawn. Waivers, whether continuous or otherwise, shall not be approved for a period of longer than one year.

An eligible person may waive certification for temporary appointment or may state the minimum salary or the particular location or department of service for which he or she wishes to be certified.

6.5 **RESTORATION OF NAMES TO ELIGIBLE LISTS**

Names which have been removed from eligible lists shall be restored by the Director for the duration of the list for the following reasons:

- (a) Acceptance of the reason for waiver of certification;
- (b) Acceptance of the reason for non-appearance for interview with the appointing authority after certification;
- (c) Upon written request of an employee released during the probationary period, if the release resulted from one of the following conditions:
 - (1) Termination of the employee's limited term position;
 - (2) Deletion of the employee's position because of budgetary, contractual or organizational changes;
 - (3) Reallocation of the employee's position to a different class;
 - (4) Displacement of the probationary employee because of another employee's right to return to the position;
 - (5) The appointment of an employee to a position in a higher class prior to completion of the probationary period in a lower class, and his/her subsequent release from the position in the higher class.

- (d) Upon written request of an employee who is released or resigns during a probationary period, when the conditions specified in subsection (c) of this rule do not apply, and in accordance with the following provisions:
 - (1) The Director shall, within five working days following receipt of such request, restore the name to the eligible list from which the employee was originally appointed, placing it at the end of such list with the notation, "recertifiable employee;"
 - (2) Subsequently issued certifications shall include the name of recertifiable employees whose scores were the same as, or higher than, those of other eligibles on the same certification;
 - (3) No scores shall be changed and no rank shall be created as a result of the application of this rule, nor shall the name of any recertifiable employee be certified after expiration of the list from which the original appointment was made;
 - (4) The names of recertifiable employees on an eligible list shall not be considered for the purpose of making a provisional appointment pursuant to Rule 7.5; and
 - (5) If the recertifiable employee is appointed from the list, he or she shall begin a new probationary period.

6.6 **REQUESTS FOR WAIVERS**

- (a) No County officer or employee shall directly or indirectly, by request or by use of undue influence, duress or coercion, induce any person on an eligible list to waive appointment. Every appointing authority shall provide such person with full and accurate information regarding the position, provided that the undesirable aspects of the job shall not be exaggerated.
- (b) When an eligible list is established, the Director of Human Resources shall notify every person on the list of the provision of subdivisions (a) and (c).
- (c) Any person who believes that a waiver has been sought or obtained in violation of the provisions of subdivision (a) may file a complaint with the Civil Service Commission. The complaint shall be in writing. It shall be received in the Commission office no later than 5:00 p.m. on the tenth working day following the date of the alleged violation.
- (d) A timely complaint shall be promptly investigated by the Executive Officer and considered by the Civil Service Commission as soon as feasible. If the Commission determines that a violation of the provisions of this rule has occurred, the Commission may refer the alleged violation to the appointing authority with a recommendation that a personnel action be undertaken or may refer the alleged violation to the District Attorney's Office for possible prosecution.

SECTION 7

METHOD OF FILLING VACANCIES

7.1 **VACANCIES - HOW FILLED**

- (a) Vacancies in the Civil Service shall be filled by transfer, reinstatement, demotion or from eligible persons certified by the Director from an eligible list established for the class, if available. If an eligible list is not available for the class to which the position belongs, appointment may be made from an eligible list considered by the Commission to be appropriate.
- (b) In the absence of a legal eligible list, a provisional appointment may be made in accordance with Rule 7.5.
- (c) For the filling of one vacancy, the appointment shall be made from among the eligible persons whose scores, at the time of certification, represent the three highest whole percentage score ranks on the list. If a special skill is needed for some but not all positions in a class, appointment may be made in accordance with Rule 7.9.

7.2 **NOTICE OF VACANCY**

Whenever an appointing authority desires to fill a Civil Service position, the Director shall be notified in writing. He or she shall advise the appointing authority as to the availability of employees for reemployment, and of eligible persons on eligible lists for the class.

7.3 **ORDER OF CERTIFICATION FROM ELIGIBLE LISTS**

If the position is not filled by any of the other authorized means as set forth in Rule 7.1, names shall be certified by the Director to the appointing authority in the following order:

- (a) Persons on a reemployment list.
- (b) Persons on a promotional eligible list
- (c) Persons on an open eligible list.

The names of persons available for appointment shall be certified from these lists successively in the order in which they appear on the list.

7.4 **REGULAR APPOINTMENT**

- (a) After interview and any investigation desired, the appointing authority shall make appointments from among those certified and shall immediately notify the Director of the person or persons appointed. If the eligible person fails to present himself/herself for duty at the time and place agreed upon, he or she shall be deemed to have declined the appointment.
- (b) It is intended that, except in those cases where a departmental reemployment list exists, the appointing power shall have the choice of any of the persons whose names appear in any of the three highest ranks on the eligible list. If less than three ranks are available, a regular appointment may be made from among those available. A provisional appointment may be approved by the Director only if there are less than three eligible persons available.

7.5 **PROVISIONAL APPOINTMENTS**

If less than three persons are available for appointment from the lists specified in 7.3, with the approval of the Director a provisional appointment may be made of a person meeting the employment standards for the class. The Director shall immediately proceed to establish a list of persons qualified by competitive examination and shall, without action on the part of the appointing authority, certify from the resulting list.

Provisional appointments shall terminate within twenty days after the date on which the eligible list is established.

7.6 **LIMITATION ON PROVISIONAL APPOINTMENTS**

- (a) Provisional appointments shall be held to a minimum and highest priority shall be given by the Director to establishing eligible lists in classes in which such appointments have been made.
- (b) The Director shall report to the Commission at least monthly, provisional appointments made during the preceding month and all other provisional appointments in effect, both permanent and temporary, including names of provisional appointees and date of last continuous appointment. The Director shall include in such reports specific plans for establishing eligible lists from which regular appointments can be made.
- (c) It shall be the Commission's policy that provisional appointments be permitted to run no longer than six (6) months. After January 1, 1975, no provisional appointment may be renewed except when approved otherwise by the Commission.
- (d) Time spent on a provisional appointment shall not constitute a part of the probationary period.

7.7 **OTHER TYPES OF APPOINTMENTS**

- (a) Temporary Appointments
Temporary appointments may be used to fill vacancies in positions which will not exceed one day less than six months, and which are not recurrent. Time spent under such appointment shall not constitute a part of the probationary period. Such appointments shall be made from appropriate eligible lists whenever possible. However, a refusal of an eligible person to accept appointment to a temporary position shall not affect his or her position on the list of eligibles.
- (b) Emergency Appointments
To meet the immediate requirements of an emergency condition, any department head or agency administrator may employ such persons as may be needed for the duration of the emergency without regard to these rules affecting appointments, except that no such appointees shall serve more than thirty (30) calendar days in any six-month period. As soon as possible, such appointments shall be reported by the appointing authority to the Director.
- (c) Reinstatement

Abolished. Superseded by Sacramento County Code 2.78.335.

(d) Transfer

Abolished. Superseded by Sacramento County Code 2.78.315.

(e) Intermittent Appointments

(1) In the County's interest a certification of eligible persons may be issued and appointments made where no permanent full-time position exists, but where funds are provided to maintain adequate coverage of work for short periods of time at frequent intervals, or where positions are of a recurring nature.

Intermittent appointments shall not exceed the full-time equivalent of nine (9) months employment in any calendar year.

(2) Such appointments shall be made from appropriate eligible lists whenever possible. Such appointments may be renewed within one year after separation from service and subsequent renewals may be made, provided the break in service does not exceed one year.

(3) Such certifications of eligible persons shall be made in the same manner as required for regular positions or in the absence of an eligible list, provisional appointments may be authorized in the same manner as described under Rule 7.5.

(4) Persons appointed under this rule shall not acquire permanent status.

(f) Limited Term Appointments

(1) Limited Term Appointments may be made from appropriate eligible lists to positions established in the Salary Ordinance to accomplish a specific project which is limited in its duration, but which will continue for a period in excess of six calendar months.

(2) Appointments to these positions will terminate when funding for the project is exhausted, unless sooner transferred under provisions of subsection (3) below.

(3) Persons appointed under this rule may, at the option of the County and with the approval of the Director, transfer to other positions in the same class within the County.

(4) With the exception of the limited duration of the appointment, incumbents in limited term appointments shall be entitled to the same rights, privileges and benefits as other county employees occupying permanent positions.

