

RULES
Of the
CIVIL SERVICE
COMMISSION



County of Kern

Enacted by the
CIVIL SERVICE COMMISSION
(Revised July 10, 2023)

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2000.00 No Person Employed Under the System Hereby Created Shall Participate in any Political Activity on County Time

RULE 2100 CERTIFICATION OF PAYROLLS - DELETED BY ORDER OF CIVIL SERVICE COMMISSION ON 12/14/15 (See Kern County Administrative Policy and Procedures Manual Chapter 2).

RULE 2200 ORGANIZATION AND ADMINISTRATION

2210.00 The Commission
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RULE 2300 RULES AND REGULATIONS

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2302.00	Regulations
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Applicant - shall mean a person who has made formal application to take a civil service examination.

Appointing Authority - shall mean the head of a department, supervising head of a department, or any person or group of persons authorized by statute, ordinance, or lawful delegation of authority to make appointments to employment positions.

Board - shall mean the Board of Supervisors.

Business Day - shall mean the business days of the division of Human Resources.

Certification - shall mean the submission by the Division of Human Resources of names from an appropriate eligible list to an appointing authority.

Chief Human Resources Officer - shall refer to the administrator of the Division of Human Resources as provided in Kern County Ordinance Code Chapter 3.02.

Class or Class of Positions - shall mean a group of positions sufficiently similar in respect to their duties and responsibilities that the same descriptive title, the same qualification requirements, the same test of fitness, and the same schedule of compensation may be applied to each position in the group.

Classification Plan - shall mean a summary and schematic outline of the classes of positions in the classified service arranged by broad service, groups of classes, and series of related classes as approved by the Board; the class specifications and the rules for administration of the plan.

Classification or Reclassification - shall mean the determination of a position's contents and its allocation by the Board to a class in accordance with the duties performed and the authority and responsibility exercised.

Classified Service - shall mean all offices, positions, and employments in the Kern County Service, except those expressly designated as exempt from the provision of the Civil Service System under Section 3.04.020 of the Kern County Civil Service Ordinance.

Commission - shall mean the Kern County Civil Service Commission.

Compensation - shall mean any salary, wage, fee, allowance, or other emolument paid to an employee for performing the duties and exercising the responsibilities of a position.

Confidential Assistant - shall mean any person appointed to a budgeted position officially designated as a confidential assistant by the Board of the County and whose duties, responsibilities, and authority emanate from the elected official making the appointment.

County - shall mean the County of Kern Government.

Demotion - shall mean a change in status of an employee for disciplinary purposes from one class position to another class position, with a lower range of pay.

Disability - shall mean a physical or mental impairment that substantially limits one or more of the major life activities of an individual, having a record of such an impairment, or being regarded as having such an impairment.

Dismissal - shall mean the separation of an employee by an appointing authority for cause.

Eligible - shall mean an applicant for any examination who receives a final passing rating and whose name appears on an eligible list.

Eligible List - shall mean an officially promulgated list of names of persons who have been examined in an open competition or promotional examination arranged in order of merit and who are eligible for certification for a specific class.

Emergency Appointment - shall mean an appointment, not to exceed 15 calendar days' duration, made during an actual emergency to prevent the stoppage of public business.

Employee - shall mean a person legally holding a position in the classified service of the County of Kern.

Employment List - shall mean eligible list, promotional eligible list, and re-employment list.

Essential Functions - shall mean those job functions, as listed in the specifications for the position prepared by the Division of Human Resources, which are fundamental to the successful performance of the position.

Extra Help - shall mean employment in the classified service required because of temporary, limited-term, or seasonal needs for which regular positions are not provided by the Salary Ordinance.

Human Resources - shall refer to the Division of Human Resources referenced in Kern County Ordinance Code Chapter 3.02.

Job Analysis - shall mean the systematic process which embraces the collection, compilation, verification, study, and application of all pertinent information about the nature of a specific job or group of jobs in the same classification for purposes of meeting such personnel management needs as job evaluation, position classification, recruitment, examination development and validation, and employee performance planning and appraisal.

Layoff - shall mean termination of employment of an employee without prejudice because of lack of funds or work, because of natural changes of duties or organization, or in order to permit reinstatement of an employee who has been on duly authorized leave of absence without pay.

Leave of Absence - shall mean permission to be absent from duty for a specified period, which gives the employee the right to return to his position at the expiration of the period.

Objectively Graded Test - shall mean any test in which an examinee receives a score that is not influenced by the views or opinions of those grading the test or evaluating the test results (e.g., a multiple-choice written test - not subject to interpretation).

Oral Interview - shall mean an examination employing one or more interview panel members who have the responsibility to assess and subjectively rate an examinee's fitness and qualifications for employment.

Performance Evaluation - shall mean the recording, on the form prescribed by the County, of the behavior, productivity, and individual efficiency of each probationary and permanent employee of the classified service.

Performance Examination - shall mean any examination requiring the examinee to demonstrate knowledge, skills, abilities, and attributes. Such examinations may employ written, oral, or physical responses from the examinee, may be objectively or subjectively graded (or a combination of the two), and may present the test material through a variety of media.

Permanent Employee - shall mean any employee who has permanent status in the classified service.

Permanent Status - shall mean the status of an employee who is lawfully retained in his position after the completion of the probationary period as provided in these rules.

Physical Ability Test - shall mean a test of an examinee's physical abilities (as contrasted with mental abilities). Such tests may include, but not be limited to, demonstrations of static strength, dynamic strength, balance, quickness, stamina, flexibility, and manual dexterity.

Pitchess Motion – shall mean any motion filed with the Commission in which the moving party seeks disclosure of information from any portion of the personnel files of a peace officer or custodial officer as those terms are defined in the California Penal Code.

Position – shall mean a specific office or employment provided by the Positions and Salary Schedule, whether occupied or vacant, limited term or permanent, calling for the performance of certain duties and the carrying of certain responsibilities by an employee either on a part-time or full-time basis.

Probationary Period – shall mean a period of active service following date of appointment to a permanent position from an eligible list, successful completion of which shall give the employee permanent status.

Probationary Status – shall mean the status of an employee who has been certified and appointed from an eligible list or a promotional eligible list but has not completed the probationary period as provided in these rules.

Promotion - shall mean a change in status of an employee advancing him/her through certification from an eligible list to a vacant position in a higher class with higher duties, responsibilities, qualifications, and a higher range of compensation.

Promulgation - shall mean the formal act, by Human Resources, of authenticating and approving for use the eligible lists developed for the various classes of positions within the County.

Provisional Appointment - shall mean an appointment made in the absence of any appropriate eligible list as provided in these rules and the Section 3.04.060 of the Kern County Civil Service Ordinance.

Provisional Employee - shall mean an employee holding a position under provisional appointment, pending a competitive examination for the class.

Reduction in Compensation – shall mean a reduction in an employee's compensation for disciplinary purposes without a demotion in class of position by ordering the employee's step level changed to a lower step level.

Seasonal Position - shall mean any position which requires or is likely to require the services of an incumbent during certain parts of each year or recurring annually or at other periods.

Secretary – shall refer to the Civil Service Commission Secretary. This position may also be sometimes referred to in these Rules as Commission Secretary.

Subjectively-Graded Test - shall mean any test in which examinee scores result from the assessment, interpretation, opinion, evaluation, or observation of another person or group of persons, or for which there can be many forms of a correct response or responses. Tests normally employing subjective grading techniques include, but are not limited to, performance tests (practical demonstrations of skill and ability), oral interviews, assessment centers, and assessment exercises.

Suspension - shall mean an enforced absence of an employee without pay for disciplinary purposes or pending investigation of charges made against an employee.

Transfer – shall mean a transfer from a class position in one County department to the same class position in another County department with joint consent of both departments involved.

Written Examination - shall mean an examination which employs multiple choice completion or true/false responses (or a combination) to the questions presented and which is graded objectively.

201.00 **UNDER AUTHORITY OF CHAPTER 2, DIVISION 3, PART 1**, of the Ordinance Code, Rule II classifies and prescribes salaries for all positions in the classified service of the County of Kern. Because of its size and because it is periodically re-enacted with or without amendments, Rule II is printed in a separate book to which reference is here made.

202.00 **CLASSIFICATION OF POSITIONS**

Each position in the classified service shall be classified upon recommendation of the Director and approval of the Commission and the Board and shall be allocated to the appropriate class in accordance with the character, difficulty, and responsibility of its assigned duties. Positions shall be allocated to the same class when their duties are sufficiently similar that:

- 202.10 The same descriptive title may be used to designate each position in the class.
- 202.20 The same level of education, experience, knowledge, and other qualifications may be required of incumbents.
- 202.30 Similar tests of fitness may be used to select incumbents.
- 202.40 The same schedule of compensation will apply with equity under substantially the same employment conditions.

203.00 **AMENDMENT AND MAINTENANCE OF THE CLASSIFICATION PLAN**

Whenever one or more new positions are to be established or whenever, because of any change in organization or method, significant change in the duties or responsibilities of any existing position is to be made which requires the amendment of the classification plan, such revision and amendment of the classification plan shall be made in the manner as provided herein.

- 203.10 Whenever an appointing authority proposes that a significant change be made in the duties and responsibilities of an existing position, he shall forthwith report the significant facts in writing to the Commission. Thereupon, the Commission shall make a study of the duties and responsibilities of any such position and of the qualifications required for filling the same and of the relationship of such positions to other classes of positions in the classification plan.
- 203.20 The Commission, upon written request of a department head or any employee or upon its own initiative, may investigate the allocation of any existing position because of a significant change in the duties and responsibilities or because of the creation of a new class to which such position may more appropriately be allocated or because of the abolishment or combination of any existing positions or classes.
- 203.30 Whenever a new position is created and is classified before it is occupied, such position shall be subject to investigation to determine if it is correctly classified after the position is occupied.

- 203.40 Upon completion of such investigation, the Commission shall have authority to determine whether the duties of any existing or proposed positions have been changed, added to, or eliminated, and, if appropriate, shall make recommendation to the Board as to the changes that should be made in the salary schedules affected.
- 203.50 An employee occupying a position in the classified service under consideration for reclassification to a higher level must meet the employment standards for the higher level classification. Subject to the judgment and discretion of the Director, the employee may be required to demonstrate qualifications for the higher level classification by appropriate examination. (Rev. 12/09/13)

204.00 SPECIFICATIONS

- 204.10 The Commission shall maintain a written specification for each class of position in the classified service and, when approved and adopted by the Commission, they shall constitute the official specifications of classes in the County Service. The official copy of the specification for each class of position shall be maintained in the office of the Commission and shall indicate the date of adoption or last revision or amendment.
- 204.20 The specification shall include: the class title; a brief description of the scope, nature, and responsibility of the class; a description, typical but not necessarily restrictive, of tasks or duties ordinarily performed in positions allocated to the class; a statement of education, experience, knowledge, skills, abilities, and additional factors or features necessary to perform satisfactorily on the job.
- 204.21 The Director may approve new specifications and revise existing specifications. Such approval shall require the concurrence of recognized employee organizations and affected County departments, and shall be calendared for review at the regularly scheduled meeting of the Commission. In case of objection by any of the parties, the specifications are subject to final approval by the Commission. (Rev. 08/00)
- 204.30 Specifications are not restrictive and shall not be construed as declaring that duties and responsibilities shall not be changed or that an appointing authority may not temporarily assign other duties and responsibilities to or otherwise direct and control the work of employees under his supervision.

205.00 COMPENSATION PLAN

The Basic Pay Plan consists of the salary schedule and the assignment of classes to such schedules as provided in the Salary Ordinance. Each employee shall be paid within the schedule for his class as provided in said ordinance.

- 205.10 The County's compensation program shall be maintained through a program involving meetings and conferences between the Board of Supervisors' designated representatives and representatives of recognized employee organizations conducted in accordance with the provisions of the Meyers-Milias-Brown Act (Government Code Section 3500 et seq.) and ordinances, resolutions, and regulations adopted from time to time by the Board of Supervisors regarding employer-employee relations. This Rule is adopted for the expressed purpose of implementing Section VI(b) of the Kern County Civil Service Ordinance in conformity with the Meyers-Milias-Brown Act which was intended by the State Legislature to regulate the field of public employee labor relations throughout the State.

301.00 FILING OF APPLICATIONS

No person shall be admitted to an examination for employment unless such person shall have completed and filed an application for said examination upon the form approved by the Commission and furnished by Human Resources. The application shall not have been rejected by the Commission or Chief Human Resources Officer for cause in accordance with the provisions of these rules. Applicants must file applications in the office of Human Resources, in person, electronically or by mail, not later than the final filing date prescribed in the notice of examination. The application must be received in the office of Human Resources by the close of business on the final filing date specified in the announcement. The applicant shall certify as to the correctness of all statements made in his/her application.

301.10 Applicants must possess the minimum qualifications for the class of position applying to on or before the final date for filing applications.

301.20 Applicants must comply with all special instructions contained in the announcement.

302.00 AGE

No person shall be denied employment in the classified service solely because of age, nor shall any applicant who meets the minimum qualifications for a job be denied admission to any examination solely because of age.

302.10 The Commission may fix minimum and/or maximum age requirements when compatible with legal requirements or when the Commission finds that certain age restrictions constitute a bona fide occupational qualification.

303.00 MEDICAL AND PHYSICAL STANDARDS

The Commission may establish medical and physical standards for some or all of the various classes of positions in the Classified Service which shall measure each entering employee's ability to perform the essential functions of the position. Each individual who has received a conditional offer of employment shall be required to meet the medical and physical standards prescribed by the Commission and may be required to take a medical and physical examination to determine whether or not he or she meets such standards prior to commencing work. An offer of employment may be withdrawn if the individual does not meet the standards and cannot, with reasonable accommodation, perform the essential functions of the job.

Notwithstanding any provision of these Rules to the contrary, the Chief Human Resources Officer may allow appointment without such examination in the case of temporary employment with the approval of the Commission. The Chief Human Resources Officer shall designate the physicians to make such examinations.

Candidates for employment may be required to submit to drug and alcohol screening tests. The standards for such testing shall be as defined in the County Alcohol and Drug Policy approved by the Kern County Board of Supervisors or by any other applicable drug and alcohol policy. Persons who fail to appear for or fail to pass a drug or alcohol screening test or otherwise violate the County Alcohol and Drug Policy or other applicable drug and alcohol policy shall be removed from all eligible lists and disqualified from participating in examinations for employment for

not less than 180 calendar days from the date of initial detection, and any offer of employment shall be deemed void and withdrawn. In addition, candidates other than current County employees shall be barred from County Employment for not less than 180 calendar days from the date of initial detection.

- 303.10 *Physical Ability:* The Chief Human Resources Officer shall establish a physical ability testing methodology for classifications designated by the Commission. The testing methodology shall be designed to determine an applicant's physical ability to perform the essential functions of the classification, with or without reasonable accommodation. When the Chief Human Resources Officer establishes a physical ability test for a particular classification, each applicant or eligible shall be required to take the physical ability test. The Chief Human Resources Officer shall designate the physician or other professional qualified to design and/or administer a physical ability test.
- 303.20 If the applicant or eligible is found not to meet the prescribed standards by the professional designated by the Commission to administer the physical ability test, and reasonable accommodation cannot be made, his name shall be:
- 303.21 Withheld from placement on the eligible list by the Chief Human Resources Officer; or
- 303.22 Removed from the eligible list by the Commission; or
- 303.23 Withheld from certification by the Chief Human Resources Officer until the eligible does meet the required standards unless waiver of medical and physical standards is granted.
- 303.30 The Commission or Chief Human Resources Officer may exercise discretion in granting a waiver of medical and physical standards to allow temporary or permanent appointment of an applicant or eligible who does not possess the required health and physical ability. Such waiver may be made upon such conditions or for such period as the Commission or Chief Human Resources Officer may prescribe with the approval of the Commission.
- 303.40 The Chief Human Resources Officer may permit an applicant to obtain a second medical opinion, at his or her expense, for the purpose of clarifying medical or physical qualifications. The second medical opinion shall be given whatever weight and consideration the Chief Human Resources Officer, in his judgment, deems appropriate and is no guarantee of employment or placement on an eligible list.
- 303.50 In the event of employment in advance of medical and physical examination or in the event of appointment after waiver subject to attainment of required standards within a specified time, such employee shall be separated on order of the Chief Human Resources Officer unless the employee attains the standards or is granted an adequate waiver.