7.8 **DEMOTION**

Any employee with the approval of the appointing authority may request a voluntary demotion to a vacant position. Such demotion may be approved by the Director after investigation. If the class to which the demotion is proposed requires employment standards including knowledge or abilities not measured by the examination for the class from which demotion is proposed, the Director may examine the employee for possession

of these employment standards.

7.9 **SELECTIVE CERTIFICATION FOR SPECIAL SKILLS**

- (a) Notwithstanding any other provision of these rules, selective certification lists may be established and selective certification shall be initiated by the Director as provided in this rule in certifying names to an appointing authority from eligible lists.
- (b) If the Commission determines that a special skill is needed for less than all positions in a class, such special skill may be tested for on a pass-or-fail basis as a part of the examination for the class. If the special skill has been tested for as provided in this paragraph, an appointment to a vacancy in a position in the class which requires the special skill be may made from among the persons possessing the special skill who are available for appointment and whose scores at the time of certification represent the three highest ranks of those who possess the special skill.
- (c) Approval of Selective Certification for Class-Departmental Requests
 - (1) A department needing selective certification for special skills shall submit its request to the Commission through the Department of Human Resources. The Department of Human Resources will ensure that the principal tasks involved in the special skill requirement are adequately described prior to presentation to the Commission.
 - (2) The Commission must expressly approve use of selective certification for the special skill which is required in some, but not all, positions in a class. After the Commission has approved selective certification for a particular skill in a class, no further Commission action is required to apply the selective certification to positions in the class. The Commission approval and the principal tasks shall be included on the class specification.
 - (3) The special skill required must be included in the examination announcement and tested on a "pass-or-fail" basis as part of the examination process.
 - (4) The position for which selective certification is utilized must perform duties requiring the special skill involved. The department requesting selective certification must substantiate that the skill is a requirement of the position. The special duties involved must be defined specifically. The duties must cover the specific tasks which typically would be performed by persons selectively certified because of the special skill they possess. The department shall substantiate the need for such position request which is to be filled through selective certification by means of a separate position description for each position.
 - (5) Separate eligible lists will be established for each type of special skill approved for a class. The special eligible list will be identified by a class title with the special skill involved appearing in parenthesis following the title. The eligible persons on selective certification lists also shall be included on the regular list for the class.

- (6) Separate classes may be established in lieu of utilizing selective certification.
- (7) If a position is identified as requiring a special skill, and there is no list of persons possessing this special skill, a provisional appointment may be made. If there is little likelihood of making a provisional appointment because of lack of qualified persons, upon specific written request from the department setting forth the circumstances involved, the Director will certify the regular list for the class (without the special skill requirement). This will be done only in cases where the only other alternative is to leave the position vacant.

7.10 **MINORITY PREFERENCE APPOINTMENT**

Deleted 3/29/96.

7.11 **CERTIFICATION BASED ON GENDER**

- (a) Names on an eligible list shall be certified in the order in which they appear on such lists without regard to the gender of any eligible unless the position to be filled is one for which gender is a bona fide occupational qualification.
- (b) Whether gender is a bona fide occupational qualification for any position shall be determined by the Director of the Department of Human Resources in accordance with the requirements of applicable state and federal law.
- (c) The Director shall establish guidelines and procedures for identification of any position for which gender is a bona fide occupational qualification and for certification of names of eligibles on the basis of their gender for appointment to any such position.
- (d) The guidelines and procedures established by the Director shall provide for advance review of requests for certification limited to eligibles of only one gender and shall assure that a gender limited certification is not issued for any position unless the Director has first ascertained that gender is a bona fide occupational qualification for the position.
- (e) The Director shall maintain a record of all gender limited certifications which shall include a detailed statement of the specific facts that are the basis for issuance of each gender limited certification.
- (f) When the Director has ascertained that gender is a bona fide occupational qualification, the Director shall establish a separate eligible list of all persons identified as being of the gender specified. Certification shall be from the top three ranks of this separate eligible list. The eligible persons on the certification lists shall also be included on the regular list for the class.
- (g) If a position is identified as requiring certification based on gender and less than three persons of the gender required are available for appointment from the list specified in subsection (f), a provisional appointment may be made.

SECTION 8

PROBATIONARY PERIOD

8.1 **APPOINTMENTS SUBJECT TO PROBATIONARY PERIOD**

Appointments from open or promotional eligible lists to positions in the Civil Service shall be for a probationary period of six months, unless the Commission establishes a longer period on the basis of the cycle of work or because the duration of the required training is such that it is not possible to adequately evaluate performance within a six-month period.

The employee shall be deemed to have permanent status at the end of the shift which began on the last working day of the designated probationary period.

8.2 **PURPOSE OF PROBATIONARY PERIOD**

The probationary period shall be regarded as a part of the testing process and shall be utilized for observing closely the employee's work, for securing the most effective adjustment of a new employee to his or her position, and for releasing any probationer whose performance does not meet the required standards of work.

8.3 **RELEASE OF PROBATIONER**

During the probationary period, an employee may be released at any time in accordance with the requirements of Section 12 of these rules.

8.4 **RELEASE FOLLOWING PROMOTION OR TRANSFER**. Deleted effective 6/85.

8.5 **EXTENSION OF PROBATIONARY PERIOD**

- A. When an employee with probationary status is authorized paid leave, a leave of absence without pay, or a combination of paid leave and leave of absence without pay of more than 30 consecutive calendar days, the probationary period shall be extended for that employee by the number of consecutive calendar days of such absence that are in excess of 30 days.
- B. If an employee with probationary status has a temporary medical condition which may result in the employee occupying a light duty assignment in excess of 30 calendar days, and if the appointing authority authorizes for such employee a light duty assignment which does not contain the essential duties necessary for adequately evaluating the performance of a probationary employee but which the employee is capable of performing based upon medical evaluation, then the probationary period shall be extended as if the employee were on paid or unpaid leave pursuant to Subsection (A) above, notwithstanding the employee performing the light duty assignment. The appointing authority shall notify the employee and the Director of Human Resources in writing of the effective date of the light duty assignment and the applicability of this rule. The appointing authority shall also notify the employee and the Director of Human Resources in writing of the termination date of the light duty assignment when such termination date becomes known.

SECTION 9

PERFORMANCE EVALUATION

9.1 **PERFORMANCE REPORTS.**

Abolished. Superseded by County Executive Policy Memoranda, pursuant to Sacramento County Charter Section 71-C.

SECTION 9

APPEALS OTHER THAN DISCIPLINARY

9.1 **APPEALS FROM MEDICAL DISQUALIFICATIONS**

Appeals to the Commission from medical disqualification shall be governed by Rule 4.8.

9.2 **APPEALS FROM PSYCHOLOGICAL DISQUALIFICATION OF APPLICANTS FOR PEACE OFFICER POSITIONS**

Appeals to the Commission from psychological disqualification of applicants for peace officer positions shall be governed by Rule 4.9.

9.3 **APPEALS FROM NON-DISCIPLINARY ACTIONS**

- (a) Except as provided in Rules 9.1, 9.2, 9.4, 11 and 12, all appeals to the Commission shall be governed by this Rule.
- (b) Unless an action is specifically made appealable to the Commission by these Rules, the Commission shall have no jurisdiction to consider the matter.
- (c) Any appeal filed pursuant to this Rule shall be accompanied by a written statement setting forth the nature of the action being appealed, the relevant circumstances surrounding the action, and the nature of the relief sought by the appellant. The appellant may appear before the Commission in the presentation of the appeal, and oral arguments may be permitted within limits prescribed by the Commission.
- (d) Upon receipt of a timely appeal, the Commission shall cause to be made such investigation as it deems necessary to determine the facts in each case. It may then take the matter under submission to allow time for a full and careful consideration of all facts and circumstances. Within a reasonable time thereafter, it shall take such action or direct that such action be taken as will, in its judgment, provide a legal, fair and equitable remedy.

9.4 **APPEALS FROM PRE-EMPLOYMENT ALCOHOL AND/OR DRUG TESTS PURSUANT TO COUNTY POLICIES B-7 AND J-7 AND FEDERAL REGULATION 49 CFR PART 40**

Appeals to the Commission from disqualification pursuant to County Policies B-7 and J-7 and Federal Regulation 49 CFR Part 40 shall be governed by Rule 4.11.

SECTION 10

SEPARATION FROM THE SERVICE

- 10.1 **LAYOFF** Abolished. Superseded by Sacramento County Code Section 2.78.815.
- 10.2 **RESIGNATION** Abolished. Superseded by Sacramento County Code Section 2.78.830.
- 10.3 **DISMISSAL** Deleted 3/29/96.
- 10.11 **TRANSFER OF MEDICAL CENTER EMPLOYEES TO UNIVERSITY OF CALIFORNIA**

The provisions of this rule apply to incumbents of positions which on 1/1/73 are in a subordinate relationship to the Hospital Administrator or assigned to the Sacramento Medical Center hospital building or boiler plant in a subordinate relationship to the Director of Public Works, the classification for which are specified in that document entitled "Classifications Assigned to Sacramento Medical Center" dated 7/14/72, or any classification which may supersede any such classification. Said document is attached hereto and by this reference incorporated herein the same as if set forth at length.

Notwithstanding any other provision contained in the Civil Service Rules to the contrary, the following regulations shall be applicable to such incumbents:

- (a) In the event of the abolition of any of the positions held by such incumbent effective on and after 7/1/73, pursuant to the transfer of the Sacramento Medical Center to the University of California, the following incumbents shall be laid off:

Any person who does not on or before 3/31/73 file with the Director a written declaration of his or her intention to remain an employee of the County subsequent to 6/30/73, pursuant to that option afforded County employees to remain in County employment under the agreement between the County and the University providing for the transfer of the Medical Center. The Director shall, not later than 2/1/73, issue to each employee affected by this rule written notice thereof which shall include: a form, the execution and filing of which shall constitute an election to remain a County employee; and instructions informing employees how to file the executed form.

- (b) If subsequent to 6/30/73 it should become necessary to reduce the number of County employees assigned to the Medical Center by layoff, layoff lists specifying the order shall be prepared by the University. The order of layoff as between and among County employees and employees of the University in the same or substantially similar classifications shall be as determined under any applicable regulations of the University; provided that such regulations shall not discriminate in favor of University employees or against County employees on the basis of the identity of the employer, and to the extent seniority is a factor under University regulations in determining the order, the length of service of County employees shall be accorded the same stature as the length of service of University employees. Any County employee who contends that his or her rights under this subdivision of this rule have been violated may appeal the matter to the Commission by filing a written notice which specifies in detail the alleged violations not later than seven (7) calendar days after he or she has been given written notice by the University that he or she will be laid off.

SECTION 11

SUSPENSIONS, DEMOTIONS, REMOVALS AND HEARINGS

11.1 **DEFINITIONS**

As used herein: "disciplinary action" or "action" means reduction of pay step in class, suspension, demotion, or dismissal; "employee" means an employee with permanent civil service status; and "appellant" refers to an employee who has filed an appeal from disciplinary action as provided in Rule 11.6.

11.2 **PERSONS AUTHORIZED TO SIGN AN ORDER OF DISCIPLINARY ACTION**

An order of disciplinary action against an employee may be signed by the employee's appointing authority or any person who is authorized by the appointing authority to sign disciplinary actions.

11.3 **EFFECTIVE DATE OF DISCIPLINARY ORDER**

In all cases involving a disciplinary action, a written order of disciplinary action shall be filed with the Civil Service Commission. A copy of the order shall be served upon the employee not later than 15 calendar days after the effective date of the disciplinary action. Service shall be either personally, or by registered mail, return-receipt requested, signed by the employee, or shall be served as provided in Rule 11.6(b).

The order shall be approved as to form by the County Counsel and shall include:

- (a) a statement indicating the disciplinary action imposed;
- (b) the effective date of the disciplinary action;
- (c) a statement in ordinary and concise language of the specific facts upon which the disciplinary action is based; and
- (d) a statement advising the employee of the right to appeal from the action and of the manner and time within which an appeal may be filed.

The disciplinary action shall be effective on the date and at the time specified in the order of disciplinary action filed with the Commission, provided notice is served as specified in this section.

11.4 **CAUSES FOR DISCIPLINARY ACTION**

No disciplinary action shall be taken without good cause. "Good cause" is defined as any facts which, based on relevant circumstances, may be reasonably relied on by the appointing authority in the exercise of reasonable discretion as a basis for disciplinary action. "Good cause" includes, but is not limited to:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.

- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Drunkenness on duty.
- (h) Addiction to the use of narcotics or habit-forming drugs.
- (i) Inexcusable absence without leave.
- (j) Conviction of a felony or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his or her position. A plea of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
- (k) Discourteous treatment of the public or other employees.
- (l) Political activity prohibited by state or federal law.
- (m) Willful disobedience.
- (n) Violation of any of the prohibitions set forth in Section 71 of the Sacramento County Charter.
- (o) Refusal to take and sign any oath or affirmation which is a federal, state or county requirement.
- (p) Any failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to his or her agency or his or her employment.
- (q) Failure to possess or keep in effect any license, certificate or other similar requirement specified in the employee's class specification.
- (r) Any violation of Rule 6.6(a) which prohibits the solicitation of waivers.
- (s) Failure to pay a service fee, or a contribution required in lieu of a service fee, pursuant to an agency shop provision in a labor agreement between the County and a recognized employee organization, where the disciplinary action in question is provided for in such agreement.

11.5 **CAUSES FOR TERMINATION OF EMPLOYMENT OR REDUCTION IN RANK DUE TO PHYSICAL OR MENTAL DISABILITY**

For non-disciplinary reasons, an employee's employment may be terminated or an employee may be reduced in rank because of physical or mental disability which disability precludes the employee from the proper performance of the essential duties of his or her job. Any such action shall be subject to the same provisions of these rules as are applicable to actions taken pursuant to Rule 11.4.

11.6 **APPEAL**

- (a) The employee may, within fifteen calendar days after receiving the order of disciplinary action, appeal to the Civil Service Commission from such order by filing with the Commission a written notice of appeal which shall be signed by the employee or the employee's representative.
- (b) Upon a determination by the Commission that the employee cannot effectively be served as provided in Rule 11.3, the Commission may authorize service of the order by mail to an address or addresses approved by the Commission. Such service shall be effective on, and the 15-day appeal period shall start on, the

date the order is mailed to the address approved by the Commission. In any such case, service shall be deemed complete on the date of mailing.

- (c) The appointing authority shall be promptly provided with a copy of the employee's notice of appeal.
- (d) An employee who files a notice of appeal as provided in Rule 11.6(a) shall be entitled to a hearing.

11.6 **FAILURE TO FILE APPEAL NOTICE**

If the employee who has been served with an order of disciplinary action fails to file a notice of appeal within the time specified in Rule 11.6, the disciplinary action shall become final without further action by the Civil Service Commission.

11.7 **HEARING BY HEARING OFFICER**

The hearing on the appeal shall be conducted by a hearing officer. If more than one hearing officer is available, the presiding hearing officer shall assign appeals for hearing.

11.8 **AMENDED OR SUPPLEMENTAL ORDER**

At any time after a hearing has commenced and prior to the time the appeal is submitted to a hearing officer for decision, the appointing authority may, with the consent of the hearing officer, serve on the employee and file with the Commission an amended or supplemental order of disciplinary action. Consent is not required for an amended or supplemental order filed prior to commencement of the hearing.

If the amended or supplemental order presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense thereto. Any new causes or allegations shall be deemed denied and any objections to the amended or supplemental causes or allegations may be made orally at the hearing.

11.9 **TIMING AND CONDUCT OF HEARING**

- (a) The hearing shall be held at the earliest administratively convenient date, taking into consideration the availability of a hearing officer and the availability of counsel and witnesses. Notice of the date set for hearing shall be mailed to the parties at least ten calendar days prior to the hearing date. The employee shall be entitled to appear personally, produce evidence, and have counsel and a public hearing. The appointing authority may also be represented by counsel. At the hearing, the appointing authority shall have the burden of going forward first with evidence in support of the allegations contained in the order of disciplinary action and shall have the burden of establishing the facts by a preponderance of the evidence. The hearing officer may administer oaths and take official notice of facts as authorized by law.
- (b) Oral evidence shall be taken only on oath or affirmation.
- (c) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the

issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the appellant does not testify in his or her own behalf he or she may be called and examined as if under cross-examination.

- (d) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

11.10 **MAXIMUM PERIOD OF SUSPENSION**

Any suspension invoked under these rules against any one person in the civil service for one or more periods shall not aggregate more than ninety calendar days in any twelve month period; except in cases in which disciplinary action of dismissal is modified by the Civil Service Commission to a suspension or by agreement between the parties.