304.00 SPECIAL QUALIFICATIONS

In application for examinations for positions which are scientific, professional, or technical, or for positions that duties of which require special qualifications, the Commission may demand evidence of a satisfactory degree of education, training, or experience, and may demand certificates of competency or the possession of such license as the law may provide as necessary for the practice of the profession, art, or trade involved and may exclude applicants who fail to give such evidence or certificates or who do not possess such licenses. All such requirements or evidence of education or licenses shall be prescribed in the public notice of the examination.

305.00 EXPERIENCE

Experience shall only be credited if the applicant held the payroll title of the classification as a permanent or probationary employee in which experience is claimed and was paid the prevailing rate in that classification. The length of time credited to a given level of experience shall be the time actually paid as a permanent or probationary employee for the services performed in that classification or job.

- 305.10 In the event an employee of the county is paid to perform duties beyond those stated in the job specifications, the experience gained shall be included in the assessment of the employee's employment application. The employee must provide a letter from the department head that verifies out-of-class duties performed, length of assignment and percentage of time spent performing the duties. The letter must be attached to the employment application. Experience qualified in this manner shall be considered a standing order for a classification review by Human Resources.

305.20 Volunteer Experience.

For those classifications which allow it, volunteer experience will be credited upon certification by the head of the recognized organization in which the volunteer experience was obtained. The certification must include the nature, duration, and level of responsibility of the volunteer experience. To be counted, such experience must be found by Human Resources and the requisitioning departments to be directly relevant to the applied for position.

306.00 INVESTIGATION AND FINGERPRINTS

In any examination for employment, the Commission may require as a prerequisite to such examination the taking of fingerprints of all applicants, and the Chief Human Resources Officer may make special inquiry into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation shall, in the Commission's judgment, so warrant shall be disqualified from taking such examination or, having taken said examination and whose name appears on the eligible list, be withheld from certification, or removed from said list.

307.00 DISQUALIFICATION

The Commission may refuse to examine or, after examination, to certify as eligible or may remove from the eligible list any person:

- 307.00.01 Who lacks any of the minimum qualification established by the Commission for the examination of position to which he/she seeks appointment;
 - 307.00.02 Who has made a false statement of one or more material facts in his/her application or supporting materials;
 - 307.00.03 Who has engaged in deception or fraud on his/her application or supporting materials in attaining or attempting to attain eligibility or appointment;
 - 307.00.04 Who has engaged in deception, fraud or cheating in the examination process in attaining or attempting to attain eligibility or appointment;
 - 307.00.05 Who has been previously dismissed for good cause from any public service;
 - 307.00.06 Who has resigned from public service not in good standing or in order to avoid dismissal;
 - 307.00.07 Who has used, or attempted to use, any personal or political influence to further his/her eligibility or appointment;
 - 307.00.08 Who has failed to submit the application correctly or within the prescribed time limits;
 - 307.00.09 Who has otherwise violated provisions of these rules.
- 307.05 Potential violations of section 307.00 by existing employees covered under the Public Safety Officers Procedural Bill of Rights and/or the Firefighters Bill of Procedural Bill of Rights will be referred to the applicable employing department head for investigation and potential further action.
- 307.06 The Chief Human Resources Officer may investigate allegations of cheating by all other persons not specifically covered in Section 307.05 or may choose to refer the matter to the appropriate department head for investigation.
- 307.07 If the allegations of cheating by an existing employee are substantiated, the employing department or the Chief Human Resources Officer may ask the Civil Service Commission to remove the employee's name from any eligible list he/she may currently be on, and/or any exam currently in process.
- 307.10 Disqualification from County Employment Based Upon Conviction or Violation of the County Alcohol and Drug Policy.

An applicant may be disqualified by the Chief Human Resources Officer from participating in an examination for employment with the County based on certain criminal convictions or one or more violations of the County Alcohol and Drug Policy. The following provisions shall cover the exclusions for employment with the County based upon criminal conduct conviction or violation of the County Alcohol and Drug Policy.

- 307.10.01 Conviction of any felony, or any crime(s) involving moral turpitude, provided the crime is substantially related to the qualifications, functions, or duties of the position sought. The term conviction, as used in this rule, shall include a plea of guilty or a conviction following a plea of nolo contendere.
- 307.10.02 Current use of illegal drugs.
- 307.10.03 Failure of a pre-employment drug or alcohol screening test administered or required by the County, failure of a drug or alcohol screening test in the 180 days preceding the application for employment; or other violation of the County Alcohol and Drug Policy or other applicable drug and alcohol policy.
- 307.10.04 Failure to respond to notice due to incarceration.
- 307.10.05 Applicants on probation by the court for a previous conviction(s) may not be considered for peace officer positions.
- 307.20 The following factors may be considered in determining whether the crime(s) is substantially related to the qualification, functions, or duties of the particular classification for which application is made as provided in Rule 307.10.01.
 - 307.20.01 The classification involves maintenance, and/or custody of firearms; the handling of legal, financial, or confidential documents; drugs, narcotics, or medical supplies; the operation of motorized vehicles; or involves responsibility over adults or juveniles.
 - 307.20.02 The nature and seriousness of the conduct.
 - 307.20.03 The circumstances surrounding the conduct.
 - 307.20.04 The time lapse since the occurrence of the conduct.
 - 307.20.05 The frequency of the conduct.
 - 307.20.06 The age of the individual at the time of the conduct.
 - 307.20.07 The presence or absence of rehabilitation.
 - 307.20.08 Other material factors considered applicable by the Commission on a case-by-case basis.
- 307.30 An applicant for a continuous (series) examination shall automatically be rejected if he/she is currently on the eligible list for the same exam number or

has been unsuccessful testing for the class in the 60 days preceding the date of application, provided, however, that applicants who fail an exam component subsequent to the written exam may again test at the next scheduled time for that component.

308.00 NOTIFICATION OF DISQUALIFIED APPLICANTS

An applicant disqualified pursuant to rule 303.10 or rule 307.00 or an individual whose conditional offer of employment is withdrawn pursuant to rule 303.00 shall be promptly notified of the disqualification by the Chief Human Resources Officer. Notice of disqualification shall be mailed to the applicants' last known address.

309.00 APPLICATIONS NOT TO BE RETURNED

Applications, whether accepted or rejected, shall remain on file in the office of Human Resources and shall not be returned. Minor defects or omissions in the application on file may be corrected or supplied only after obtaining special permission from the Chief Human Resources Officer. The date of receipt of application shall be endorsed thereon or otherwise electronically recorded. Applications of persons who fail to appear for examination shall not be used for any other examination and shall be canceled. The names of applicants shall not be disclosed to the public without the expressed permission of the Commission.

310.00 VETERANS' PREFERENCE

In order to qualify for Veteran's Preference Credits as provided in Kern County Ordinance Code Section 3.04.060(H), an applicant must have served in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or any division thereof in time of war or in any expedition of the armed forces of the United States and have received an Honorable discharge, a Certificate of Honorable Active Service, or an Under Honorable Conditions (General) discharge. Discharges which are classified as Under Other Than Honorable Conditions, Bad Conduct, Dishonorable or Uncharacterized are not qualifying for Veteran's Preference Credits. In addition, he or she must have applied for such credits on the form approved by the Commission and provided by Human Resources - Application for Examination and must have presented to the Chief Human Resources Officer the original or photostatic copy of the appropriate discharge or certificate of honorable active military service or acceptable evidence of required military service not later than the final filing date.

310.10 Veterans' Preference Credits shall not be applied in promotional examinations.

310.20 Applicants who fail to apply for Veterans' Preference Credits or who do not present the required credentials within the prescribed time allowed will be deemed to have waived such credits.

311.00 PROHIBITION AGAINST DISCRIMINATION

Discrimination against any person in the classified service or any person seeking admission thereto because of race, national origin, sex, age, physical disability, color, medical condition, marital status, ancestry, or union activity is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited except where age, sex, or physical requirements constitute a bona fide occupational requirement.

401.00 EXAMINATION MANAGEMENT OBJECTIVE

It shall be the objective of the Commission to develop and administer examinations (selection processes) for each class of position, which conform as closely as possible to accepted test and measurement standards for validity and reliability. The Chief Human Resources Officer shall, as necessary, establish policies or procedures consistent with these Rules, which will contribute to this objective.

402.00 CALL FOR EXAMINATION

Subject to the approval of the Commission, the Chief Human Resources Officer shall call open or promotional examinations to fill vacancies in the classified service or to provide eligible lists for classes of positions where vacancies are likely to occur and shall prepare, announce, and conduct same in the manner hereinafter provided.

403.00 CHARACTER AND PREPARATION OF EXAMINATION

Examinations may consist of any one, or combinations of, the following as determined by the Chief Human Resources Officer.

403.01 Written examination,

403.02 Performance examination,

403.03 Oral interview,

403.04 Physical ability examination,

403.05 Rating of education, training, and experience,

403.06 Assessment center,

403.07 Work sample exercises.

403.10 Examinations shall be practical in nature and shall be related to such matter as will test fairly and practically the ability of the applicant to perform the essential functions of the position to which he/she seeks appointment, and such as will reveal his general background and related knowledge. No questions pertaining to religious or political opinions or affiliations shall be asked of any applicant.

403.20 Examinations shall be prepared under the direction of the Chief Human Resources Officer, who may request or employ persons of recognized attainments, other personnel agencies, personnel consultants or experts, officers or employees of the County, or such other assistance as deemed necessary, to assist in the preparation, conduct, or grading of such examinations.

403.21 No person who participates in the examination process including the creation of some or all of the exam component(s); reviewing of exam materials, or who participates in an oral interview panel, shall individually or in cooperation with other person(s), furnish confidential examination materials to anyone for promotion or appointment. Unauthorized disclosure of confidential examination materials, including verbal dissemination of examination questions, will result in disqualification by the Civil Service Commission from future participation in the preparation, conduct or grading of examinations.

404.00 NOTICE OF EXAMINATION

Examination announcements shall be written or printed and shall contain:

- 404.01 The title, class, and salary range for the classification to be filled;
- 404.02 The period during which applications for open examinations will be received and final filing date;
- 404.03 The period during which applications for promotional examinations will be received and final filing date;
- 404.04 The subjects of examination and their respective weights and a statement of the scope of the job duties, including the essential and non-essential functions of the job;
- 404.05 Any special physical or medical requirements and examinations where such requirements are included in the examination and any special minimum qualifications of education, training, or experience required of applicants;
- 404.06 Restrictions, if any, as to previous service, age, sex, or residence, and such other qualifications as may be required;
- 404.10 Except in cases of promotional examinations, notice of examination shall be given at least five (5) calendar days prior to the closing date fixed for filing applications by posting copies of the announcement on a bulletin board designed by the Commission and by publicly announcing the same in such manner as will, in the judgment of the Chief Human Resources Officer, attract qualified persons to compete therein. Copies of said announcements may also be sent to the County departments, institutions, and boards concerned. Examinations may be postponed or canceled by order of the Commission.

405.00 COMPETITION

All open examinations for positions in the classified service of the County shall be public, competitive, and open to the applicants who meet the requirements as provided by the Civil Service Ordinance and Rules of the Commission and who have not been debarred for cause in accordance with the provisions of said Rules.

- 405.10 In those instances where the Chief Human Resources Officer determines in open recruitment that there is sufficient cause to limit the size of the applicant pool for a specific examination, he may take action through the testing procedure to limit the number of applicants to such multi-component examination or any specific phase of the examination provided the procedures for such limitation are indicated on the examination announcement. In the event that an unacceptably high number of applications are received for an examination after the examination has been announced and no procedures for applicant limitation have been specified in the announcement, the Chief Human Resources Officer may, through the testing procedure, take such action as has been approved by the Commission for the purpose of applicant limitation.
- 405.20 Any applicants appearing late for a written examination shall not be admitted thereto after any candidate has completed his work and left the examination room.

405.30 The rules governing promotional examination will be found in Rule 900.

406.00 EXAMINATION PROCEDURE

Unless otherwise ordered by the Commission, all examinations shall be conducted under the supervision of the Chief Human Resources Officer. The Commission may, when deemed advisable, appoint competent persons to conduct all or any part of an examination and to rate the persons participating therein.

- 406.10 Applicants participating in a written examination or an examination having a writing requirement shall write his/her name and other requested information upon an identification form, in a manner as defined by the examination instructions. Any examination paper bearing a name, number, sign, mark, or character of any kind other than as specified in the examination instructions, which might disclose the identity of the applicant shall be rejected.
- 406.20 No explanation of any examination question shall be made to any individual applicant and no remarks relating thereto which might assist in its solution shall be made by the examiner or proctor. Any explanation, which may be deemed necessary, shall be made to the entire group.
- 406.30 No conversation or communication between applicants during an examination shall be permitted nor shall any applicant be permitted to retain in his or her possession any written, printed matter, electronic device, or other media, which might serve as an aid in the examination, unless expressly permitted. Evidence of copying or collusion by an applicant, shall constitute good cause for the rejection of his/her examination papers and debarment from future examinations. Copies of the questions in an examination shall not be made nor shall they be taken from the examination room.
- 406.40 No applicant(s) shall discuss or disseminate the content or nature of any component in general or specific terms of an examination once beginning the exam process. Disclosures of examination materials, including verbal dissemination of examination questions or topics, will result in disqualification by the Civil Service Commission from the examination and future examinations with the County of Kern for a period of two (2) years.

407.00 RATING OF EXAMINATIONS

The various subjects in an examination, which are graded independently, shall be assigned weights representing their relative values in ascertaining the fitness of the applicant. These weights shall represent the value of each subject in the whole examination. Unless otherwise provided in the announcement, applicants will be graded on a scale in which 100 percent represents the highest degree of competency, which reasonably can be expected, and, unless otherwise ordered by the Commission, an earned average of 70 percent shall represent the lowest acceptable degree of competency. Final earned scores (a composite of all component scores) shall be rounded up to the next whole percentage point for all entry-level examinations (Veterans' Preference Credits apply). Scores in promotional examinations shall be reported to two decimal places.

- 407.03 Notwithstanding the provisions of 407.00, the Chief Human Resources Officer may report examinee scores for entry-level examinations to two decimal places when, in his judgment, the examination is sufficiently valid and reliable and founded in job analysis.
- 407.10 A minimum grade in any specifically named subject or component below which any grade attained shall disqualify the applicant in the entire examination may be established by announcing such required minimum grade in the examination notice.
- 407.20 Any applicant who received the minimum acceptable grade on the various subjects of the examination, other than promotional, who qualifies as a veteran under provisions of the Civil Service Ordinance 3.04.060-H and Rule 310.00, shall be given a preferential credit of five percent of the total credits earned for such examination, which added to his/her actual rating shall constitute the total rating. An additional credit of five (5) percent shall also be given to all such persons who are presently receiving compensation for military service-connected disability of 10% or more.
- 407.30 Failure by an applicant to attain a passing grade in any component of an examination shall eliminate such applicant from competing in any further portion of the examination. Any applicant so eliminated shall be notified immediately in writing.
- 407.40 The grade of an applicant in the Qualifications Appraisal procedure shall be the average of the ratings assigned by each individual rater.
- 407.41 If the applicant received a majority of passing ratings, the applicant will be considered to have passed in this part of the examination. However, his or her actual score for this part of the examination will be the average of the ratings given by each individual rater, and this score will be weighed in with other parts of the examination provided for in the examination announcement. In such case, it is possible for an applicant to pass this part of the examination but receive a score of less than 70 percent.
- 407.42 Conversely, if an applicant receives a majority of failing ratings, he or she shall be considered to have failed in this part of the examination.

408.00 NOTICE OF RESULTS OF EXAMINATION

As soon as the rating of an examination has been completed and the eligible list established, each applicant shall be notified either electronically or by mail of the examination results and, if successful, of his or her final earned percentage and relative position upon the eligible list. The applicant may request his or her earned score on each component of the examination.