11.11 **PROPOSED DECISION; PRIOR DISCIPLINARY ACTIONS; FORM AND CONTENT OF DECISION; DELIVERY OF COPY TO PARTY**

- (a) Following the hearing, the hearing officer shall promptly prepare and submit to the Commission a proposed decision in such form that it may be adopted by the Commission as the decision in the case. The proposed decision shall contain and be limited to specific factual findings relating to the facts alleged in the disciplinary order and any facts asserted by the appellant for purposes of defense or mitigation, a determination of legal issues, if any, a determination of whether the facts found constitute good cause for discipline, a determination of what discipline is appropriate in light of all relevant facts and circumstances, and an order that affirms, modifies or sets aside the order of disciplinary action imposed by the appointing authority.
- (b) A copy of the proposed decision shall be furnished to each party within ten calendar days after the proposed decision is received by the Commission's executive officer.
- (c) Prior to any action as provided in subdivision (d) below, the proposed decision shall be scheduled for consideration by the Commission. Not less than five calendar days prior to the date the matter is scheduled, notice shall be mailed to the parties informing them of the time and date on which the matter is scheduled.
 - (1) Oral argument may be presented to the Commission relating to a

- proposed decision. However, the Commission shall not accept testimony or any other evidence.
- (2) Except as otherwise provided in subdivision (3), oral argument shall be limited to the content of the proposed decision itself and shall not relate to evidentiary, procedural or legal issues raised or which could have been raised in the hearing before the hearing officer including, but not limited to, descriptions of evidence accepted or rejected by the hearing officer, weight of the evidence or credibility of any witness.
 - (3) The Commission shall also receive such oral argument as may be offered by either party regarding whether, notwithstanding due diligence, a party was prejudiced due to the unavailability of testimony, or other evidence, which could have substantially affected the hearing officer's determination of any material factual issue involved in the appeal.
 - (4) The Commission shall not receive written argument unless a majority of the Commission votes to receive such argument. If the Commission votes to receive written argument, such argument shall be limited in the same manner as is provided in subdivisions (2) and (3) in relation to oral argument.
 - (5) If oral or written argument is submitted to the Commission which is not authorized as provided in this subdivision, the Commission shall disregard such argument.
 - (6) After argument has been presented or there has been an opportunity to present argument as provided in Rule 11.12(c), any member of the Commission may request that the Commission's deliberations relating to the proposed decision be conducted with only Commission members present. If there is no objection from the appellant or the appointing authority, and at least a majority of members concur, the Commission shall conduct its deliberations with no person other than Commission members present. Upon completion of such deliberations, the Commission shall return to public or closed meeting, whichever is applicable, and the Commission's vote shall be taken in relation to the proposed decision.
 - (7) Prior to adoption of a proposed decision, the Commission shall not change any factual finding, but may change non factual determinations and/or the order as appropriate in connection with an action pursuant to (d)(3) or (d)(4) below; provided, that any such change shall be consistent with the factual findings.
- (d) Upon receipt of a proposed decision, the Commission may:
- (1) adopt the proposed decision in its entirety;
 - (2) refer the proposed decision back to the hearing officer with a request for clarification of any part of the proposed decision. If the proposed decision is not referred back the Commission shall act as provided elsewhere in this rule. If the proposed decision is referred back, upon receipt of the requested clarification, the Commission shall then act as provided

elsewhere in this rule.

- (3) reduce the disciplinary action set forth therein and adopt the balance of the proposed decision;
 - (4) reject a proposed reduction in disciplinary action, approve the disciplinary action originally imposed or any lesser disciplinary action, and adopt the balance of the proposed decision; or
 - (5) reject the proposed decision in its entirety.
- (e) The Commission shall reject a proposed decision in its entirety only if the Commission finds: (i) that a party, notwithstanding due diligence, was prejudiced due to the unavailability of testimony, or other evidence, which could have substantially affected the hearing officer's determination of any material factual issue involved in the appeal; or (ii) that the proposed decision is deficient on its face. As used in this subdivision, "deficient on its face" means omissions or other inadequacies in factual findings, and/or issue determinations, apparent from the content of the proposed decision itself, which raise substantial questions regarding their adequacy as a basis for the order contained in the proposed decision or possible bias on the part of the hearing officer.

If the Commission rejects the proposed decision in its entirety, each party shall be notified of such action and the Commission shall refer the case to the same, or another hearing officer for an appropriate hearing.

If the case is so assigned to a hearing officer, he or she shall prepare a second proposed decision as provided in subdivision (c) which shall be processed in the same manner as provided herein for a first proposed decision.

- (f) In arriving at a decision or a proposed decision on the propriety of the disciplinary action imposed, the Commission or the hearing officer may consider the records of any prior disciplinary action against the employee under these rules in which a disciplinary action was not vacated on appeal and any records contained in the employee's personnel files if such records were introduced into evidence at the hearing.
- (g) The decision of the Commission shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The findings may be stated in the language of the order of disciplinary action or by reference thereto.

11.12 **PROCESSING OF DECISION; FINALITY**

- (a) The decision of the Civil Service Commission shall be delivered to the appointing authority and shall forthwith be enforced and followed. A copy of the decision shall be delivered to the appellant or the appellant's representative personally or by registered or certified mail, accompanied by a copy of Chapter 1.06 of the County Code relating to the appellant's right to judicial review.
- (b) The decision of the Commission shall be final, subject only to judicial review.

11.13 **COMMUNICATIONS WITH COMMISSION MEMBERS REGARDING APPEALS**

No person shall communicate with any member or members of the Commission regarding any anticipated or currently pending appeal from disciplinary action except to the extent authorized by, and subject to the limitations specified in, these Rules during a regular or special meeting of the Commission while the appeal is under consideration by the Commission.

11.14 **DISCOVERY**

- (a) Permissible discovery. Pursuant to the procedure set forth in subsection (c) below, any party may obtain the following information in the hands of or which may reasonably be obtained by the responding party or the responding party's representative: (As used herein, "responding party" shall mean the person of whom the information is requested.)
- (1) Those allegations in the order of disciplinary action which are admitted by the employee and those allegations in the order of disciplinary action which are denied by the employee.
 - (2) The name, address and telephone number of each witness whom the responding party intends to call to testify at the hearing.
 - (3) Copies of statements by any person whom the responding party intends to call as a witness.
 - (4) All writing relevant to the issues involved in the appeal including but not limited to reports of mental, physical and blood examinations which the responding party intends to introduce into evidence. "Writing" as used herein shall have the meaning defined in Evidence Code Section 250 which states:

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof."
 - (5) A statement specifically defining the issues in dispute.
 - (6) The foregoing does not apply to witnesses or exhibits used for impeachment or rebuttal.
- (b) Confidential or privileged matter. If the responding party determines that the writing or other material requested is confidential or privileged, the response to the discovery request shall specifically so state, and shall set forth in detail the grounds upon which confidentiality or privilege is claimed.

If the requesting party disputes the claim of privilege or confidentiality, the hearing officer sitting for the Commission shall resolve the claim. In resolving the claim, the hearing officer may order that the writing or other material be deposited with the hearing officer in a sealed container. In ruling on such claims, the hearing officer may grant or deny the claim of confidentiality or privilege in whole or in part.

If the hearing officer determines that the material is confidential, but limited

disclosure is necessary, the hearing officer may impose conditions upon the use or disclosure of the item by the requesting party.

If the hearing officer determines that the material requested is subject to an evidentiary privilege, the decision regarding disclosure of the matter shall be strictly governed by the provisions of the Evidence Code.

(c) Procedure for discovery.

- (1) Personal service. At any time after the Executive Officer of the Civil Service Commission sets a hearing date for an appeal, but in no event later than thirty calendar days before the date set for such hearing, any party may personally serve a written request upon the responding party, or his or her representative of record, for any or all of the information set forth in subsection (a) above.
- (2) Service by mail. At any time after the Executive Officer of the Civil Service Commission sets a hearing date for an appeal, but in no event later than thirty-five calendar days before the date set for such hearing, any party may serve, by first-class mail, a written request upon the responding party, or his or her representative of record, for any or all of the information set forth in subsection (a) above. The effective date of service shall be the date of the postmark.
- (3) Response. Within twenty calendar days of receiving the request mentioned in (1) and (2) above, the responding party shall prepare and serve a response to the request. Such response shall be served upon the requesting party, or his or her representative of record, by the same means as service of the request was made.
- (4) Request to be deemed continuing request. The discovery request is a continuing request, which requires a continuous response. Where new or additional information becomes available to the responding party, such information shall forthwith be furnished to the requesting party, or his or her representative of record.
- (5) Negative response. In the event the responding party does not have an item of the information requested, the responding party shall give a written negative response as to that particular item within the time specified for response, but shall respond fully as to the information which the responding party does possess. The responding party shall comply with (4) above after such negative response.
- (6) Disputes. Any dispute between parties regarding discovery shall be resolved by the hearing officer.
- (7) Penalties for failure to comply. The hearing officer shall impose penalties for failure to comply with this subsection. These penalties shall be based upon the seriousness of the failure to comply, the good or bad faith of the noncomplying party, and the extent to which the noncompliance results in surprise to the requesting party and handicaps the requesting party in preparing the case. The following penalties may be imposed:

- (1) Exclusion of evidence;
- (2) Continuing the hearing at any stage; or
- (3) Upon proof of a willful or repeated violation, the hearing officer shall determine the issue against the noncomplying party.

11.15 **SUBPOENAS**

- (a) Before the hearing has commenced, or during the hearing, the assigned hearing officer shall have the power to issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing.
- (b) No subpoena duces tecum shall be issued unless the requesting party shall have complied with the requirements of Code of Civil Procedure Section 1985 regarding affidavits or declarations in support of the subpoena duces tecum.
- (c) All non-party witnesses appearing pursuant to subpoena, shall be entitled to receive witness fees and mileage allowance from the party requesting the subpoena, if demanded, as specified by state law for a witness in civil actions.
- (d) Nothing herein shall authorize the issuance of a subpoena or subpoena duces tecum in cases provided for by Sections 68097.1 to 68097.10, inclusive, of the Government Code (or successor, amended or renumbered sections) unless the required payment or deposit has been made.
- (e) Any action to quash a subpoena shall be taken in the Superior Court, County of Sacramento.

11.16 **CONTEMPT**

If any person in proceedings before the hearing officer disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness, or thereafter refuses to be examined, or is guilty of misconduct during a hearing, the hearing officer shall certify the facts to the Superior Court in and for the County of Sacramento. In such a case, the procedures specified in Government Code Section 11525 (or successor, amended or renumbered section) shall be utilized by the parties and the court.

SECTION 12
LEAVE WITHOUT PAY

Abolished. Superseded by Sacramento County Code 2.78.765.

SECTION 12

RELEASE OF PROBATIONARY EMPLOYEES

12.1 **DEFINITIONS**

As used herein: "release" means the action as provided in these Rules by or on behalf of an appointing authority by which a probationary employee's probationary status in a class is terminated and the employee's employment in that class as a probationary employee is terminated prior to expiration of the probationary period for the class; "employee" means an employee with probationary civil service status in a class; and "appellant" refers to an employee who has filed an appeal from release as provided in Rule 12.6.

12.2 **PERSONS AUTHORIZED TO SIGN A NOTICE OF RELEASE**

A notice of release may be signed by the employee's appointing authority or any person who is authorized by the appointing authority to sign such a notice.

12.3 **EFFECTIVE DATE OF RELEASE**

The release of a probationary employee shall be effective on the date and at the time specified in the notice of release. The employee's probationary status in the class from which he or she is released shall terminate at the date and time specified in the notice.

12.4 **RELEASE FOLLOWING PROMOTION OR TRANSFER**

Any employee released during the probationary period following promotion or transfer from a position in which he or she held permanent civil service status shall be reinstated at his or her former salary step to the class in which he or she held permanent status immediately prior to being promoted or transferred, unless the reasons for the release would be cause for dismissal from County service, pursuant to Section 11 of these Rules. In such case the appropriate procedures under Section 11 shall be applicable.

12.5 **NOTICE REQUIRED**

In all cases involving release of a probationary employee, written notice of release shall be furnished to the employee. A copy of the notice of release shall be filed with the Civil Service Commission.

The notice of release shall be served upon the employee either personally, or by registered or certified mail, return receipt requested, signed by the employee or shall be served as provided in Rule 12.6(b).

The notice of release shall be approved as to form by the County Counsel and shall include:

- (a) A statement informing the employee of release from the class during the probationary period;
- (b) The date and time at which the release is effective;
- (c) If applicable, a statement of the employee's right to return to the class from which he or she was promoted as provided in Rule 12.4;
- (d) A statement advising the employee of the right to appeal on the grounds specified in Rule 12.6 and of the manner and time in which an appeal may be

filed.

12.6 **APPEAL; STATEMENT OF FACTS**

- (a) An employee released during the probationary period may appeal such release only upon grounds of discrimination based on race, color, religion, sex, national origin, political belief, age, physical handicap or mental handicap. An appeal shall be in writing, signed by the employee or the employee's representative and shall be filed with the Civil Service Commission within 15 calendar days after receiving the notice of release. Within 30 calendar days after filing an appeal, the appellant shall file with the Civil Service Commission a written statement of facts which sets forth in ordinary and concise language all the specific facts upon which the discrimination claim is based.
- (b) Upon a determination by the Commission that an employee cannot effectively be served as provided in Rule 12.5, the Commission may authorize service of the notice of release by mail to an address or addresses approved by the Commission. Such service shall be effective on, and the 15-day appeal period shall start on, the date the notice is mailed to the address approved by the Commission. In any such case, service shall be deemed complete on the date of mailing.
- (c) The appointing authority shall be promptly provided with a copy of the employee's notice of appeal and a copy of the employee's statement of facts.
- (d) An employee who files a notice of appeal as provided in Rule 12.6(a) shall be entitled to a hearing.

12.7 **FAILURE TO FILE APPEAL NOTICE**

If an employee served with a notice of release fails to file a notice of appeal within the time specified in Rule 12.6(a), the release shall become final without further action by the Civil Service Commission.

12.8 **HEARING BY HEARING OFFICER**

The hearing on the appeal shall be conducted by a hearing officer. If more than one hearing officer is available, the presiding hearing officer shall assign appeals for hearing.

12.9 **AMENDED OR SUPPLEMENTAL STATEMENT OF FACTS**

At any time after a hearing has commenced and prior to the time the appeal is submitted to a hearing officer for a decision, the employee may, with the consent of the hearing officer, serve on the appointing authority and file with the Commission an amended or supplemental statement of facts. Consent is not required for an amended or supplemental statement of facts filed prior to commencement of the hearing. If the amended or supplemental statement of facts presents new claims or allegations, the appointing authority shall be afforded a reasonable opportunity to prepare a defense thereto. Any new claims or allegations shall be deemed denied and any objections to the amended or supplemental claims or allegations may be made orally at the meeting.

12.10 **TIMING AND CONDUCT OF HEARING**

- (a) The hearing shall be held at the earliest administratively convenient date, taking

into consideration the availability of a hearing officer and the availability of counsel and witnesses. Notice of the date set for hearing shall be mailed to the parties at least ten days prior to the hearing date. The employee shall be entitled to appear personally, produce evidence, and have counsel and a public hearing. The appointing authority may also be represented by counsel. At the hearing, the employee shall have the burden of going forward first with evidence in support of the grounds for appeal specified in the employee's statement of facts and shall have the burden of establishing the facts by a preponderance of the evidence. The hearing officer may administer oaths and take official notice of facts as authorized by law.

- (b) Oral evidence shall be taken only on oath or affirmation.
- (c) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the appellant does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.
- (d) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

12.11 **PROPOSED DECISION; FORM AND CONTENT OF DECISION; DELIVERY OF COPY TO PARTY**

- (a) Following the hearing, the hearing officer shall promptly prepare and submit to the Commission a proposed decision in such form that it may be adopted by the Commission as the decision in the case. The proposed decision shall contain and be limited to specific factual findings relating to the facts asserted by the appellant in support of the appeal and any facts asserted by the appointing authority in defense thereto, a determination of whether any ground or grounds for the appeal specified in Rule 12.6(a) have been established, and an order that either affirms the release or grants relief within the scope of the Commission's jurisdiction as set forth below in subdivision (b) of this rule.
- (b) Except as otherwise provided in this subdivision, an order granting relief shall require that the appellant has a right to be returned on a specific date to a position in the class occupied by the appellant at the time of release with retroactive back pay and benefits, subject to such offsets as may be authorized by law, and that the appellant shall be retroactively credited with continuous

service toward completion of the probationary period. If the date on which, but for the release of the appellant, the appellant would have attained permanent status in the class has already passed, the appellant shall be deemed to have attained permanent status in the class for all purposes as of that date. If that date has not passed prior to the return date specified in the order, the appellant shall be required to serve the remainder of the probationary period prior to attaining permanent status.