409.00 INSPECTION AND REVIEW OF INDIVIDUAL APPLICATION MATERIALS AND TEST PAPERS

The application and examination papers of an applicant shall be treated as confidential records of the Commission and shall not be removed from its office.

- 409.01 Examination papers shall not be available for an applicant's review. However, an applicant, within five (5) working days after the tests have been graded and test results mailed, may petition the Chief Human Resources Officer in writing to review and confirm the accuracy of the tabulation. The applicant shall be promptly notified of the results of this review.
- 409.02 Applicants are permitted to challenge and appeal any item on a written examination. The appeal shall be prepared on the form prescribed by the Commission and submitted to the Chief Human Resources Officer within three (3) working days after the date of the examination. The applicant shall be as specific as possible in describing the reason for the challenge. Any appeal, which fails to clearly set forth the reason or authority for the challenge will not be considered.
- 409.03 The Chief Human Resources Officer shall investigate the appeal as promptly as possible. After considering all facts, the Chief Human Resources Officer shall make the final ruling and, thereafter, the examination papers shall be scored according to the Chief Human Resources Officer's decision. The results of the investigation and decision on the appeal shall be promptly provided to the applicant.
- 409.04 Examination booklets containing test items and examination requirements, or instructions shall not be available for applicant review after the applicant has left the examination area.

410.00 SERIES EXAMINATIONS

A series of open examinations for the same class of positions may be announced by a single notice. Such examination may be administered from time to time as applicants are available or as appointments are necessary. A separate eligible list shall be created for each examination of the series in which there are successful applicants, provided, however, the Chief Human Resources Officer may prescribe in the examination announcement that the names of all applicants who qualify in any examination of the series shall be placed on the eligible list in the order of their final grades. Names shall be removed from such eligible list one (1) year after the date they were placed thereon unless the Commission extends the period not more than one additional year.

411.00 APPEAL FROM QUALIFICATION APPRAISAL BOARD

Within ten (10) days after the notice of the examination results has been sent, a competitor disqualified by a Qualifications Appraisal Board may appeal in writing to the Commission only upon the grounds of irregularity, bias, or fraud, but no such appeal will be considered unless it contains specific allegations citing the exact cause therefore. The Commission shall rule upon such appeals, and, if it grants the appeal, it shall give the competitor a rating of 70 percent on education, experience, and personal qualifications, except that if the Commission finds that the Qualifications Appraisal Board acted fraudulently, it shall give the competitor such passing rating as it may decide.

412.00 APPEAL ON DISCRIMINATION

Within five (5) working days after notice of disqualification, an employee or person seeking appointment to the classified service may appeal in writing to the Commission upon the grounds of discrimination for political or religious affiliation because of race, national origin, sex, age, physical disability, or other non-merit factor, but no such appeal will be considered unless it contains specific allegations together with documented evidence supporting the appellant's position. The Commission shall hear the appeal, consider the testimony and evidence from interested parties, and render a decision.

501.00 ORDER OF ELIGIBLE

Upon the completion of an examination, the Commission shall establish a list of eligible for the class of position for which the examination was given, upon which shall be enrolled all successful competitors in the order of each competitor's final earned percentage (computed in accordance with Rule 407.00) in the examination. When two or more eligible have the same percentage final earned score, each eligible shall receive the same numerical ranking upon the eligible list with the added notation, Tie Score. Numerical ranking shall be cumulative. The next ranking after a tie score shall be one number higher than the total of preceding eligible on the list. (Rev. 08/96)

502.00 DURATION OF ELIGIBLE LISTS

- 502.10 Eligible lists shall continue in force for a period of one (1) year from date of promulgation unless abolished or extended by order of the Commission. In no event shall lists remain in force for less than six (6) months nor more than two (2) years. Notice of intention to abolish an eligible list shall be sent to all eligible whose names appear upon the list to be abolished. (Rev. 08/96)
- 502.20 When ordered by the Commission, eligible lists resulting from continuous testing (Rule 410.00 -Series Examinations) may be extended provided that each eligible on the list who has been on the list less than the maximum two (2) years is extended an equal period and that no person is extended beyond the date which would give that person standing after the maximum of two (2) years. (Rev. 08/96)

503.00 PROMULGATION OF ELIGIBLE LISTS

- 503.10 Preparation of Eligible Lists: The Director shall prepare a statement of the results of each examination. This statement will show the names of applications rejected, names of candidates taking the examination, those failing to appear, those withdrawing, the percentage rating of each examinee in each portion of the examination, the total earned percentage score computed in accordance with Rule 407.00 of each examinee, and the relative order of ranking of each examinee whose total score is 70 percent or more. (Rev. 08/96)
- 503.20 Any individual who has successfully completed a work experience training program which has been approved by the Director shall have his/her name placed on the eligible list for the classification for which the employee took special training and work experience. For the purpose of establishing eligibility, the special training and work experience shall be deemed as the examination for the class. (Rev. 08/96)

504.00 ALTERNATE WORK ELIGIBILITY LISTS

In addition to the general employment list, there shall be established for each class an alternate work list containing the names of employees who have become permanently incapacitated for the performance of their job duties but who are qualified to perform the job tasks of other classifications in the same or lower salary

range as the classification from which the employee is disabled. The Director shall approve the placement of a name on the applicable alternate work lists upon determination that the employee has the minimum qualifications for the class.

Non-Civil Service employees may not exercise the provisions of this rule to achieve permanent status in a Civil Service position. (Rev. 08/96)

- 504.10 Duration of Alternate Work Rights: The name of any person deemed eligible for placement on an alternate work eligibility list shall continue on the list for a period of one (1) year after it is placed thereon, after which time it shall be automatically removed. (Rev. 08/96)

505.00 RE-EMPLOYMENT LISTS

In addition to the general employment list, there shall be established for each class a re-employment list containing the names of individuals, 1) who have been laid off or demoted in lieu of layoff through no fault or delinquency on their part, 2) who have resigned in good standing and have been duly reinstated by the Commission, or 3) who have been found by the Retirement Board to be no longer incapacitated from earlier disability retirement and have been duly reinstated by the Commission; or 4) who have been reclassified with y-grade per County Ordinance 3.08.130. In this instance, reinstatement shall be subject to the same terms and conditions applicable to the Civil Service Rule 505.20 (Resignation and Subsequent Reinstatement on Re-Employment List . . .) (Rev. 01/12/09)

- 505.10 Layoff: Any personal having permanent status in the classified service who is laid off because of temporary or permanent abolishment of their position, provided their overall efficiency report has been satisfactory, shall have their name placed on the re-employment list for the class of position from which they were laid off. (Rev. 08/96)
- 505.20 Resignation and Subsequent Reinstatement on Re-Employment List: Any employee having permanent status in the classified service and who has resigned in good standing may make application for reinstatement within one (1) year after the date of resignation, and, if such request is granted, will be placed on the re-employment list for the class of position from which resigned. Such application must be made within one (1) year after the effective date of the resignation. It shall be referred to the appointing authority of the department from which the person resigned for recommendation. If the Commission grants re-employment privileges to such person, the person's name shall be placed on the appropriate re-employment list. (Rev. 08/96)
- 505.21 Notwithstanding any provisions to the contrary, the Commission may, at its discretion, waive the one (1) year time limit to make application for reinstatement if in its judgment unusual and unique circumstances existed which resulted in an employee's failing to file for reinstatement within one (1) year after the effective date of resignation. (Rev. 08/96)

- 505.22 A waiver of the one (1) year time limit is automatically granted to any permanent employee, in the classified service, who resigns to accept a non-civil service position (Exclusive of Extra-Help) within the County. In such cases, the individual has one (1) year from the date he/she leaves the non-civil service position to exercise re-employment rights. (Rev. 08/96) Upon re-employment, the individual adheres to the following employment criteria: (1) serves a regular probationary period of six (6) months; (2) returns to any salary step for the classification, pursuant to provision of the Ordinance Code; (3) assumes the same vacation accrual rate as held prior to resignation, upon completion of the probationary period. The vacation accrual date is adjusted for the time period following resignation from County employment. All sick leave hours accrued through the date of resignation are credited to the individual upon completion of the probationary period. (Rev. 08/96)
- 505.30 Disability Retirement and Subsequent Reinstatement on Re-Employment List: Any employee who has retired for disability, then, subsequent to disability retirement, has been found by the Retirement Board to be no longer incapacitated after medical examination pursuant to Government Code Sections 31729 and 31730 may make application for reinstatement within one (1) year after the date the non-incapacity is determined. Such application shall be referred for recommendation to the former appointing authority together with any reports from the Retirement Board which may be available. If the Commission grants re-employment privileges to such person, his name shall be placed on the re-employment list for the class of position from which he was disabled. (Rev. 08/96)
- 505.40 Order of Names: The names of persons laid off shall precede the names of persons granted reinstatement privileges after resignation or disability retirement. The names of persons granted reinstatement privileges after having been found by the Retirement Board to be no longer incapacitated from earlier disability retirement shall precede the names of persons granted reinstatement privileges after the resignation. (Rev. 08/96)
- 505.41 The names of persons laid off shall be placed on the appropriate re-employment list in order of seniority as determined by length of service. (Rev. 08/96)
- 505.42 The names of persons granted re-employment privileges after resignation or disability retirement shall be placed on the appropriate eligible list in the order of date of application for re-employment, the most recent application shall be last. (Rev. 08/96)
- 505.50 Duration of Re-Employment Rights: The name of any person granted re-employment privileges, with the exception of a person laid off who shall have re-employment rights as specified in Rules 1380 and 1455 respectively, shall continue on the appropriate re-employment list for a period of one (1) year after it is placed thereon, provided that such person may be continued on the list for an additional year if application for extension of eligibility is made before the expiration of the original period of eligibility. The name of any eligible on a re-employment list shall be automatically removed from said list at the expiration of the period of eligibility. (Rev. 08/96)

- 505.60 Removal of Names from Re-Employment Lists: The Commission may remove the names of any eligible from a re-employment list for any reason listed in these rules, or the name of any re-employment eligible may be removed from the list if five (5) certifications of his/her name have failed to result in his or her selection and appointment. (Rev. 08/96)

506.00 PROMOTIONAL LISTS

The names of competitors who are successful in promotional examinations as provided in Rule 900 shall be placed on the promotional eligible list for the class of position for which said examination is held, in the order of their examination ratings, and said list shall take precedence over the general re-employment list and the general eligible list. (Rev. 08/96)

507.00 SEASONAL LISTS

Employees who have been regularly appointed to seasonal work and have served satisfactorily in a position recurring seasonally in a given department and who have been recommended by the appointing authority for inclusion on such list shall be placed upon seasonal lists for work. Said names shall be placed on said list in the relative order of the original examination ratings of the eligible. In filling a seasonal position in a given department, persons whose names appear on the list for that department shall be preferred to those on the general eligible list. (Rev. 08/96)

508.00 INACTIVE LIST

The name of an eligible who is not available for immediate certification may, upon written request, be placed on an inactive list and may be restored to the active list from which removed upon request of such eligible provided said list is still in existence. (Rev. 08/96)

509.00 SUBDIVISION OF LISTS

When duties of the positions or efficiency of recruiting require, eligible lists may be subdivided or separate eligible lists established for the various departments, subdivisions of departments, institutions, or sections of the County. All such separations or subdivisions shall be by order of the Director and shall be in the public notice of the examination or by order of the Commission recorded in the Minutes of the Meeting. (Rev. 08/96)

510.00 REMOVAL OF NAMES FROM ELIGIBLE LISTS

The name of an eligible may be removed from an eligible list or withheld from certification to a specific department or group of departments for any of the following reasons: (Rev. 08/96)

- 510.01 For any cause as set forth in Rule 307.00; (Rev. 08/96)

- 510.02 On evidence that the eligible cannot be located by the postal authorities or contacted through a valid electronic mail account; (Rev. 03/14)

- 510.03 On receipt of a statement from the eligible declining an appointment and stating that he no longer desires consideration for a position with the County; (Rev. 08/96)
- 510.04 If three (3) offers of a permanent appointment to the class for which the eligible list was established have been declined by the eligible; (Rev. 08/96)
- 510.05 For failure to respond within stipulated time after notice of certification, without suitable explanation; (Rev. 08/96)
- 510.06 If certified three (3) times for permanent appointment which has failed to result in selection, and appointments in each case were made below the eligible's name, provided, however, that the appointing authority states in writing to the Commission the reason for the recommendation and further that the Commission concurs with such recommendation. (Rev. 08/96)
- 510.07 If five (5) certifications for permanent appointment from an employment list in the clerical series, including certifications to three (3) different departments have failed to result in selection and appointment. (Rev. 08/96)
- 510.08 Upon acceptance by an eligible of a regular appointment from such list. (Rev. 08/96)
- 510.10 Upon receipt of a request from an eligible that his/her name be withheld from certification or removed from the eligible list. (Rev. 08/96)
- 510.11 If previously separated from County service during his/her probationary period. (Rev. 08/96)
- 510.15 The name of an eligible on the promotional list shall be considered to be on an open eligible list instead of a promotional list if such eligible is separated from the classified service. Unless such separation is by layoff due to lack of work or funds, re-employment in the classified service shall not restore the name of the eligible to the promotional list. (Rev. 08/96)
- 510.20 If an employee whose name is on a seasonal list fails to work for two seasons, his/her name shall be removed from the list and he/she shall have no further standing in such class of position. Notice of removal and the reasons therefore shall be mailed to the eligible at his/her last known mailing address. (Rev. 08/96)
- 510.30 Any person who fails, or fails to appear for without good cause, a test subsequent to the eligible list being promulgated shall be removed from the eligible list, provided such test was included in the examination process announced on the appropriate job bulletin. (Rev. 08/96)

601.00 REQUEST FOR CERTIFICATION

Whenever any appointing authority learns that a vacancy in the classified service has occurred or is about to occur in the department, he/she may notify and make requisition to the Commission for certification of eligibles for the vacant position. Such requisition shall be upon the form prescribed by the Commission and shall state the department, board, or institution in which the vacancy exists and shall specify the class title, schedule and item numbers, date when employment will begin, duration of employment, and may, subject to the approval of the Director, specify special qualifications of the eligible when a bona fide occupational need exists.

- 601.10 The appointing authority shall make a request for certification as long in advance of the known or prospective date of appointment as possible.
- 601.20 A provisional appointment in a position in the classified service shall be deemed to be a continuing request for certification of eligibles for permanent appointment, and, immediately following establishment of an appropriate eligible list, the Director shall certify eligibles to such position without further request from the appointing authority.

602.00 CERTIFICATION OF NAMES

Upon receipt of an appointing authority's request for certification, or as soon as practicable thereafter, the Director shall certify to the appointing authority the names and addresses of the persons entitled to certification, in accordance with these rules and provisions contained therein.

602.10 Order of Certification from Eligible Lists

- 602.10.10 The name of the person ranked highest on the Department Layoff Re-Employment List for the classification. (Rev. 06/93)
- 602.10.20 Except in the case of a departmental promotion as specified in Rule 602.10.50, the names of all persons on the Alternate Work Eligibility list shall be certified. (Rev. 08/96)
- 602.10.30 The names of the three (3) persons ranked highest on the County Layoff Re-Employment List for the classification. (Rev. 11/14)
- 602.10.31 Notwithstanding 602.10.30, the Civil Service Commission may approve a department head's request for a promotional certification in order to avoid displacement of departmental employees resulting from an organizational change approved by the Board of Supervisors. (Rev. 08/96)
- 602.10.40 The names of the three (3) persons ranked highest on the general re-employment list for the classification who have previously been employed in the department making the request. (Rev. 08/96)
- 602.10.50 The three (3) persons ranked highest on the Department promotional list for the classification who are presently employed in the department making the request shall be certified. (Rev. 08/96)

- 602.10.60 The three (3) persons ranked highest on the County-wide promotional list for the classification who are presently employed in the department making the request shall be certified. (Rev. 08/96)
- 602.10.61 Notwithstanding Civil Service Rule 602.10.50 above, in the absence of a department promotional list, the Director of Personnel may approve a department head's request to certify the top three (3) names ranked highest on the County-wide promotional list. (Rev. 08/96)
- 602.10.70 The three (3) persons ranked highest on the County-wide promotional list shall be certified. (Rev. 08/96)
- 602.10.80 If no one, as specified in the foregoing paragraphs, is available, then the names of the seven (7) persons ranked highest on the general re-employment list for the classification shall be certified. (Rev. 09/2012)
- 602.10.90 If no one is available as above specified, then the names of the seven (7) persons ranked highest on the general eligible list for the classification shall be certified. (Rev. 09/2012)
- 602.20 *Number to be Certified:* Except as otherwise provided by these Rules and if there are no names on the Alternate Work Eligibility List, a minimum of seven (7) names shall be certified for each request for certification. In the event that tie scores, as defined in Civil Service Rule 501.00, exist within the highest seven (7) persons on the eligible list, all persons with the same tie score shall be certified to the vacancy. The certifications shall designate which eligibles, if any, have the scores, and the appointing authority may select any of the eligibles so certified to fill the vacancy. (Rev. 09/2012)
- 602.21 If more than one vacancy is to be filled in any class in a department at the same time, the number of names certified to the appointing authority for appointment shall be equal to seven (7) for the first vacancy plus two (2) for each additional vacancy, or more if tie scores are involved. Such certification shall constitute a complete certification. (Rev. 01/2014)
- 602.22 If more than one vacancy is to be filled in any class, the appointing authority shall fill the first vacancy by selecting one of the seven (7) highest eligibles so certified, or more if tie scores are involved. Each succeeding vacancy shall be filled selecting from the remaining names and the additional two (2) names certified for that vacancy (Example: nine names certified for two vacancies, eleven names certified for three vacancies). (Revised 01/2014)
- 602.23 Whenever an eligible waives an appointment or fails to respond to certification within the prescribed time, the next highest eligible or eligibles on the list shall be certified if requested by the appointing authority and if needed to constitute certification of at least the minimum number of names for consideration to fill the vacancy.
- 602.24 In case there are less than seven (7) names on an eligible list, the number thereon shall be certified for appointment, but the appointing authority may demand certification of seven (7) names, whereupon examinations shall be conducted until at least seven (7) names can be certified. (Rev. 09/2012)

- 602.25 When no eligible list for the class of position exists or when the eligible list has become exhausted and until a new list can be created, certification may be made from the eligible list most nearly appropriate to the position to be filled.
- 602.26 At the option and request of the appointing authority, when no eligible list for the class of position exists, certification of eligibles may be made from an expired eligible list for the class of position in which the vacancy exists provided one (1) year has not elapsed since the list has expired.
- 602.30 *Promotional Certification:* An eligible with permanent status in the classified service who has been placed on an existing open list may be certified to the department in which he or she is currently employed. For this to occur, there must be no promotional list for the same classification and the department must make written request that a similar position be filled promotionally. Names are certified in such manner as if they were on a promotional list for the classification to be filled.
- 602.50 *Failure to Respond:* A failure to respond to the notice of certification within five (5) business days from date of electronic transmission or mailing shall be deemed to be a refusal of appointment to the position to which the eligible is being certified. (Rev. 03/14)

603.00 CERTIFICATION OF ELIGIBLE WITH SPECIAL QUALIFICATIONS

In case a position to be filled requires a person of a particular sex or with residence in a certain locality or with willingness and ability to work certain unusual hours or with some other special qualifications and upon written request of the appointing authority, the Director may authorize the certification of only such eligibles who possess such qualifications.

- 603.10 The Director may, at the request of the appointing authority, certify only those eligibles who have successfully completed an approved work-experience training program, which has been approved by the Director.

604.00 AUTHORIZATION FOR PROVISIONAL APPOINTMENT

When an appointing authority makes a request for certification to fill a position in the class for which no eligible list is available or in case no eligible or insufficient eligibles to complete the certification will accept appointment to the position, the Director may authorize the appointing authority to appoint any person who possesses the minimum qualifications for the class as set forth in the class specifications, provided that said person files with the Commission on the prescribed form an application showing the minimum requirements have been satisfied for the class of position for which provisional appointment is requested.

- 604.10 Whenever the Director has authorized a provisional appointment, he shall, within six (6) months from the date of such appointment, schedule an examination to establish an eligible list for the class of position for which the provisional appointment was authorized.

605.00 NOTICE OF CERTIFICATION

Notice of Certification shall be given by the Director to each person whose name is certified, by sending to his/her electronic mail or postal address, as it appears on the records of the Commission, a written notice setting forth the title, entrance salary, compensation schedule applying to the class, location of the position, the organization unit, and the name and address of the appointing authority. Such notice shall state that unless the eligible reports to the appointing authority for an interview within three (3) days after receipt of such notice, he or she will be considered as having declined the position and that unless the Director is notified within such period that appointment is not desired, giving satisfactory reasons therefore, his or her name may be removed from the eligible list. (Rev. 03/14)

606.00 CERTIFICATION TO POSITION OF LOWER CLASS

Whenever a request for certification is made to fill a position in a class for which there is no eligible list, an eligible may be certified to a position in a class lower than that for which examined, provided such position is determined by the Director to have similar duties and responsibilities. The acceptance of such a position shall not affect his right to be certified to a position in the class for which originally examined.

607.00 WAIVER

An eligible may waive appointment after certification by filing with the Commission a written statement of reasons therefore, which reasons must be satisfactory to the Director. But, after three (3) such waivers of appointment to positions in any given class, the eligible's name shall be removed from the eligible list for that class. The eligible's name may also be removed from the active list when the reasons for waiving appointment are not satisfactory to the Director.

608.00 OBJECTION AND SUBSTITUTION

In case objection is made by the appointing authority to any of the persons certified, reasons must be stated specifically in writing and subject to the approval of the Commission. Any cause contained in Rule 307.00 shall be deemed sufficient reason for objection, but the Commission may approve objection for good cause shown.

- 608.05 When an appointing authority objects to the certification of a person or persons certified and files a written report of the reasons therefore in accordance with Rule 608.00, the Director shall notify in writing the person(s) so named. Such notification shall include information regarding the time and date when the Commission will meet and consider the matter, as well as a copy of the objections provided by the appointing authority. (Rev. 12/86)
- 608.06 Persons shall be notified that they are being removed from an eligible list or withheld from certification and may personally appear before the Civil Service Commission on the date/time scheduled to rebut or explain circumstances related to the objection(s). (Rev. 12/86)

- 608.10 If, the objection is sustained by the Commission, the next highest name on the eligible list shall be certified and notice of withdrawal of certification shall be sent to the person against whom the objection was sustained.
- 608.20 Eligible having a temporary disability for 30 days or more which would render them unfit to perform the duties of the position to which they have been certified shall be withheld from certification and the next highest name on the eligible list shall be certified. The eligible withdrawn from certification due to temporary disability shall remain on the eligible list in an inactive status and shall be restored to active status when the condition affecting the temporary disability has been resolved.

609.00 APPOINTMENTS

- 609.10 Upon receipt of certification of eligible, the appointing authority shall proceed with any job-related interview and investigation deemed necessary. The appointing authority shall be permitted to examine applications and pertinent job-related investigations of the eligible certified. Upon selection, the appointing authority shall notify all eligible of the decision and shall make arrangements with the appointee to begin work.
- 609.20 No eligible certified for employment or employee shall in any way be favored or discriminated against because of political opinion or affiliations nor shall any inquiry be made concerning such opinions or affiliations, and all voluntary disclosures thereof shall be ignored.
- 609.30 No person in the classified service or seeking admission thereto shall be appointed, reduced, or removed, or in any way favored or discriminated against because of his religion, creed, national origin, ancestry, disability, sex, or age, except where sex or age is a valid occupational qualification.
- 609.40 No appointment will be deemed complete until all eligible certified are interviewed and their relative qualifications considered.
- 609.50 At the discretion of the appointing authority, an incumbent employee prior to vacating their position may train a replacement employee, for a period not to exceed sixty (60) calendar days. The replacement employee must be certified from an eligible list or transfer from another County department. Both the incumbent and the replacement employee shall receive credit for vacation, sick leave, and all other benefits, and service shall be considered as continuous. (Rev. 09/06)

610.00 APPOINTMENT ON AUTHORIZATION FOR PROVISIONAL APPOINTMENT

Whenever the Director has authorized a provisional appointment to a position as provided in 604.00 of these Rules, the appointing authority may select any person who meets the minimum qualifications for the class, provided that in such case such person has not previously been qualified, the appointing authority shall ascertain that the person has filed an application in the office of the Commission and possesses the required qualifications.

611.00 APPOINTMENTS IN EMERGENCIES OR ELECTIONS ADMINISTERED BY THE COUNTY CLERK

In emergency situations, which are hereby defined as situations where there is a threatened interruption of essential county services and immediate action is necessary, or when elections are administered by the County Clerk, the appointing authority may appoint a person or persons without reference to eligible lists for a period not to exceed fifteen (15) calendar days, provided that each such appointment shall be reported in writing to the Commission stating specifically the situation that exists.

612.00 PERMANENT APPOINTMENTS

Any appointment to a permanent position in the classified service, other than a temporary appointment resulting from an authorized leave of absence without pay, upon certification from an eligible list shall be a permanent appointment subject to a probation period as provided in these rules.

613.00 TEMPORARY APPOINTMENTS

613.10 Temporary appointments to permanent positions are required when the incumbent is on an authorized leave of absence without pay, exclusive of those educational/personal enrichment leaves provided under Civil Service Rule 1202.40. (Rev.11/94)

613.10.10 Temporary appointments may be made to positions vacated by incumbents on authorized educational/personal enrichment leaves, pursuant to Civil Service Rule 1202.40, at the discretion of the department head. (Rev.11/94)

613.10.20 The department head shall appoint an employee serving a temporary appointment to the next available permanent position in the classification. (Rev. 06/03)

613.10.30 Permanent employees who accept a promotional temporary appointment shall revert to their previous position without loss of County seniority in the event:

- a) incumbent returns from leave;
- b) position being occupied on a temporary basis is deleted;
- c) performance by temporary employee is below "Standard" within the first six (6) months of the employee's temporary appointment. (Rev. 06/03)

- 613.20 Temporary appointments to permanent positions are required at the Trainee level in a flexible classification series that accommodate a structured training program approved by the Civil Service Commission, such as, Firefighter Recruit, Deputy Sheriff Trainee, Human Services Technician I. Department Heads may request the creation of temporary trainee classifications. Such requests must be submitted to the Personnel Director and justified based on the professional, technical, managerial or supervisory nature of the classification. The Personnel Director will maintain a list of such approved classifications. (Rev. 05/11)
- 613.20.10 Upon successful completion of the training program, an employee who does not have permanent status in the classified service, shall be promoted to the probationary level in the flexible classification series (Rev. 06/03);
- 613.20.20 An employee with permanent status in the classified service, who promotes or demotes to the trainee level in the flexible classification series and fails the training program, shall be restored to the position from which he or she last held permanent status (Rev. 06/03);
- 613.20.30 An employee with permanent status in the classified service, who promotes to the trainee level in the flexible classification series and subsequently promotes to the probationary level in the series shall be subject to Civil Service Rule 704.10 (promotional probationary). (Rev. 06/03);
- 613.20.40 An employee with permanent status in the classified service, who demotes to the trainee level in the flexible classification series and subsequently promotes to the probationary level in the series shall be subject to Civil Service Rule 704.10 (promotional probationer). (Rev. 06/03);
- 613.20.50 An employee with permanent status in the classified service, who demotes to the trainee level in the flexible classification series and subsequently advances to the next level in the series, which is also a demotion from the classification position in which they last held permanent status, shall not serve a probationary period. (Rev. 06/03)
- 613.30 Temporary appointments as defined in Rules 613.10 and 613.20 shall be made upon certification from a regular eligible list, pursuant to certification procedures defined in Civil Service Rule 602.10. (Rev.11/94)
- 613.40 The acceptance or refusal to accept a temporary appointment shall not be a bar to a permanent appointment. (Rev.11/94)
- 613.50 Individuals appointed to positions allocated by the Board of Supervisors as non-Civil Service temporary need not be certified from an eligible list. (Rev.11/94)

614.00 PROVISIONAL APPOINTMENTS

Any appointment of a person to a permanent position in the classified service, upon an authorization to make a provisional appointment in the absence of an appropriate eligible list, shall be a provisional appointment. (Rev. 08/96)

- 614.10.10 Maximum Duration: In no case shall a permanent position be filled by a provisional appointment for a period longer than one (1) calendar year or 30 calendar days after certification of eligible, whichever occurs first. (Rev. 08/96)
- 614.10.20 Termination After Certification: A provisional appointment to a permanent position shall be terminated within 30 calendar days after the date of certification by the Commission of eligible from an appropriate eligible list. In the event the department fails to remove the provisional appointee in accordance with this rule, the Director shall terminate the provisional appointment, following a ten (10) day notice to the Department Head and the Board of Supervisors of the intent to do so. (Rev. 08/96)
- 614.10.30 Provisional Promotion of a Permanent Employee
An employee with permanent status in the classified service who accepts a provisional appointment to a classified position with a higher salary range shall have the right to return to the position which that employee held immediately prior to the provisional appointment.
(Rev. 08/96)

615.00 LIMITED TERM APPOINTMENTS

Any appointment of extra help to a limited term position shall not exceed nine (9) calendar months, whether upon certification from an eligible list or upon authorization to appoint any person, who meets the minimum qualifications of the class, shall be a limited term appointment. During the term of the appointment, an extra-help employee may move from an extra-help assignment to another extra-help assignment, including assignments in different departments, provided that the length of the term of appointment does not exceed nine (9) months and the employment is continuous. (Rev. 02/09/09)

- 615.10 There shall be no such reappointment within any department for sixty (60) days following termination. The acceptance or refusal to accept appointment to a limited term appointment position on the part of an eligible shall in no way interfere with his right to certification to a permanent position in the classified service. (Rev. 07/03)
- 615.20 There shall be no provisional appointment to any position in the classified service for sixty (60) days following termination from extra-help employment. (Rev. 07/03)

616.00 REPORTS OF APPOINTMENTS

All appointments to positions in the classified service whether permanent, provisional, limited term, temporary, or emergency, shall be promptly reported by the appointing authority to the Commission on forms prescribed by the Commission and signed by the appointing authority.

618.00 CANCELLATION OF REQUISITION

The appointing authority may request cancellation of a requisition providing, however, that the reasons for the request are stated in writing and satisfactory to the Director. The requisition shall be canceled and any eligible certified shall be notified in writing. (Rev.06/93)

701.00 PURPOSE OF PROBATION

The probation period shall be the final phase of the examination or transfer process and shall be used by the appointing authority for the effective adjustment of the new or transferred employee and for the elimination of any probationary employee whose work does not meet the required standards of performance.

702.00 DURATION AND STATUS OF PROBATION

All appointments from officially promulgated eligible lists for original entrance or promotion shall be subject to a probationary period of six or twelve months as may be determined by the Commission for each classification. In addition, employees certified from the Alternate Work Eligibility List, subject to Civil Service Rule 504, shall be subject to a probationary period of six or twelve months as may be determined by the Commission for each classification.

- 702.10 Notwithstanding any other provisions to the contrary, the probationary period for entry-level Deputy Sheriff, Sheriff's Detention Deputy, Sheriff's Dispatcher or Sheriff's Dispatcher Assistant depending on the entry level initially appointed, Fire Fighter, Park Ranger, Deputy Coroner, Deputy Probation Officer, and Juvenile Corrections Officer I – Probation Department shall be twelve months.
- 702.11 Notwithstanding any other provisions to the contrary, the probationary period for transferees (as defined in Rule 1001.00) shall be 60 days.
- 702.20 Time included: The probationary period shall date from the time of appointment to a permanent position after certification from an eligible list or from the effective date of transfer to a new position in a different department.
- 702.21 It shall not include time served as a provisional, temporary, or emergency appointee.
- 702.22 The probationary period shall be extended by one day for each day a probationer is absent due to an approved leave without pay or an approved leave of absence for jury or military duty or on an approved leave under the provisions of Labor Code Section 4850.