Notwithstanding the foregoing, an order granting relief may be modified to reduce or eliminate the retroactive effect of the order if the parties have stipulated to such modification, or if the hearing officer or the Commission finds that the hearing of the appeal has been delayed or postponed at the request of the appellant or the appellant's representative, or that delay in the hearing has been caused by the appellant or the appellant's representative.

- (c) A copy of the proposed decision shall be furnished to each party within ten calendar days after the proposed decision is received by the Commission's executive officer.
- (d) Prior to any action as provided in subdivision (e) below, the proposed decision shall be scheduled for consideration by the Commission. Not less than five calendar days prior to the date the matter is scheduled, notice shall be mailed to the parties informing them of the time and date on which the matter is scheduled.
 - (1) Oral argument may be presented to the Commission relating to a proposed decision. However, the Commission shall not accept testimony or any other evidence.
 - (2) Except as otherwise provided in subdivision (3), oral argument shall be limited to the content of the proposed decision itself and shall not relate to evidentiary, procedural or legal issues raised or which could have been raised in the hearing before the hearing officer including, but not limited to, descriptions of evidence accepted or rejected by the hearing officer, weight of the evidence or credibility of any witness.
 - (3) The Commission shall also receive such oral argument as may be offered by either party regarding whether, notwithstanding due diligence, a party was prejudiced due to the unavailability of testimony, or other evidence, which could have substantially affected the hearing officer's determination of any material factual issue involved in the appeal.
 - (4) The Commission shall receive written argument only if a majority of the Commission votes to receive such argument. If the Commission votes to receive written argument, such argument shall be limited in the same manner as is provided in subdivisions (2) and (3) in relation to oral argument.
 - (5) The Commission shall disregard any oral or written argument submitted to the Commission which is not authorized as provided in this subdivision.
 - (6) After argument has been presented or there has been an opportunity to

present argument as provided in Rule 11.12(c), any member of the Commission may request that the Commission's deliberations relating to the proposed decision be conducted with only Commission members present. If there is no objection from the appellant or the appointing authority, and at least a majority of members concur, the Commission shall conduct its deliberations with no person other than Commission members present. Upon completion of such deliberations, the Commission shall return to public or closed meeting, whichever is applicable, and the Commission's vote shall be taken in relation to the proposed decision.

- (7) Prior to adoption of a proposed decision, the Commission shall not change any factual finding, but may change non factual determinations and/or the order as appropriate in connection with an action pursuant to subdivision (b) above; provided, that any such change shall be consistent with the factual findings.
- (e) Upon receipt of a proposed decision, the Commission may:
- (1) Adopt the proposed decision in its entirety.
 - (2) Refer the proposed decision back to the hearing officer with a request for clarification of any part of the proposed decision. If the proposed decision is not referred back the Commission shall act as provided elsewhere in this rule. If the proposed decision is referred back, upon receipt of the requested clarification, the Commission shall then act as provided elsewhere in this rule.
 - (3) If the order in the proposed decision grants relief, the Commission may modify the order in accordance with the provisions contained in subdivision (b) of this rule.
 - (4) Reject the proposed decision in its entirety.
- (f) The Commission shall reject a proposed decision in its entirety only if the Commission finds: (i) that a party, notwithstanding due diligence, was prejudiced due to the unavailability of testimony, or other evidence, which could have substantially affected the hearing officer's determination of any material factual issue involved in the appeal; or (ii) that the proposed decision is deficient on its face. As used in this subdivision, "deficient on its face" means omissions or other inadequacies in factual findings, and/or issue determinations, apparent from the content of the proposed decision itself, which raise substantial questions regarding their adequacy as a basis for the order contained in the proposed decision or possible bias on the part of the hearing officer.
- If the Commission rejects the proposed decision in its entirety, each party shall be notified of such action and the Commission shall refer the case to the same, or another hearing officer for an appropriate hearing. If the case is so assigned to a hearing officer, he or she shall prepare a second proposed decision as provided in subdivision (c) which shall be processed in the same manner as provided herein for a first proposed decision.
- (g) The decision of the Commission shall be in writing and shall contain findings of

fact and an order that either denies the appeal or grants relief in accordance with this Rule.

12.12 **PROCESSING OF DECISION; FINALITY**

- (a) The decision of the Civil Service Commission shall be delivered to the appointing authority and shall forthwith be enforced and followed. A copy of the decision shall be delivered to the appellant or the appellant's representative personally or by registered or certified mail accompanied by a copy of Chapter 1.06 of the County Code relating to the appellant's right to judicial review.
- (b) The decision of the Commission shall be final, subject only to judicial review.

12.13 **COMMUNICATIONS WITH COMMISSION MEMBERS REGARDING APPEALS**

No person shall communicate with any member or members of the Commission regarding any anticipated or currently pending appeal from release during probation except to the extent authorized by, and subject to the limitations specified in, these Rules during a regular or special meeting of the Commission while the appeal is under consideration by the Commission.

12.14 **DISCOVERY**

- (a) Permissible discovery. Pursuant to the procedure set forth in Subsection (c) below, any party may obtain the following information in the hands of or which may reasonably be obtained by the responding party or the responding party's representative (As used herein, "responding party" shall mean the person of whom the information is requested.):
 - (1) Those allegations in the appellant's statement of facts which are admitted by the appointing authority and those allegations in the appellant's statement of facts which are denied by the appointing authority;
 - (2) The name, address and telephone number of each witness whom the responding party intends to call to testify at the hearing;
 - (3) Copies of statements by any person whom the responding party intends to call as a witness;
 - (4) All writing relevant to the issues involved in the appeal including but not limited to reports of mental, physical and blood examinations which the responding party intends to introduce into evidence. "Writings" as used herein shall have the meaning defined in Evidence Code Section 250 which states:

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof."
 - (5) A statement specifically defining the issues in dispute
 - (6) The foregoing does not apply to witnesses or exhibits used for impeachment or rebuttal.
- (b) Confidential or privileged matter. If the responding party determines that the

writing or other material requested is confidential or privileged, the response to the discovery request shall specifically so state, and shall set forth in detail the grounds upon which confidentiality or privilege is claimed.

If the requesting party disputes the claim of privilege or confidentiality, the hearing officer sitting for the Commission shall resolve the claim. In resolving the claim, the hearing officer may order that the writing or other material be deposited with the hearing officer in a sealed container. In ruling on such claims, the hearing officer may grant or deny the claim of confidentiality or privilege in whole or in part.

If the hearing officer determines that the material is confidential, but limited disclosure is necessary, the hearing officer may impose conditions upon the use or disclosure of the item by the requesting party.

If the hearing officer determines that the material requested is subject to an evidentiary privilege, the decision regarding disclosure of the matter shall be strictly governed by the provisions of the Evidence Code.

(c) Procedure for discovery.

- (1) Personal service. At any time after the Executive Officer of the Civil Service Commission sets a hearing date for an appeal, but in no event later than thirty calendar days before the date set for such hearing, any party may personally serve a written request upon the responding party, or his or her representative of record, for any or all of the information set forth in Subsection (a) above.
- (2) Service by mail. At any time after the Executive Officer of the Civil Service Commission sets a hearing date for an appeal, but in no event later than thirty-five calendar days before the date set for such hearing, any party may serve, by first-class mail, a written request upon the responding party, or his or her representative of record, for any or all of the information set forth in Subsection (a) above. The effective date of service shall be the date of the postmark.
- (3) Response. Within twenty calendar days of receiving the request mentioned in (1) and (2) above, the responding party shall prepare and serve a response to the request. Such response shall be served upon the requesting party, or his or her representative of record, by the same means as service of the request was made.
- (4) Request to be deemed continuing request. The discovery request is a continuing request, which requires a continuous response. Where new or additional information becomes available to the responding party, such information shall forthwith be furnished to the requesting party, or his or her representative of record.
- (5) Negative response. In the event the responding party does not have an item of the information requested, the responding party shall give a written negative response as to that particular item within the time specified for response, but shall respond fully as to the information which

the responding party does possess. The responding party shall comply with (4) above after such negative response.

- (6) Disputes. Any dispute between parties regarding discovery shall be resolved by the hearing officer.
- (7) Penalties for failure to comply. The hearing officer shall impose penalties for failure to comply with this subsection. These penalties shall be based upon the seriousness of the failure to comply, the good or bad faith of the noncomplying party, and the extent to which the noncompliance results in surprise to the requesting party and handicaps the requesting party in preparing the case. The following penalties may be imposed:
 - (1) Exclusion of evidence;
 - (2) Continuing the hearing at any stage; or
 - (3) Upon proof of a willful or repeated violation, the hearing officer shall determine the issue against the noncomplying party.