703.00 CONDITIONS PRELIMINARY TO PERMANENT APPOINTMENT

The permanent appointment of a probationary employee shall begin on the day following the end of the probationary period.

- 703.10 The appointment authority shall file with the Commission a performance evaluation report showing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for permanent appointment.
- 703.20 The appointing authority shall return said performance evaluation report to the office of the Commission at least two weeks prior to the end of the probationary period. Failure or refusal by the appointing authority to return said performance evaluation report prior to the completion of the probationary period shall not negate permanent appointment nor extend the probationary period.

- 703.30 In the absence of a performance evaluation report recommending permanent status, the Human Resources Division shall confirm permanent appointment on the day following completion of the probationary period and shall immediately make such investigation as deemed necessary to determine the reason for the appointing authority's failure or refusal to file said performance evaluation report. Willful refusal or failure to file such report by the appointing authority shall be reported to the Civil Service Commission at its next regular meeting.

704.00 SEPARATION OF PROBATIONER

A probationary employee may be separated from the service at any time during the probationary period without right of appeal or hearing. In case of such separation, the appointing authority shall submit, in writing to the Commission, a statement of the reasons for such dismissal.

- 704.10 *Restoration of Promotional Probationer:* Notwithstanding any other provisions of this Rule, a permanent employee who is rejected during his or her probationary period from a position in the classified service to which he/she had been promoted shall be restored to the position from which he or she last held permanent status.
- 704.20 *Termination of Transferred Probationer:* Notwithstanding any other provisions of this Rule, a transferred employee as defined in Rule 1001.00, rejected during the probationary period from a position in the classified service or who desires to return to his/her former position prior to the probationary period expiring, shall have the right to revert to his/her former position. The Commission shall have final authority in determining whether the employee shall revert to his or her former position.
- 704.30 *Rejected Probationary Employee:* If a rejected probationary employee feels that the termination by the appointing authority is based upon discrimination because of race, religion, color, national origin, sex (including pregnancy, childbirth, and related medical conditions), age (40 and older), citizenship status, genetic information, AIDS/HIV, disability (physical or mental), or political activities or affiliations, the employee shall have the right to appeal the decision in accordance with Rule 1810, provided the employee appeals the decision to the Equal Employment Opportunity Officer (EEO Officer) within five working days of the date of termination. The EEO Officer shall transmit the appeal to the Equal Employment Opportunity Division for processing under Rule 1800.
- 704.40 *Reinstatement of Probationer to an Eligible List:* In the event a promotional probationer fails probation and displaces a new probationer or a new probationer is displaced through layoff, the department head may request, in writing, that the new probationer be reinstated onto the eligible list from which certified. Placement on the list is dependent upon the approval by the Director of Personnel. If approved, the displaced employee shall be placed on the eligible list based on their final earned score and remaining duration of their eligibility, per the qualifying examination.

Rule 800 **PERFORMANCE EVALUATION REPORTS – DELETED BY**
ORDER OF CIVIL SERVICE COMMISSION ON 12/14/15 (See Kern County Administrative
Policy and Procedures Manual Section 135).

901.00 PROMOTION BASED ON EXAMINATION

- 901.10 Promotion in the classified service shall be based on competitive examination and shall include an appraisal of the qualifications of employees as shown by their performance evaluation reports.
- 901.20 Candidates who attain the required standard in a promotional examination shall have their names placed on an eligible list and appointments made there from shall be made in the same manner as original appointments. Whenever practicable, vacancies shall be filled by promotion.
- 901.30 The rules governing promotional examinations shall be the same as those governing original entrance examinations except as herein provided.

902.00 TYPES OF PROMOTIONAL EXAMINATIONS

Examinations for the creation of eligible lists for promotional positions in the classified service shall be ordered as often as may be necessary to meet or anticipate the needs for such lists. Such examinations shall be known as:

- 902.10 *Departmental Promotional:* Limited to eligible employees in the department in which the promotional position exists.
- 902.20 *Interdepartmental Promotional:* Open to eligible employees in the classified service.

903.00 ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

In order to qualify for promotional standing in any examination called on a promotional basis, a person must have permanent status in a class of the classified service and must possess at least an overall standard rating on his or her most recent performance evaluation report. In addition, the person must possess the minimum qualifications of the class.

- 903.10 Applicants will be admitted to promotional examinations only if the requirements enumerated in 903.00 are met on or before the final date for filing applications for promotional examinations.
- 903.20 In case a person who has qualified on a promotional eligible list is separated from the classified service, except by layoff, their name shall be removed from the promotional list. If the separation has been through resignation in good standing, their name shall be placed on the open list for the class in the position in which their score would have entitled them, upon the employee's request.
- 903.30 Notwithstanding any provisions to the contrary, employees who are filling positions temporarily as a result of a military leave of absence, may compete upon recommendation of the appointing authority on promotional examinations provided they meet the minimum qualifications and have served in the temporary position at least six months with at least an overall satisfactory evaluation report.

904.00 PROMOTION IN CLASSIFICATIONS WHERE FLEXIBLE POSITION ALLOCATIONS EXIST

Wherever in the classified service there exists a series of classifications wherein the number of positions allocated to the series of classifications may be interchanged among levels and the first level is considered the entrance or trainee level, the appointing authority in whose department the series exists may recommend the promotion of an employee, without further tests, to a level higher than the employee currently occupies when the employee meets the minimum qualifications for the higher level. At the time of the promotion, the appointing authority shall certify that the employee has been satisfactory in all respects on the job and that promotion to the higher level of classification is recommended.

- 904.10 Employees must pass an additional probationary period for each subsequent promotion in a flexible series.

905.00 DEMOTION DEFINED

A demotion is a personnel transaction that involves the change of an employee who has permanent status in the classified service from one class position to another class position having lesser duties and responsibilities, lower qualifications, and a lower range of compensation.

- 905.10 The employee must hold permanent status with the county and shall demote with permanent status.
- 905.20 The employee shall not serve a probationary period.
- 905.30 The employee shall not have the right to revert back to the previously held position.
- 905.40 The employee shall not have the right to be placed on a re-employment list for the previously held classification.

906.00 VOLUNTARY DEMOTION DEFINED

A voluntary demotion is a transfer initiated by the incumbent that involves the change of an employee who has permanent status in the classified service from one class position to another class position having lesser duties and responsibilities, lower qualifications, and a lower range of compensation.

- 906.10 The employee must hold permanent status with the county.
- 906.20 The employee shall serve a 60 day probationary period during which either the employee or the department may choose to revert to the previously held position per Rule 702.11.
- 906.30 The employee shall have the right to revert back to the previously held position during the 60 day probationary period.
- 906.40 The employee shall not have the right to be placed on a re-employment list (as defined by Rule 505) for the previously held classification.

1001.00 TRANSFER DEFINED

A transfer is a personnel transaction as defined generally in Rule 100 of these rules. Notwithstanding, the Chief Human Resources Officer may authorize a transfer between positions not in the same class or in the same salary allocations (i.e., voluntary demotions) where the two classes have similar minimum qualifications.

1002.00 REQUIREMENTS FOR TRANSFER REQUEST

The following conditions are required in order to qualify for transfer request:

- 1002.10 The position shall be in the same class or if in different classes, shall have been determined by the Chief Human Resources Officer to be appropriate for transfer on the basis of minimum qualifications and salary grade.
- 1002.20 The employee shall have permanent status in the classified service, and in the classification which he/she holds.
- 1002.30 The employee's acknowledgment of the transfer shall be indicated on the form or transaction required for the transfer.

1003.00 TRANSFER OF ELECTED OFFICIAL

Notwithstanding Rules 1001.00 and 1002.20, when the office of an elected official is eliminated, either by action of the State Legislature or the Board, the incumbent shall have the right to transfer to a permanent county position provided he/she meets the minimum qualifications of the position to which he/she transfers.

1004.00 TRANSFERRED EMPLOYEES' PROBATIONARY PERIOD

All employees transferred between two departments shall be subject to the probationary period set forth in Rule 702.11.

Rule 1100 **VACATIONS – DELETED BY ORDER OF CIVIL SERVICE**
COMMISSION ON 12/14/15 (See Kern County Administrative Policy and Procedures Manual).

1201.00 MANDATORY LEAVES OF ABSENCE

1201.10 *Notice of Leave:* Any County employee requesting a leave of absence without pay under Sections 1201.20, 1201.30, or voluntary leave under Section 1201.40 shall, when possible, give notice of that request to the appointing authority, in writing, not less than 30 days prior to the date the leave is to commence. Such notice shall be forthwith forwarded to the Director by the appointing authority. The notice shall be submitted on a form prescribed by the Commission and shall specify the leave to be taken, the reason or reasons therefore, and, to the extent possible, the beginning and ending dates of the leave. (Rev. 8/92)

1201.20 *Non-Job-Related Medical Leave:*

The purpose of this Rule is to provide eligible employees with a leave of absence in the case of a non-job related illness or disability. It is the intent that the leave provided by this Rule shall implement all leaves for pregnancy disability mandated by Government Code section 12945. (Rev. 07/2013)

1201.20.10 Eligible Employees

In order to qualify for a leave, an employee must:

- a) Use all sick leave accruals prior to using any other form of accruals;
- b) Provide the appointing authority with completed leave of absence paperwork and a certification from a medical doctor of the necessity for the leave, including the required anticipated duration of the leave. This certification may provide verification that the employee will be medically able to return to work at the expiration of the leave period. (07/2013)

1201.20.20 Amount of Leave

Eligible employees are entitled to up to six (6) months of non-job-related medical leave in any twelve (12) month period, except as required by law. This leave entitlement shall not be used intermittently in lieu of a reduced work schedule. (07/2013)

1201.20.30 Substitution of Paid Leave

The leave provided by this Rule may be taken in a paid status. Eligible employees shall be entitled to concurrently use all accrued leave balances, other than sick leave, such as vacation and compensatory time off in order to continue in a paid status. All other leaves taken pursuant to this Rule will be deemed unpaid. (07/2013)

1201.20.40 Concurrent Leaves

To the maximum extent permitted by law, all leaves authorized by this Rule shall run concurrently with leaves taken pursuant to Rule 1201.30 and shall count against the twelve (12) week limitation contained in Rule 1201.30. (07/2013)

1201.20.50 Return to Duty

Upon expiration of the approved leave and prior to returning to duty, the employee may be required to obtain and present certification from a medical doctor that the employee is able to resume work. The employee may also be required to pass a physical, medical, and/or psychological examination designated by the County at its expense. (07/2013)

1201.30 *Mandated Family and Medical Leaves - (Employees and Family):*

The purpose of this Rule is to implement leaves which are mandated by the Family and Medical Leave Act of 1993 ("FMLA") and the California Family Rights Act "CFRA").

Family and medical leaves of absence are available on an unpaid basis to eligible employees. (Rev. 09/14/09)

1201.30.10 Eligible Employees

In order to qualify for a leave, an employee must:

- a) Have been employed for at least twelve (12) months; and
- b) Have worked at least 1,250 hours of service during the twelve (12) month period immediately before the commencement of the leave.

In calculating the twelve (12) months of employment in subsection (a) above, service prior to a seven year break in service does not count unless that break is caused by the fulfillment of the employee's National Guard or Reserve military obligation. In addition, the time spent fulfilling National Guard or Reserve military service obligations shall count towards the 1,250 hours of service requirement in subsection (b) above.

1201.30.20 Amount of Leave

Eligible employees are entitled to up to twelve (12) work weeks leave in a twelve (12) month period except an employee is entitled up to twenty-six (26) work weeks to care for a covered service member.

The twelve (12) month period used to measure the twelve (12) week entitlement will be the rolling twelve (12) month period measured backward from the date the leave is used. Under the rolling twelve (12) month period, each time an employee takes leave, the remaining leave balance consists of the portion of the twelve (12) weeks that was not used during the immediately preceding twelve (12) months.

The twenty-six (26) week entitlement is for a twelve (12) month period, which begins on the first day an eligible employee takes leave to take care of a covered service member and ends twelve (12) months after that date.

1201.30.30 Reasons for Leave

Leave is only permitted - for the following reasons:

1. The birth of a child or to care for a newborn child of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for spouse, child, parent or domestic partner who has a serious health condition;
4. Leave because of a serious health condition of the eligible employee which prevents the employee from performing the essential functions of his or her position;
5. Leave for a "qualifying exigency" arising out of the fact that the spouse, son, daughter or parent of the eligible employee is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. This "qualified exigency leave" is an entitlement under the FMLA only, not the CFRA.
6. Leave to care for the spouse, son, daughter, parent or next of kin of a covered service member of the United States Armed Services who has a serious injury or illness incurred in the line of duty while on active military duty shall be entitled to a total of twenty six (26) weeks of leave during a twelve (12) month period to care for the service member but in no event shall that leave, when combined with other qualifying FMLA leave, exceed twenty six (26) weeks in a single twelve (12) month period.

1201.30.40 Both Spouses Employed by County

When both a husband and a wife are employed by the County, the amount of leave for bonding (i.e., birth, adoption, or foster care placement) or to care for the employee's parent with a serious health condition is limited to an aggregate of twelve (12) work weeks, between the spouses, in a twelve (12) month period.

In any case in which a husband and wife are both employed by the County, the aggregate number of work weeks to which both may be entitled may be limited to twenty-six (26) work weeks during any twelve (12) month period if leave is taken to care for a covered service member.

1201.30.50 Substitution of Paid Leave

Employees shall exhaust all accrued sick leave to the maximum extent permitted, at the commencement of the leave. Employees shall be entitled to use any other accrued leave balances, concurrently with the leave given by this section. This Rule is not intended to supersede the provisions of Kern County Administrative Procedures Manual Section 119, which limits the amount of sick leave, which an employee may use for illness of members of the employee's immediate family.

1201. 30.60 Certifications1. Serious Health Conditions

If an employee requests a leave due to a serious health condition of the employee or a family member, the employee must support the request with a legally sufficient certification issued by the health care provider of the individual with the serious health condition. The County may request subsequent recertification of medical conditions as permitted by law (Rev. 01/97).

2. Qualifying Military Exigency

The first time an employee requests leave because of a qualified exigency arising out of the active duty or call to active duty by a covered military member, the County may require the employee to provide a copy of the covered military member's active duty orders or other permitted documentation.

3. Military Caregiver Leave

When an employee requests leave to care for a covered service member with a serious injury or illness, an employer may require an employee to obtain a certification completed by an authorized health provider of the covered service member.

1201. 30.70 Fitness for Duty

As a condition of restoring an employee whose leave was occasioned by the employee's serious health condition that made the employee unable to perform the employee's job, the employee shall obtain and present certification from the employee's health care provider that the employee is able to resume work.

1201.30.80 Intermittent Leave or Leave on A Reduced Leave Schedule

If an employee requests leave intermittently or on a reduced leave schedule for the employee's serious health condition or to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means that there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. Employees needing such intermittent or reduced leave schedules must make a reasonable effort to schedule such leaves so as not to disrupt the employee's department's operations.

1201.30.90 Minimum Duration for Bonding Leaves

Leave taken for reason of the birth, adoption or foster care placement of a child of the employee does not have to be taken in one continuous period of time. Any such leave taken shall be concluded within one year of the birth or placement of the child. The basic minimum duration of the leave shall be two weeks, however, the County shall grant a request for such leaves for less than two weeks' duration on two occasions.

1201.30.100 Concurrent Leaves

To the maximum extent permitted by law, any leave taken by an employee under this or any other Rule or authority shall be credited against the twelve (12) week limit contained in this Rule. The leave provided by this Rule shall run concurrently with all other leaves, which apply to the employee's absence to the maximum extent permitted by law.

- 1201.40 Temporary Military Leave Pursuant to California Military and Veterans Code sections 395 and 395.01, any County employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or the Naval Militia, is entitled to a temporary military leave of absence while engaged in military duty ordered for the purposes of active military training, inactive duty training, encampment, naval cruises, special exercises or like activity, provided that the period of ordered duty does not exceed 190 calendar days, including time involved in going to and returning from that duty; and, provided a copy of the military orders accompany the request for military leave.

Any employee who has been in the service of the County for at least one year, immediately prior to the date upon which a temporary military leave of absence begins, shall, to the extent required by law, be entitled to receive his/her salary for the first 30 calendar days of such leave and, shall accrue the same vacation, sick leave and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or re-employment that the employee would have enjoyed had he/she not been absent there from; however, any uncompleted probationary period must be completed upon reinstatement. (for purposes of this section, in determining the one year of service with the County, all service of the public employee in the recognized military service shall be counted as County service). The employee's seniority dates (i.e., County, Vacation and Increment) will not be adjusted for the duration of the leave. The employee may utilize vacation and compensatory time off accruals before beginning in a non-pay status. Notwithstanding the above, an employee on temporary military leave for the purpose of "inactive duty training" is not entitled to have any of his/her salary paid as described above. (Rev. /01)

- 1201.40.10 Pursuant to California Military and Veterans Code section 395©, upon expiration of any temporary military leave of absence, an employee has a right to be restored to his/her former office or class position and status formerly held by the employee in the same locality and in the same County department. If the office or class position has been abolished or otherwise has ceased to exist during the employee's absence, he/she shall be reinstated to a position of like seniority, status, and pay if a position exists or, if no position exists, the employee shall have the same rights and privileges that he/she would have had if he/she had occupied the class position when it ceased to exist and had not taken a temporary military leave of absence. (Rev. /01)

- 1201.45 Other Military Leaves Any County employee who volunteers for or is required to serve as a member of any branch of the armed forces (including, but not limited to, initial enlistment), shall be granted a military leave of absence without pay for a period of one enlistment, not to exceed five (5) years' duration, provided a

copy of the military orders accompany the request for military leave. The employee's seniority dates (i.e., County, Vacation and Increment) will not be adjusted for the duration of the leave; however, the employee will not accrue benefits, which are based on merit or hours worked (including, but not limited to vacation and sick leave). Military leaves of absence are governed by both the California Military and Veterans Code sections 389 et seq. and Title 38 of the United States Code, sections 4301 et seq. (Rev. /01)

- 1201.45.10 Pursuant to title 38 of the United States Code, section 4312, an employee returning from an approved military leave of absence shall be entitled to return to his/her formerly held class position with the County, without loss of standing, as described above, provided the returning employee notifies the County of his/her intent to return to work in accordance with the notice provisions listed below:

An employee who has been on military leave for less than thirty-one (31) days must notify the County's Personnel Department, in writing, of his/her intent to return to work no later than the beginning of the first full pay period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the employee from the place of service to the employee's residence; or, if through no fault of his/her own, the employee cannot report as set forth above, he/she must do so as soon as possible.

An employee who has been on military leave for more than thirty (30) days, but less than 181 days will be retained on the County payroll in an inactive status. The employee must notify the County's Personnel Department, in writing, of his/her intent to return to work no later than fourteen (14) days after the completion of the service; or, if through no fault of his/her own, the employee is unable to provide the written notice in the manner described, then he/she must do so by the first full calendar day possible.

An employee who has been on military leave for more than 180 days must notify the County, in writing, of his/her intent to return to work no later than ninety (90) days after completion of the service.

Notwithstanding the foregoing, the County may refuse to re-employ an employee returning from military leave if: 1) The County's circumstances have changed so much as to make the re-employment impossible or unreasonable; 2) The class position from which the person previously held has been deleted and there are no similar or comparable positions; 3) Re-employment would cause undue hardship on the County; and/or 4) The employment from which the person left was for a brief, non-recurrent period and there was no reasonable expectation the job would continue indefinitely or for any significant period. (Rev.11/01)

- 1201.50 *Spousal Military Leave:* As provided in Military and Veterans Code Section 395.10, a full-time employee who is the spouse of a qualified member of the military, as defined in Military and Veterans Code Section 395.10(b)(4), shall be

entitled to ten days of unpaid leave while the qualified military member is deployed during a period of military conflict.

- 1201.60 *Leave for Compensable Disability:* County employees shall have an automatic leave of absence from employment during such period as the employee is eligible to receive temporary disability compensation under the workers' compensation laws of the State. Said leave shall automatically terminate when the right to such compensation terminates, the employee is determined by the Risk Management Division of the County Counsel's Office not to be eligible for workers' compensation benefits, the employee has been released to return to work by a doctor authorized by the Risk Management or a County doctor, or the employee retires from County service, whichever occurs first.

Employees may use sick leave during the leave here provided for in accordance with Ordinance Code Section 3.28.110. Employees determined not to be eligible for Worker's Compensation benefits shall have all leave time taken under this section converted to allowable leaves under Sections 1201.20, or 1202.20 of the Civil Service Rules, as applicable. (Rev. 01/97)

To the maximum extent permitted by law, all leaves authorized by this Rule shall run concurrently with leaves taken pursuant to Rule 1201.30 and shall count against the twelve (12) week limit contained in Rule 1201.30. (Rev. 01/97)

- 1201.60.10 Employees who are on a compensable disability leave of absence shall submit a statement of their condition from their doctor to their appointing authority as long as they remain on such leave of absence. (Rev. 8/92)
- 1201.60.20 Any employee who is granted a service-connected disability retirement and who later is determined by the Retirement Board to be no longer incapacitated and who desires to return to active County employment and is re-employed shall be deemed to have been on an approved leave of absence without pay for the period of time he/she received said service-connected disability. (Rev. 8/92)

- 1201.70 *Family School And Licensed Child Day Care Activity Leave:* Any full-time or part-time County employee who is a parent, guardian or grandparent with custody of a child in grades Kindergarten through Twelve or attending a licensed child day care facility, shall be entitled to, upon proper written request to the appointing authority, a leave from work up to a maximum of forty (40) hours per year, but no more than eight (8) hours in any calendar month, to participate in the activities of the school or licensed child care facility of any of his or her children. The employee shall use vacation, compensatory time-off or any other paid leave allowances other than sick leave. If the employee has no paid leave time accrued, leave without pay shall be taken. The employee shall, give notice of that request in writing to the Department Head no less than three (3) working days prior to the date of the scheduled school or day care activity. If both parents work for the same department, the department head may limit the leave to the parent initially making the request. If requested to do so by the department head, the employee shall provide written verification of his or her participation in the school or day care activity. (Rev. 02/98)

1202.00 DISCRETIONARY LEAVES OF ABSENCE

- 1202.10 *Request for Leave:* Any County employee who occupies a regular classified position may apply for the discretionary leaves provided for in this Rule. Requests for any such leave without pay shall be made upon forms prescribed by the Commission and shall state specifically the reason for the request, the date when the employee desires the leave to commence, and the specific date of return. The request shall be delivered to the appointing authority for written recommendation that it be granted, modified, or denied, and both the request and the recommendation shall be promptly transmitted to the Director by the appointing authority. If the appointing authority recommends denial or modification of the leave requested, the reasons therefore shall be communicated to the Director in writing. No such request shall be denied or modified without notice to the employee, who may appeal the denial or modification to the Commission. (Rev. 8/92)
- 1202.20 *Personal Necessity Leave:* Any permanent full-time or permanent part-time employee in the classified service may be granted, upon proper written request and approval of the appointing authority and the Director, a leave of absence not to exceed three (3) months for personal reasons. (Rev. 06/14)

Approval of such leave without pay under this section shall be conditioned on findings that:

- 1202.20.10 The situation or condition necessitating leave is remedial within the period requested. (Rev. 8/92)
- 1202.20.20 The situation or condition necessitating leave is not remedial by other means. (Rev. 8/92)
- 1202.20.30 Refusal to authorize leave will result in personal hardship or suffering for the employee or the employee's immediate family. (Rev. 8/92)
- 1202.20.40 The employee's absence will not substantially interfere with the business of the affected department. (Rev. 8/92)
- 1202.20.50 The employee shall be entitled to use all of his/her accrued vacation leave and compensatory time off concurrently with this leave of absence. (Rev. 01/12)
- 1202.20.60 The employee has exhausted the leave provided for in Section 1201.20 or Section 1201.30, or both, or is otherwise not eligible for either of such leaves. (Rev. 8/92)
- 1202.31.20 The position still exists and the employee is otherwise qualified for the position. (Rev. 8/92)

- 1202.40 *Educational/Personal Enrichment Leave:* Any permanent full-time or permanent part-time employee in the classified service may be granted, upon proper written request and approval of the appointing authority and the Director, a leave of absence without pay not to exceed one (1) year for educational or personal enrichment purposes. The educational or personal enrichment leave may be extended, upon the proper written request and approval, one (1) additional year. (Rev. 01/93)
- 1202.41 An employee granted an educational/personal enrichment leave of absence without pay shall, for two (2) years, retain the right to be appointed to the first vacant position available in the approving department in the class of position which he/she had previously occupied prior to the leave of absence. (Rev. 01/93)
- 1202.42 During the period of the educational/personal enrichment leave of absence, and for a period of two (2) years following the completion of the leave, if the employee is awaiting a vacancy in the department which approved the leave in the class of position which he/she had previously occupied, the employee shall be retained on the payroll in an inactive status. During this period, the employee retains the same benefits as other employees on leave of absence for other purposes under Rule 1202. If, after two (2) years following completion of the educational/or personal enrichment leave of absence, a vacancy has not become available to which the employee can be appointed, then payroll status will be terminated. If such occurs, the employee shall automatically be placed on the re-employment list for the class or classes in which the employee previously held regular status. (Rev. 01/93)
- 1202.43 The employee is obligated to accept the first appointment offered following completion of the education/personal enrichment leave. Failure to do so will result in the forfeiture of all rights under this Rule. (Rev. 01/93)
- 1202.44 Rights under this Rule are conditioned on the employee:
- 1202.44.10 Using all vacation leave, holiday time, and compensatory time off to his/her credit prior to the effective date of the leave of absence. (Rev. 8/92)
 - 1202.44.20 If the employee fails to actively, continuously, and successfully pursue an educational/personal enrichment goal, the leave of absence shall be immediately canceled, and the employee will lose the right to return to a position within the classified service. (Rev. 01/93)
 - 1202.44.30 Upon return from such leave of absence to a position within the classified service, an employee shall be entitled to, and have reinstated to his/her credit, all sick leave accumulated by him/her at the time of the granting of the leave of absence. The employee shall also retain the vacation accrual rate enjoyed prior to the leave of absence. The employee shall also have his/her seniority date restored, minus the length of time he/she was on the leave of absence. (Rev. 8/92)

1203.00 DURATION/EXTENSION OF LEAVES

Leaves of absence may be approved for the maximum period of time as specified in these Rules based upon the reason for the request. If the original leave of absence is not for the maximum duration allowed and the employee desires an extension of the original leave of absence, the employee must request said extension on the leave of absence form and return the completed form to the appointing authority ten (10) days prior to the expiration of the original leave. The appointing authority, with approval of the Director, may extend such leaves only to the maximum time periods specified herein. (Rev. 06/14)

1204.00 RETURN BEFORE EXPIRATION

Whenever an employee who has taken a leave desires to return before expiration of such leave, the employee shall so notify the appointing authority in writing at least five (5) calendar days in advance of the return. The Director shall be notified promptly of the employee's return. (Rev. 06/14)

1205.00 LEAVES OF ABSENCE FOR NON-PROMOTIONAL PROBATIONARY EMPLOYEES

Notwithstanding any other provision of Rule 1201.20 or Rule 1202 to the contrary, leaves of absence for probationary employees shall be administered according to the following:

- 1205.10 Non-promotional probationary employees shall be entitled to a leave of absence without pay for non-job-connected illness or disability, including disability resulting from pregnancy, childbirth, or related condition. Such leave shall not exceed a maximum of four (4) months. Application shall be made in accordance with Rule 1201.10. Verification from a medical doctor of continued disability may be requested and such written verification shall be provided at 40-day intervals as requested. The employee may be required to pass a physical examination at County expense prior to returning to duty if the illness or disability may affect job performance or the health or safety of fellow workers or the public. Actual full days away for non-job-connected illness or disability, including disability resulting from pregnancy, childbirth or related condition, will be added to the probation period on a day-for-day basis. (Rev. 01/2014)
- 1205.20 Non-promotional probationary employees shall be entitled to a leave of absence without pay for family sick leave purposes. Such leave will be awarded at the discretion of the appointing authority and shall not exceed 15 calendar days. Actual full days away will be added to the probation period on a day-for-day basis. (Rev. 01/2014)
- 1205.30 Non-promotional probationary employees shall not be granted a discretionary leave of absence without pay for any reason other than specified in Rules 1205.10 and 1205.20 at the discretion of the appointing authority up to a maximum of thirty (30) days during the non-promotional probationary period. Actual full days away will be added to the probation period on a day-for-day basis. (Rev. 01/2014)

1205.40 Non-promotional probationary employees called to serve on jury duty shall be granted time off without loss of pay. Actual time away for jury service will be added to the probation period on a day-for-day basis as provided in Rule 702.22. (Rev. 01/2014)

1205.50 To the maximum extent permitted by law, all leaves authorized by Rule 1205 shall run concurrently with leaves taken pursuant to Rule 1201.30 and shall count against the twelve (12) week limit contained in Rule 1201.30. (Rev. 02/98)

1206.00 **VACATION OR SICK LEAVE ACCRUALS WHILE ON LEAVE**

No employee who has been granted a leave without pay for any reason shall accrue vacation or sick leave during the time of such leave. (Rev. 8/92)

1207.00 **RECORD OF LEAVE**

Records of leaves without pay, military leaves, sick leave and vacation accruals, deductions, and balances shall be maintained in the office of the Commission. The Director shall furnish the appointing authority any information from such records as may be requested. (Rev. 8/92)

- 1300.00 Whenever it becomes necessary, as determined by the Board of Supervisors, to reduce the number of authorized budgeted positions in the classified service, the following rules and regulations relative to layoff procedures shall apply to General Member employees, however, in no event shall an employee on active military duty be subject to layoff. (Rev. 09/2009)

1310.00 DEFINITIONS

- 1310.10 Seniority: The length of total uninterrupted time worked in County service in a regular, budgeted, permanent position (continuous service). Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave is deducted from continuous service. The employee's seniority date is the date upon which continuous service commenced, adjusted for leaves of absence without pay. (Rev. 04/10)
- 1310.10.10 Military leave without pay maintains the continuity of employment; the duration of the military leave without pay is not deducted from continuous service. (Rev. 04/10)
- 1310.10.20 Leave of absence without pay for illness or injury suffered during the course and scope of County employment, as provided under the workers' compensation laws of the State of California, maintains the continuity of employment; the duration of such leave is not deducted from continuous service. (Rev. 04/10)
- 1310.10.30 Should two (2) or more employees have identical seniority dates, the order of displacement will be determined by the employee's length of continuous service in the affected classification. The employee with the least amount of continuous service in the affected classification will be displaced first. Should two (2) or more employees have identical continuous service in the affected classification, displacement will be in inverse order of the employee's final score derived from the eligibility list from which they were appointed and then, by lot. (Rev. 04/10)
- 1310.20 Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation rating for one of the last two annual rating periods, was Standard or higher. In the event the employee has less than two (2) years of service, the rating for the last rating period must have been Standard or higher. (Rev. 04/10)
- 1310.30 Non-Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation rating for the last two (2) annual rating periods was Improvement Needed or Unsatisfactory. (Rev. 04/10)
- 1310.30.10 In the event the employment period does not include two (2) annual performance evaluations, an employee who received one annual overall rating of Improvement Needed or Unsatisfactory shall be considered a non-qualified permanent employee. (Rev. 04/10)
- 1310.40 Flexible Staffing Allocation: Positions within a flexible classification series shall be considered as one classification. (Rev. 06/93)

- 1310.50 *Displace*: An action caused by a reduction of authorized, budgeted positions wherein an employee is demoted or laid off.
- 1310.60 *Recalled Employee*: An employee who returns to any position within the classification from which displaced. (Rev. 06/93)
- 1310.70 *Department Layoff Re-Employment List*: A list containing names of qualified, permanent employees, by total county seniority, displaced from a position within a department as a result of a reduction of operations or personnel. Placement on this list grants specific rights to displaced employees for return to any position within the same classification and department should vacancies occur after displacement. (Rev. 04/10)
- 1310.70.10 Qualified permanent employees who retain employment in their current classification by accepting a lateral transfer as a result of layoff may request to have their name placed on this list. (Rev. 04/10)
- 1310.80 *County Layoff Re-Employment List*: Qualified permanent employees, who are laid off or accept a voluntary demotion with a transfer as a result of layoff, may have their names placed on this list for the classifications in which they previously held permanent status. This list shall be used to fill vacant positions after exhausting the Department Layoff Re-Employment List and prior to the use of other employment lists. (Rev. 04/10)

1320.00 ORDER OF LAYOFF

- 1320.10 All vacant authorized positions in the affected classification, within a department, must be deleted. (Rev. 04/10)
- 1320.20 Notwithstanding any provision to the contrary, the order of layoff of employees within the department affected by the reduction of authorized positions shall be: (Rev. 04/10)
- 1320.30 By classifications affected in the department: (Rev. 04/10)
1320. 30.10 Non-permanent employees: (Rev. 04/10)
- 1320.30.10.10 Extra help employees, (Rev. 04/10)
1320. 30.10.20 Temporary employees, (Rev.04/10)
- 1320.30.10.20.10 Contract employees, unless otherwise provided, (Rev. 04/10)
- 1320.30.10.20.20 Retired employees, employed under Government Code Section 31680.2, (Rev. 03/10)
- 1320.30.10.30 Provisional employees, (Rev.04/10)
1320. 30.10.40 Probationary employees. (Rev.04/10)

1320.30.20 Non-qualified permanent employees. (Rev.04/10)

1320.30.30 Qualified Permanent employees. (Rev. 04/10)

1320.30.30.10 A qualified permanent employee who has been promoted or transferred and whose status is probationary or provisional shall, for the purpose of these layoff rules, be defined as a permanent employee of the department in which the currently-held position is allocated. (Rev.04/10)

1330.00 METHOD OF IDENTIFICATION OF EMPLOYEES TO BE LAID OFF

(Rev. 04/10)

1330.10 Upon the determination to reduce the number of authorized positions within a department, the department head shall decide the number of positions, by classification, to be deleted. The department head shall notify the Director of Personnel in writing of the number of authorized positions, by classification, to be deleted by the Board of Supervisors. Upon receipt of such notice, the Director of Personnel shall give the appointing authority the names of those employees who are least senior in total county seniority for the positions, by classification, affected. (Rev. 04/10)

1330.20 Qualified permanent employees so affected by the layoff procedures shall be displaced in inverse order of total county seniority.