12.15 **SUBPOENAS**

- (a) Before the hearing has commenced, or during the hearing, the assigned hearing officer shall have the power to issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing.
- (b) No subpoena duces tecum shall be issued unless the requesting party shall have complied with the requirements of Code of Civil Procedure Section 1985 regarding affidavits or declarations in support of the subpoena duces tecum.
- (c) All non-party witnesses appearing pursuant to subpoena, shall be entitled to receive witness fees and mileage allowance from the party requesting the subpoena, if demanded, as specified by state law for a witness in civil actions.
- (d) Nothing herein shall authorize the issuance of a subpoena or subpoena duces tecum in cases provided for by Sections 68097.1 to 68097.10, inclusive, of the Government Code (or successor, amended or renumbered sections) unless the required payment or deposit has been made.
- (e) Any action to quash a subpoena shall be taken in the Superior Court, County of Sacramento.

12.16 **CONTEMPT**

If any person in proceedings before the hearing officer disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness, or thereafter refuses to be examined, or is guilty of misconduct during a hearing, the hearing officer shall certify the facts to the Superior Court in and for the County of Sacramento. In such a case, the procedures specified in Government Code Section 11525 (or successor, amended or renumbered section) shall be utilized by the parties and the court.

SECTION 13

REPORTS AND RECORDS

Abolished. Superseded by Charter of the County of Sacramento, Section 71-C.

SECTION 14

COMMISSION MEETINGS

RULES OF PROCEDURE

14.1 **PURPOSE**

This section is adopted for the purpose of providing for the orderly and effective conduct of meetings of the Civil Service Commission with full and reasonable opportunity for public participation. These rules apply to all regular and special meetings of the Commission and shall be interpreted as broadly as may be consistent with the foregoing stated purpose.

14.2 **OPEN MEETINGS**

All meetings of the Commission shall be open to the public in accordance with the provisions of the Government Code commencing with Section 54950, except for such executive sessions as are provided for by law.

14.3 **REGULAR MEETINGS**

- (a) The Commission shall determine and announce its yearly meeting schedule at its last meeting in May of each year. The meeting schedule shall be based on the fiscal year.
- (b) The Commission may cancel any regular meeting for good cause.

14.4 **AGENDA**

An agenda for each regular meeting of the Commission shall be distributed at least five calendar days prior to such meeting.

14.5 **SPECIAL MEETINGS**

Special meetings of the Commission may be called in the manner provided for in Government Code Section 54956.

14.6 **ADJOURNED MEETINGS**

Any regular, adjourned regular, special, or adjourned special meeting may be adjourned from time to time to meet at a later specific time on the same day or a subsequent day. Less than a quorum of members present may adjourn to a specific time. If all members are absent the Executive Officer may adjourn any meeting to a specific time.

14.7 **ORDER OF BUSINESS**

The order of business shall be:

- (1) Approval of Minutes
- (2) Communications
- (3) Consideration of Reports

- (4) Unfinished Business
- (5) New Business
- (6) Matters under Submission

A commissioner may record in the minutes his or her approval of, or dissent from, any act of the Commission together with his or her reasons therefore.

14.8 **COMMUNICATIONS AND REQUESTS**

Communications and requests to the Commission shall be made in writing. Oral requests must be promptly confirmed in writing and are subject to Rule 14.13.

14.9 **CHAIRPERSON**

- (a) As soon as feasible after the first day of July of each year, the Commission shall elect a chairperson and a vice-chairperson. In the chairperson's absence or inability to act, the vice-chairperson shall preside. In the absence or inability to act of both the chairperson and the vice-chairperson, the members present shall select one of the members present to act as temporary chairperson. A vacancy in the chair or vice-chair shall be filled by Commission election as soon as the vacancy occurs.
- (b) The chairperson shall preside over the meeting, maintain orderly procedure in accordance with these rules, and decide questions of procedure subject to appeal to the Commission.
- (c) The chairperson shall rule on all procedural matters or questions not specifically covered by these rules, subject to appeal to all Commission members present.
- (d) The chairperson shall be entitled to vote on all matters before the Commission, may participate in discussion relating to any matter, and may second any motion without having to relinquish the chair
- (e) The chairperson may make a motion only by relinquishing the chair for that purpose.

14.10 **QUORUM**

Three members of the Commission shall constitute a quorum.

14.11 **CONFLICT OF INTEREST**

If a member of the Commission determines that he or she should not participate in deliberations or vote in relation to any pending matter because of a conflict of interest, as soon as practical after the matter is called the member shall advise the chairperson of the member's inability to participate and the reasons therefore. The member shall thereupon leave the rostrum and refrain from any participation or discussion with any Commission member until the Commission has completed its consideration of, and action on, the matter.

14.12 **ADDRESSING THE COMMISSION**

- (a) Any person desiring to address the Commission shall first be recognized by the chairperson. The person shall state his or her name and address for the record. The chairperson may, in the interest of facilitating the business of the Commission, limit the time which a person may use in addressing the Commission.
- (b) By a majority vote the Commission may establish a uniform limit for each person addressing the Commission in relation to any matter.

14.13 **MATTERS NOT AGENDAED**

Matters which have not been placed upon the agenda shall not be considered by the Commission except by the unanimous consent of members present at the meeting.

14.14 **COUNTY COUNSEL**

Questions of law may be referred to the County Counsel for opinion.

14.15 **VOICE VOTE REQUIRED**

In relation to all actions of the Commission for which a roll call vote is requested, the Executive Officer shall call the roll and each member shall respond by voice in one of the following ways:

- (a) "Yes"
- (b) "No"
- (c) "Abstain"

14.16 **MAJORITY VOTE REQUIRED**

- (a) All actions of the Commission shall be taken by a concurring majority vote of not less than three members.
- (b) Any matter which is not acted on as provided in subdivision (a) shall automatically be continued and placed on the agenda for the next regular meeting
- (c) An abstention from voting by a member on any motion shall not count as a vote in favor of or against the motion and shall be recorded as an abstention.

14.17 **FINDINGS**

Formal written findings shall be prepared for adoption by the Commission as part of its decision regarding any matter in which formal written findings are required by the Commission or by law. After hearing and decision by the Commission regarding any matter in which formal written findings are required, the hearing may be closed and the matter may be continued to a future meeting for the adoption of such findings. The decision shall not be final until the findings have been adopted. Prior to the adoption of findings the decision may be changed or modified by the Commission.

14.18 **RECONSIDERATION OR RESCISSION**

- (a) A motion to reconsider may be made in relation to any prior Commission action taken at the same or a prior meeting. If the motion to reconsider is approved, the prior Commission action shall remain unaffected unless, after reconsideration, the Commission acts to modify the prior action.
- (b) A motion to rescind may be made in relation to any prior Commission action taken at the same or a prior meeting. If the motion to rescind is approved, the effect shall be to nullify and vacate the prior Commission action.
- (c) A motion to reconsider or a motion to rescind may not be made in relation to any prior Commission action if the action involved is a matter over which the Commission has lost jurisdiction, or if for any other reason reconsideration or rescission of the action would not comply with any applicable legal requirements.

14.19 **POSTPONEMENT**

- (a) The Commission may postpone or continue any pending matter at any time, either on its own motion or at the request of any person interested in the matter.
- (b) In ruling on a request for postponement, the Commission may consider any relevant circumstances including, but not limited to, the reasons for the request, whether the request was made as much in advance as feasible, and any inconvenience to other persons interested in the matter which will be caused by postponement.

14.20 **MINUTES**

The Executive Officer or a person designated by him or her shall record in the minutes the time and place of each meeting of the Commission, the names of the commissioners present, all official acts of the Commission, the votes given by the Commissioners except when the action is unanimous; and when requested, a Commissioner's approval or dissent, with his or her reasons, and shall cause the minutes to be written and presented for approval or amendment at a regular meeting.

14.21 **MEETING RULES ARE PROCEDURAL**

These rules are adopted and intended to provide procedures for the conduct of Commission business. Any Commission action which is taken by the required number of affirmative votes shall be effective for all purposes and shall not be invalidated or in any other manner limited in its effect because of a claim that the procedure followed by the Commission in taking such action was not in accord with any provision or provisions of these rules.