1330.30 A qualified permanent employee who receives a notice of layoff may displace a less senior employee in a lower classification within the department, provided that:

1330.30.10 The employee held a position within the lower classification in the department without a break in employment; (Rev. 04/10)

1330.30.20 Or, the appointing authority agrees that the lower-level position is sufficiently similar to the higher-level position and that the more senior employee possesses the necessary skills and abilities to perform adequately the duties of the lower-level position;

1330.30.30 And, where the lower classification is a supervisory position, the more senior employee must be in a supervisory position prior to displacement to the lower level or must have held a supervisory position in a related field in order to displace the less senior supervisory employee. (Rev. 06/93)

1330.40 The salary level of an employee displaced to a lower level shall be as provided by the Kern County Ordinance Code. (Rev. 04/10)

1330.50 An employee displaced to a lower classification shall not be required to serve a probationary period.

1340.00 NOTICE OF LAYOFF

- 1340.10 Upon approval of the Board of Supervisors, it shall be the department head's responsibility to notify all displaced employees at least fifteen (15) calendar days prior to the effective date of the layoff. (04/10)
- 1340.20 The notice of layoff to displaced employees shall include: (Rev. 06/93)
- 1340.20.10 The reason for layoff.
 - 1340.20.20 The effective date of layoff.
 - 1340.20.30 The requirements governing retention of their names on the Department Layoff Re-Employment List and County Layoff Re-Employment List.
 - 1340.20.40 Procedures for employee appeal of layoff action as delineated in Rule 1500. (Rev. 06/93)
 - 1340.20.50 Procedures for displacement of a less senior employee in a lower classification in accordance with Civil Service Rule 1330.30. (Rev. 06/93)
 - 1340.20.60 List of benefits which will cease as a result of layoff, including available options for employees. (Rev. 06/93)

1350.00 PLACEMENT OF NAMES ON LAYOFF RE-EMPLOYMENT LISTS

- 1350.10 *Department Layoff Re-Employment List:* The name of every qualified permanent employee, who is displaced as a result of reduction of authorized positions, shall be placed on the re-employment list for the classification held at the time of displacement. If displaced further, the employee's name shall be placed on each successive re-employment list for each lower classification held in the department without a break in employment. (Rev. 06/93)
- 1350.10.10 Placement of names on this list shall be determined by total County seniority. (Rev. 04/10)
- 1350.20 *County Layoff Re-Employment List:* Every qualified permanent employee laid off shall have the right to complete a County Layoff Re-Employment form listing positions in which they previously held permanent status without a break in County service. (Rev. 06/93)

1360.00 USE OF LAYOFF RE-EMPLOYMENT LISTS

- If, after a layoff occurs within the County, a position subsequently becomes available in an affected classification, the following method of filling the vacant position shall be used: (Rev. 04/10)
- 1360.10 The department head shall notify the Director of Personnel of the vacant position to be filled. The Director of Personnel shall certify the names and addresses of the persons entitled to certification, in accordance with these rules and provisions contained therein: (Rev. 06/93)

- 1360.10.10 The name of the person ranked highest on the Department Layoff Re-Employment List for the classification.
- 1360.10.20 The names of the three (3) persons ranked highest on the County Layoff Re-Employment List for the classification. If less than three (3) names are certified from County Layoff Re-Employment List, the department must make an appointment from among the names certified. (Rev 04/10)
- 1360.10.20.10 Notwithstanding 1360.10.20, the Civil Service Commission may approve a department head request for a promotional certification in order to avoid displacement of departmental employees resulting from an organizational change approved by the Board of Supervisors. (Rev.04/10)

1370.00 RIGHTS OF EMPLOYEES RECALLED FOLLOWING LAYOFF DISPLACEMENTS
(Rev. 06/93)

1370.10 Employees recalled from the Department Layoff Re-Employment List

- 1370.10.10 *Probationary Period:* If the recalled employee was displaced during a probationary period, the remaining probationary time shall be served when recalled. If the recalled employee fails their probationary period, they shall be terminated from employment. No probationary period is otherwise required. (Rev. 04/10)
- 1370.10.20 *Salary:* The recalled employee returns to the same salary step, as per the classification and level, held prior to displacement. The salary increment date is adjusted for the layoff period. (Rev.04/10)
- 1370.10.30 *Benefits:* The recalled employee assumes the same vacation accrual rate as held prior to displacement. The vacation accrual date is adjusted for the layoff period. All sick leave hours accrued through the date of layoff are credited to the recalled employee. (Rev. 06/93)

1370.20 Employees recalled from the County Layoff Re-Employment List

- 1370.20.10 *Probationary Period:* The recalled employee serves a regular probationary period, even if the employee had completed a probationary period in another department prior to layoff.
- 1370.20.20 *Salary:* The recalled employee returns to any salary step for the classification, pursuant to provisions of the Kern County Ordinance Code. (Rev. 04/10)
- 1370.20.30 *Benefits:* The recalled employee assumes the same vacation accrual rate as held prior to displacement, upon completion of the probationary period. The vacation accrual date is adjusted for the layoff period. All sick leave hours accrued through the date of layoff are credited to the recalled employee upon completion of the probationary period. (Rev. 06/93)

1380.00 PRIORITY AND DURATION OF LAYOFF RE-EMPLOYMENT LISTS

- 1380.10 Notwithstanding any provision to the contrary, the Department Layoff Re-Employment List and the County Layoff Re-Employment List shall have precedence over all other employment lists.
- 1380.20 The duration of affected employees' rights to recall through the Department Layoff Re-Employment List and the County Layoff Re-Employment List shall be two (2) years from the layoff effective date established by the Board of Supervisors. At the request of the Department Head, Layoff Re-Employment Lists for classifications unique to the department may be extended for a period to be determined and approved by the Civil Service Commission. (Rev. 04/10)
- 1380.30 Individual names shall be removed from the Department Layoff Re-Employment List and the County Layoff Re-Employment List for any of the following reasons:
- 1380.30.10 Failure to accept employment or report to work in a position in the same classification within the department from which the employee was laid off. (Rev. 06/93)
 - 1380.30.20 Failure to appear for a job interview after notice of certification. (Rev. 04/10)
 - 1380.30.30 Failure to respond, for any reason, within seven (7) working days after notifying the employee certifying eligibility for re-employment. (Rev. 6/15)
 - 1380.30.40 Request in writing by the employee to be removed from the list(s).
 - 1380.30.50 Failure to accept employment or report to work within the classification listed by the employee on the County Layoff Re-Employment form shall result in the removal of the employee's name only for the classification refused. (Rev. 06/93)
- 1380.40 Re-employment in the classification and department from which the employee was laid off shall remove the employee from any other County and department layoff re-employment lists.

1390.00 RESTORATION OF FORMER EMPLOYEE'S NAME TO LAYOFF RE-EMPLOYMENT LIST

- 1390.10 If a former employee's name has been removed from the layoff re-employment lists as a result of Sections 1380.30; et seq. of these Rules, the former employee may request restoration of his/her name to said list. Restoration of a former employee's name to a layoff re-employment list will be permitted only for the reasons outlined in Sections 1390.11 below. All such requests for restoration to a layoff re-employment list shall be submitted to the Director of Personnel. (Rev. 06/93)

- 1390.11 If the failure to comply with Sections 1380.30; et seq. of these Rules is alleged to be a result of a medical disability, or any unusual, unique non-medical circumstances beyond the individual's control, the former employee shall submit sufficient evidence to support the request for restoration to the list. The Director of Personnel may determine, upon review of such evidence, to restore the former employee's name to the appropriate layoff re-employment list. (Rev. 06/93)
- 1390.20 The restoration of any former employee to a layoff re-employment list shall not extend the individual's original two (2) year duration of rights. Any such restoration of a former employee to the Layoff Re-Employment List shall not affect any prior appointment(s) from the Layoff Re-Employment List. (Rev. 06/93)

- 1400.00 Whenever it becomes necessary, as determined by the Board of Supervisors, to reduce the number of authorized, budgeted positions, the following rules and regulations relative to layoff procedures shall apply to Safety Member employees, however, in no event shall an employee on active military duty be subject to layoff (Rev. 09/09)

1405.00 DEFINITIONS

- 1405.10 Safety Member: Safety member shall be employees in Firefighter, Deputy Sheriff and Sheriff's Detentions Deputy classification series. Each safety classification series shall be considered separately in accomplishing displacement. (Rev. 09/10)

- 1405.10.10 A safety classification series shall include:

Firefighter Classification Series: Firefighter Apprentice/Firefighter; Fire Engineer; Fire Captain; Fire Battalion Chief; Deputy Fire Chief; Chief Deputy-Fire.

Deputy Sheriff Classification Series: Deputy Sheriff Trainee/Deputy Sheriff I/Deputy Sheriff II; Senior Deputy Sheriff; Sheriff's Sergeant; Sheriff's Lieutenant; Sheriff's Commander; Chief Deputy Sheriff; Undersheriff.

Sheriff's Detentions Deputy Series: Sheriff's Detentions Deputy Trainee/Sheriff's Detentions Deputy; Sheriff's Detentions Senior Deputy; Sheriff's Detentions Sergeant; Sheriff's Detentions Lieutenant. (Rev. 09/10)

- 1405.20 Safety Department Layoff Re-Employment List: A list containing names of qualified permanent employees who are placed upon the list by length of seniority (inverse order of displacement) in the affected classification when displaced from a position as a result of reduction of operations or personnel. Placement on such a list grants specific rights to displaced employees for return to a position in the former classification as vacancies occur.
- 1405.30 Displace: An action caused by a reduction of authorized, budgeted positions wherein an employee is demoted or laid off.
- 1405.40 County Layoff Re-Employment List: Qualified permanent employees who are laid off may have their names placed on this list for classifications in which they previously held permanent status. This list will be used to fill vacant positions after exhausting the Safety Department Layoff Re-Employment List and prior to the use of other employment lists.
- 1405.50 Flexible Staffing Allocation: Flexible classifications shall be considered as one position. (Rev. 09/10)
- 1405.60 Non-Qualified Permanent Employee: An employee with permanent civil service status whose overall performance evaluation rating is below a Standard rating for the last two annual rating periods.

- 1405.70 *Recalled Employee*: An employee who returns to a similar position within the classification from which displaced.
- 1405.80 *Qualified Permanent Employee*: An employee with permanent civil service status whose overall performance evaluation is Standard or higher.
- 1405.90 *Seniority*: The length of total, continuous, unbroken time worked in County service in a regular, budgeted, permanent position. Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave is deducted from the total, continuous time period. Should two or more employees have identical seniority dates, the order of displacement will be determined by the employee's length of continuous service in the classification position affected.

The employee with the least amount of continuous service in the affected classification will be displaced first. Should two or more employees have identical continuous service in the affected classification, displacement will be in inverse order of the employee's final position on the eligibility list and then by lot. (Rev. 09/10)

1410.00 ORDER OF LAYOFF

- 1410.10 Notwithstanding any provision to the contrary, the order of layoff within the department affected by reduction of personnel shall be:
- 1410.11 By Classifications Affected in The Department:
- 1410.11.10 Non-permanent employees:
 - 1410.11.11 Extra help employees,
 - 1410.11.12 Temporary employees,
 - 1410.11.13 Provisional employees,
 - 1410.11.14 Probationary employees.
 - 1410.11.20 Non-qualified permanent employees.
 - 1410.11.30 Permanent employees.
- 1410.20 A qualified permanent employee who has been promoted or transferred and whose status is probationary or temporary shall, for the purpose of these layoff rules, be defined as a permanent employee of the department in which the currently-held position is allocated. (Rev. 08/00)

1420.00 SELECTION OF PERMANENT SAFETY EMPLOYEES TO BE LAID OFF

- 1420.10 Upon notification of the necessity to reduce the number of safety employees, the appointing authority shall determine the number of employees by safety classification series affected by the layoff and shall immediately notify the Director. Upon receipt of such notice, the Director shall give the appointing authority the names of those employees who are least senior in total County seniority. Layoffs shall be accomplished by inverse order of total County seniority, regardless of level within the classification series. (Rev. 09/10)

1425.00 NOTICE OF LAYOFF

It shall be the department head's responsibility to notify the affected employees at least 15 calendar days prior to the effective date of the layoff.

- 1425.10 The Notice of Layoff to Affected Employees Shall Include:
- 1425.11 The reason for layoff.
- 1425.12 The effective date of layoff.
- 1425.13 The requirements governing retention of their names on the Safety Department Layoff Re-Employment List and County Layoff Re-Employment List.
- 1425.14 Procedures for employee appeal to layoff action if the employee charges violation of the layoff procedure.
- 1425.15 List of benefits, which will cease as a result of layoff and available options for employees.

1430.00 PLACEMENT OF NAMES ON LAYOFF RE-EMPLOYMENT LISTS

- 1430.10 *Safety Department Layoff Re-Employment List:* The name of every qualified permanent employee occupying a position on permanent or probationary status who is displaced as a result of reduction of authorized positions, as determined by the Board of Supervisors, shall be placed on the re-employment list for the classification held at the time of displacement and, if displaced further, on each successive re-employment list for each lower classification held by the employee in the department without a break in continuity of seniority. The right of placement shall apply only to those employees who occupy a position as a result of a Civil Service qualifying procedure. Placement of names on this list shall be determined by length of continuous, unbroken service in the classification affected; those with greatest service in the classification shall be placed at the top of the list.
- 1430.20 *County Layoff Re-Employment List:* Every qualified permanent employee laid off shall have the right to complete a County Layoff Re-Employment List form listing any or all previously held County jobs in the sequence of continuous, unbroken service to the County. The jobs so listed shall be in order, with the most recently held job listed first. Names shall appear on this list in order of total County seniority; those with greatest seniority shall be listed first.