SECTION 15

DEFINITIONS

- 15.1 **ADJOURN:** Action by which a regular or special meeting is formally closed.
- 15.2 **ADJOURNED MEETING:** When used alone, means a continuation of a preceding regular or special meeting of the Civil Service Commission scheduled for a particular time later the time same day or a subsequent day. An adjourned meeting is scheduled by Commission action at the preceding regular or special meeting by which that meeting is "adjourned to" or "adjourned until" the later specified time.
- 15.3 **AGENCY:** A grouping of departments or lesser organizational units as established by the Board.
- 15.4 **ALLOCATION:** The official determination of the class to which a position belongs; and the assignment of a position to its class.
- 15.5 **APPLICANT:** A person who, under the rules, has made formal application for employment.
- 15.6 **APPOINTMENT:** The offer to a person and his or her acceptance of a position in employment.
- 15.7 **APPOINTING AUTHORITY:** The person or group of persons having the lawful power to make appointments and to suspend, demote, reduce the compensation of, and remove persons from positions in the County service, and subordinates to whom such authority is delegated.
- 15.8 **ASSEMBLED EXAMINATION:** An examination conducted at a specified time and place under the supervision of an examiner.
- 15.9 **BOARD :** When used alone, the Board of Supervisors of the County.
- 15.10 **CERTIFICATION:** The submission of names of persons from an appropriate eligible list to an appointing authority by the Director of Human Resources.
- 15.11 **CHAIRPERSON:** When used alone, means the person elected to serve as chairperson of the Civil Service Commission, or the person serving as chairperson of the Civil Service Commission in the absence of the chairperson as provided in these rules.
- 15.12 **CLASS:** A position or group of positions having duties and responsibilities sufficiently similar so that the same title, examples of duties and requirements have been applied.
- 15.13 **CLASS SPECIFICATION:** The official description of a class including (1) the title, (2) a statement of the duties and responsibilities, and (3) the employment standards, such as education, experience, knowledge, skills, and abilities which may be required of applicants for employment in the class.

- 15.14 **CLASSIFICATION PLAN** : The arrangement of positions in classes, together with the titles and specifications describing each class.
- 15.15 **CIVIL SERVICE**: Any position in County Civil Service as provided in Section 71-D of the County Charter.
- 15.16 **COMMISSION**: When used alone, the Civil Service Commission of the County.
- 15.17 **CONTINUOUS EMPLOYMENT**: Employment uninterrupted from the date of appointment, except by authorized absence.
- 15.18 **CONTINUOUS EXAMINATION**: An examination for which a single notice is published to remain in effect for an extended period of time, usually no more than a year. During the life of the announcement, applications are accepted continuously, and examinations are held as often as needed to meet the needs of the service.
- 15.19 **COUNTY**: When used alone, the County of Sacramento.
- 15.20 **DEMOTION**: A change in status of a permanent employee from a position in one class to a position in a lower class, defined as one having a lower maximum salary rate.
- 15.21 **DEPARTMENT**: A major organizational unit of the County government recognized as a department by the Board of Supervisors.
- 15.22 **DIRECTOR**: The Director of the Department of Human Resources.
- 15.23 **DISMISSAL**: Termination from County Service for one of the reasons listed as a Cause for Personnel Action under Rule 11.4.
- 15.24 **ELIGIBLE**: Any person on an eligible list.
- 15.25 **ELIGIBLE LIST**: A list of persons who have qualified by examination to be considered for appointment in a class.
- 15.26 **EMPLOYEE**: A person holding a position in the County service.
- 15.27 **EXAMINATION**: A test given to applicants to determine whether they are qualified consisting of either of the following:
- (a) Assembled Examination: An examination conducted at a specified time and place under the supervision of an examiner.
 - (b) Unassembled Examination: An examination involving solely an appraisal of the relative qualifications of applicants without requiring them to appear in a group at specified places.
- 15.28 **EXECUTIVE OFFICER**: The Executive Officer to the Civil Service Commission.
- 15.29 **LAY-OFF**: Involuntary termination of service without fault on the part of the employee, because of lack of work, lack of funds, or in the interests of the economy.

- 15.30 **LEAVE OF ABSENCE:** Permission to be absent from duty for a specified period of time and for a specified purpose, with the right to return as provided in the approved leave.
- 15.31 **MEETING:** When used alone, means any regular, adjourned regular, special, or adjourned special meeting of the Civil Service Commission.
- 15.32 **ORIGINAL APPOINTMENT:** The first appointment of an employee to a position in the civil service.
- 15.33 **PERMANENT EMPLOYEE:** An employee who has completed a probationary period.
- 15.34 **PERMANENT POSITION:** Any position established in the annual salary ordinance.
- 15.35 **POSITION:** Any combination of duties regularly assigned to be performed by one person.
- 15.36 **PROBATIONARY PERIOD:** The period of continuous service following appointment from an eligible list to a class in the civil service and prior to obtaining permanent status in the class.
- 15.37 **PROMOTION:** Advancement from a position in one class to a position in a higher class, defined as one having a maximum salary rate at least one step (approximately five percent) higher than the employee's former class.
- 15.38 **PROMOTIONAL EXAMINATION:** An examination in which competition is restricted to employees who have passed a probationary period, and hold permanent status in a permanent County position.
- 15.39 **PROVISIONAL APPOINTMENT:** The appointment of a qualified person to fill a position for which no appropriate re-employment or eligible list exists, pending an examination.
- 15.40 **QUALIFIED:** An applicant or appointee who meets the employment standards for a class.
- 15.41 **RECESS:** When used alone, means a short intermission in a meeting of the Civil Service Commission, which does not close the meeting, and after which Commission business will immediately be resumed at the point where it was interrupted.
- 15.42 **RE-EMPLOYMENT LIST:** A list of persons who formerly held permanent status in a class, who have been laid off, and who are entitled to preference in appointment to vacancies in that class.
- 15.43 **REGULAR APPOINTMENT:** Appointment to a permanent position established in the annual salary ordinance.
- 15.44 **REGULAR EMPLOYEE:** Any officer or employee in the classified or unclassified service who occupies a permanent position whether part-time or in the class which is intended for permanent or career type employment; any elected official and his or her exempt deputy or assistant; and any regular employee who temporarily transfers to a temporary position.

- 15.45 **REGULAR MEETING:** When used alone, means any meeting of the Civil Service Commission which is automatically scheduled as required by these rules.
- 15.46 **REINSTATEMENT:** The reappointment of an employee who has resigned.
- 15.47 **RESIGNATION:** The voluntary action of an employee which separates him or her from his or her position.
- 15.48 **SEPARATION:** Any termination of employment.
- 15.49 **SPECIAL MEETING:** When used alone, means a meeting other than a regular meeting of the Civil Service Commission called as authorized by Government Code, Section 54956.
- 15.50 **STATE:** When used alone, the State of California.
- 15.51 **STATUS:** The condition of an employee's present appointment such as temporary, provisional, probationary, or permanent.
- 15.52 **SUSPENSION:** An involuntary absence without pay imposed by the appointing authority or other authorized person for disciplinary purposes.
- 15.53 **TEMPORARY APPOINTMENT:** An appointment of limited duration and which may not exceed one day less than six months.
- 15.54 **TRANSFER:** A change between positions within two departments which positions are in the same class or between classes where the maximum salary rate of the class to which transferred is lower or less than one step (approximately five percent) higher.
- 15.55 **UNASSEMBLED EXAMINATION:** An examination consisting of an appraisal of training, experience, work history, or other means for evaluating the relative qualifications of applicants without requiring them to appear in a group at specified places.
- 15.56 **VACANCY OR VACANT POSITION:** Any unfilled position in the civil service.
- 15.57 **VETERAN:** Any person who served full time in the Armed Forces of the United States during time of war and who has been discharged or released under conditions other than dishonorable.
- 15.58 **WAIVER:** The voluntary relinquishment by an eligible of any right to consideration for appointment to a specific position.
- 15.59 **WAR:** As used in the definition of Veteran, "War" means any war or campaign as defined in the California Revenue and Taxation Code, Section 205.

**CIVIL SERVICE RULES
APPENDIX A
LIST OF CLASSES APPROVED FOR EXAMINATION UNDER RULE 5.4(g)**

Trainee Class

First Working Level Class

Administrative Services Trainee

Administrative Services Officer I

Engineering Aide

Engineering Tech. & Survey Tech.

Asst. Environmental Analyst

Information Technology Analyst Trainee

Information Technology Analyst (Lv. I)

Information Technology Technician Trainee

Information Technology Tech. (Lv. I)

Maintenance Worker

Highway Maintenance Worker;
Traffic Signs Maint. Worker I;
Asst. Undergnd. Constr. Maint. Spec.

Public Health Microbiologist Trainee

Public Health Microbiologist

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