1435.00 REALLOCATION OF POSITIONS IN VARIOUS CLASSIFICATIONS AFFECTED BY PERSONNEL REDUCTION

- 1435.10 The appointing authority shall reorganize the department after initial layoffs have occurred to reasonably and accurately reflect appropriate ratios of entry-level positions, medium-level positions, supervisory positions, and management positions.

1440.00 DISPLACEMENT OF EMPLOYEES TO LOWER LEVEL CLASSIFICATIONS

- 1440.10 Starting with the highest-level affected classification after reorganization and after determination of the number of positions in each classification has been made, those employees with least seniority in rank classification are displaced and shall revert to the next lower-level classification which they have previously occupied. The employee shall assume the relative seniority position in the next lower classification in the series which they held prior to promotion to the level from which displacement has occurred. (Rev. 09/10)
- 1440.10.10 Employees with least seniority in each rank shall revert to the next lower rank previously held until the numbers in each rank (classification) equals final allocation numbers for each classification as determined by the department reorganization. (Rev. 09/10)
- 1440.20 A safety member may displace a less senior non-safety employee in a lower-level classification, based on continuous county seniority. A safety member may displace a less senior safety member in a lower-level classification, in a different classification series, if the senior member was promoted from the classification series. Safety members who have demoted from another department or have been absorbed by the county from another department or agency may displace to lower-level safety classifications based upon continuous county seniority, even though the employee may not have held a position in the lower-level classification. (Rev. 09/10)

1445.00 USE OF LAYOFF RE-EMPLOYMENT LISTS

If, after a layoff occurs within a department, a position subsequently becomes available, the following method of filling the vacant position shall be used:

- 1445.10 The appointing authority shall notify the Director of the vacant position to be filled. The Director shall certify the most senior individual eligible for the position from the Safety Department Layoff Re-Employment List and notify the eligible individual to contact the appointing authority to arrange the date for filling the position.
- 1445.20 If the Safety Department Layoff Re-Employment List is exhausted, the Director shall certify the three (3) most senior eligible individuals from the County Layoff Re-Employment List and notify these individuals to contact the appointing authority for a job interview. If less than three (3) names are certified from the County Layoff Re-Employment List, the department must make an appointment from among the names certified. (Rev. 09/10)

1450.00 RIGHTS OF RECALLED EMPLOYEES

- 1450.10 An employee recalled to a former classification from the Safety Department Layoff Re-Employment List shall return to the classification at the same step and range level held prior to displacement. The employee shall not be required to serve a probationary period, in which case the remaining probationary time shall be completed. (Rev. 09/10)
- 1450.10.10 If an employee had been laid off and subsequently recalled, he/she shall assume the same accrual rate for vacation and the same vacation accrual date and increment seniority date (minus layoff period) as previously enjoyed in the classification. All sick leave credits of record at the time of layoff shall be re-accredited to the employee upon return to a full-time former classification. (Rev. 09/10)
- 1450.20 An employee recalled to County service from the County Layoff Re-Employment List shall serve a regular probationary period. The individual may be re-employed at any step level of pay range for the classification, pursuant to the provisions of the Kern County Ordinance Code. Upon completion of the probationary period, the employee shall assume the vacation accrual rate and vacation accrual date (minus layoff period) enjoyed prior to layoff. Sick leave credits of record at the time of layoff shall be re-accredited to the employee upon completion of the probationary period. (Rev. 09/10)

1455.00 PRIORITY AND DURATION OF LAYOFF RE-EMPLOYMENT LISTS

- 1455.10 Notwithstanding any provision to the contrary, the Safety Department Layoff Re-Employment List and the County Layoff Re-Employment List shall have precedence over all other employment lists.
- 1455.20 The duration of affected employees' rights to recall through the Safety Department Layoff Re-Employment List and the County Layoff Re-Employment List shall be two (2) years from the date of placement on such lists. (Rev. 09/10)
- 1455.30 Individual names shall be removed from the Safety Department Layoff Re-Employment List and the County Layoff Re-Employment List for any of the following reasons:
- 1455.31 Failure to accept employment or report to work in a similar position in the same classification within the department from which the employee was laid off.
- 1455.32 Failure to appear for a job interview after notification.
- 1455.33 Failure to respond, for any reason, within seven (7) business days after posting by certified mail of a notice to the employee certifying eligibility for re-employment.
- 1455.34 Request in writing by the employee to be removed from the lists.
- 1455.35 Failure to accept employment or report to work for a position within the classification listed by the employee on the County Layoff Re-Employment List form shall act to remove the employee's name only for the classification refused.

1460.00 RESTORATION OF FORMER EMPLOYEE'S NAME TO LAYOFF RE-EMPLOYMENT LIST

- 1460.10 If a former employee's name has been removed from the layoff re-employment lists as a result of Sections 1455.31-1455.33 of these Rules, the former employee may request restoration of his/her name to said list. Restoration of a former employee's name to a layoff re-employment list will be permitted only for the reasons outlined below. All such requests for restoration to a layoff re-employment list shall be submitted to the Director.
- 1460.10.10 If the failure to comply with Sections 1455.31-1455.33 of these Rules is alleged to be a result of a medical disability, the former employee shall include sufficient medical evidence to support the request for restoration to the list. The Director may determine, upon review of such evidence, to restore the former employee's name to the appropriate layoff re-employment list. (Rev. 09/10)
- 1460.10.20 If the failure to comply with Sections 1455.31-1455.33 of these Rules is alleged to be a result of unusual, unique, non-medical circumstances beyond the individual's control, the former employee shall submit sufficient evidence to support the request for restoration to the list. The Director may determine, upon review of such evidence, to restore the former employee's name to the appropriate layoff re-employment list. (Rev. 09/10)
- 1460.20 The restoration of any former employee to a layoff re-employment lists shall not act to extend the individual's original two (2) year duration of rights. Any such restoration of a former employee shall not affect any previous appointment from the layoff re-employment list.
- 1460.30 A former employee who has had his/her name removed from a layoff re-employment list may, upon request to the Director, have his/her name placed on the County Layoff Re-Employment List.

1510.00 DEFINITIONS

For the purpose of this procedure, the following terms are defined as follows:

- 1510.10 Hearing Officers: The Commission shall act as hearing officers.
- 1510.20 Displacement: An action caused by a reduction of authorized budgeted positions wherein an employee is demoted or laid off.

1520.00 DISPLACEMENT APPEAL

An employee directly affected by a displacement action, under Rules 1300 or 1400, may appeal such action if he or she believes there has been a violation of the Rules governing layoff. An appeal concerning layoff rules violation shall not act to stay or stop the intended displacement.

1525.00 APPEAL PROCEDURE

- 1525.10 The completed appeal petition shall be the basis upon which the appeal may be heard, and must contain all specific facts and reasons upon which an employee is alleging a violation of the layoff rules. The appeal shall be reviewed at each step of the process for sufficiency and merit. The petition shall be deemed as insufficient if it fails to state all specific facts and reasons as grounds for the appeal, or if the appeal would not entitle the displaced employee to any relief. If the petition is denied for the reasons stated above, such denial shall be without prejudice to the filing of an amended petition within two (2) days of receipt of such denial.
- 1525.20 If an employee wishes to appeal an intended displacement action, the following course of action shall be taken:
- 1525.21 *Step 1*: Within two (2) business days after receipt of a displacement notice, the employee shall complete and file with the Chief Human Resources Officer a written petition appealing the displacement action.
- 1525.22 *Step 2*: The Chief Human Resources Officer shall review the employee's allegation and respond in writing to the appeal within two (2) days after receipt of the employee's appeal.
- 1525.23 *Step 3*: If the employee, or appointing authority, is not satisfied with the Chief Human Resources Officer's decision, either party may appeal the decision to the Commission for a hearing. Such petition for a hearing must be filed in writing with the Secretary within one (1) business day after receipt of the Chief Human Resources Officer's decision. The appeal must include the complete petition and/or the amended petition, together with the decision rendered in Step 2.
- 1525.24 *Step 4*: If the Commission, after review of the complete appeal petition or amended appeal petition, finds the petition to have merit for consideration, the Commission shall set a hearing date, and such hearing will be governed by the provisions of rule 1735.00. The employee may be represented at the hearing by a person of his or her choice.

1610.00 RESIGNATION - WRITTEN NOTICE

An employee wishing to leave the classified service in good standing shall file with the appointing authority a signed written resignation on Form #96-5236 giving at least one (1) week's notice of his/her intention to leave County employment, unless said appointing authority consents to the employee leaving sooner. The written resignation, together with notice of its acceptance, shall be forwarded to the office of the Commission forthwith.

1620.00 FAILURE TO RESIGN APPROPRIATELY

An employee who leaves the classified service without so filing a written resignation or giving one (1) week's notice shall have that fact entered in his/her personnel record in the office of the Commission and may be denied re-employment privileges by the Commission.

1630.00 EMPLOYEE'S STANDING AT TIME OF RESIGNATION

The appointing authority shall specifically state, in the Remarks section of the Change of Employee Status Form, whether or not the employee is in good standing at the time of resignation. If the appointing authority is allowing the employee to resign in lieu of dismissal, suspension, or reduction, the employee should be considered not in good standing.

1705.00 CAUSE FOR DISMISSAL, SUSPENSION, OR REDUCTION

This rule sets forth the procedures to be followed any time the appointing authority takes action to dismiss, suspend, or reduce in rank or compensation any regular, non-probationary officer or employee in the classified civil service. The following reasons shall be deemed sufficient for dismissal, suspension, or reduction in rank or compensation, provided that such action shall not be limited to these reasons: (Rev. 12/86)

- 1705.01 *Absence without leave:* An employee is absent without leave if the employee is absent from the job for a period of one (1) business day or more unless the employee is entitled to be absent pursuant to an approved leave of absence or as otherwise provided by law. In addition, an employee is absent without leave if the employee is absent from the job for a period of one (1) business day or more without providing notification to the appointing authority. (Rev. 08/96)
- 1705.02 Conviction of any felony or any crime involving moral turpitude, provided the crime is substantially related to the qualifications, functions, or duties of the position of office, or any misdemeanor committed while on duty. The term conviction, as used in this Rule, shall include a plea or verdict of guilty or a conviction resulting from a plea of nolo contendere. Evidence of the conviction shall constitute conclusive proof of commission of the crime to which the employee pled nolo contendere. A conviction shall be available for use under this Rule when the time for appeal has lapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. (Rev. 1/92)
- 1705.03 Conduct unbecoming an employee in the public service.
- 1705.04 Disorderly or immoral conduct.
- 1705.05 Incapacity due to mental or physical disability, which cannot be reasonably accommodated, to be determined by a medical examination. (Rev. 8/92)
- 1705.06 Incompetency or inefficiency.
- 1705.07 Insubordination.
- 1705.08 In possession of, or under the influence of, alcoholic beverages during the employee's working hours or at his or her work site.
- 1705.09 Neglect of duty.
- 1705.10 Negligence or willful damage to public property or waste of public supplies or equipment.
- 1705.11 Violation of any lawful or reasonable regulation or order made and given by a superior officer.

- 1705.12 Fraud in securing appointment.
- 1705.13 Dishonesty.
- 1705.14 In possession, in use, under the influence of, or trafficking in a controlled substance or narcotic, except when prescribed for the employee by his/her doctor, during the employee's working hours or at his/her work site. Unless the possession of the controlled substance or narcotic is for the purpose of collecting, gathering, evaluating, testing, preserving, or otherwise handling such substances as evidence within the course and scope of the employee's duties. (Rev. 12/87)
- 1705.15 Discourteous treatment of the public or other employees.
- 1705.16 Improper political activity.
- 1705.17 Willful violation of any of the provisions of the Civil Service Law or of these Rules.

1710.00 NOTICE OF PROPOSED ACTION AND EMPLOYEE'S RIGHT TO RESPOND

- 1710.10 The appointing authority or any person authorized by him/her may take disciplinary action against an employee for one or more of the causes for discipline specified in this Rule by providing written notice of the proposed disciplinary action to the employee at least five (5) business days prior to the effective date of the proposed action. The notice shall be served upon the employee either personally or by registered mail and shall include: (1) a statement of the nature of the disciplinary action; (2) the effective date of the action; (3) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; and (4) a statement advising the employee of his/her right to informally respond, either orally or in writing, to the authority initially proposing the disciplinary action.
- 1710.20 The employee shall have the right to inspect the materials on which the notice is based and which are relied on to support the reasons in the notice, which shall be assembled and made available upon request to the employee for his/her review, provided that nothing within this provision shall be construed to limit the right of the appointing authority to use any subsequently acquired information and materials in the case of an appeal or in any subsequent proceeding.
- 1710.30 The employee shall have the right to respond to the appointing authority either orally or in writing and to informally present such reasons, statements, and other materials as to why the proposed disciplinary action should not be taken. The appointing authority shall consider the response offered by the employee before final action is taken.

1715.00 DUTY STATUS DURING NOTICE PERIOD

Except as otherwise provided, an employee against whom disciplinary action is proposed is entitled to be retained in an active duty status during the notice period.

- 1715.10 When circumstances are such that the retention of an employee in an active duty status in his/her position may be detrimental to the interests of the County, the employee, the employee's fellow workers, or the general public, the appointing authority may temporarily assign the employee to duties in which these conditions do not exist or place the employee in a non-active duty status with pay.

1720.00 EXCEPTIONS TO NOTICE PERIOD AND OPPORTUNITY TO RESPOND

- 1720.01 When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the appointing authority is not required to give the employee the full five (5) business days' advance written notice but shall give such less number of days' advance notice and opportunity to respond as, under the circumstances, is reasonable and can be justified.
- 1720.02 *Extraordinary Circumstances:* Notwithstanding the provisions of Section 1710.00, the appointing authority may take disciplinary action against an employee by following the procedures of Section 1725.00 only and shall not be required to give the employee advance written notice when circumstances are such that the retention of an employee in an active duty status may result in damage to County property or may be injurious to the employee, the employee's fellow workers, or the general public.

1725.00 ORDER OF DISMISSAL, SUSPENSION, OR REDUCTION

Disciplinary action against any officer or employee in the classified civil service for one (1) or more of the causes for discipline specified in this Rule shall become effective upon execution of a written order by the appointing authority stating specifically the reasons for the action. The order shall be immediately filed with the Director, and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced, and to the Commission.

- 1725.20 If the officer or employee does not wish to appeal the order, the officer or employee may reply in writing within five (5) business days from the date the order is filed with the Director. The response should be addressed to the appointing authority with a copy to the Director. (Rev. 8/85)

1730.00 APPEAL AND ANSWER

The officer or employee may, within ten (10) business days after presentation to him of the order, appeal through the Director to the Commission from the order. Upon the filing of the appeal, the Director shall forthwith transmit the order and appeal to the Commission for hearing. (Rev. 09/2012)

- 1730.10 Notice of the request for appeal by the officer or employee to the Commission shall be transmitted forthwith by the Director to the appointing authority who initiated the dismissal, suspension, or reduction. (Rev. 8/85)
- 1730.20 The appointing authority shall, within ten (10) business days after hearing dates are calendared by the Commission, request, prepare, or cause to be prepared a full Bill of Particulars citing the incidents and evidence to support the action taken against the officer or employee. (Rev. 4/11)

- 1730.30 A copy of the Bill of Particulars shall be provided to the employee and the Commission. This Rule shall also apply in the case of appeal for increment or salary adjustment denial.

1735.00 HEARINGS

- 1735.10 Within 20 calendar days from the filing of the appeal, the Commission shall commence a hearing and either affirm, modify, or revoke the order. If the Commission is unable to accommodate the hearing in that time frame, hearing dates outside that time frame will be set. The Appellant may appear personally, produce evidence, and have counsel and a public hearing.
- 1735.13 If, over the objection of the Department, the Appellant requests the delay or postponement of a civil service hearing beyond the time prescribed by Rule 1735.10 once hearing dates are set and such request is granted by the Commission, the Appellant shall not be entitled to an award of back pay and other benefits which would otherwise be awarded in a decision overturning or modifying a disciplinary action during and for that period of time between the date on which the delay requested is granted and the date on which the hearing is actually held. Should the parties agree to postponement of a civil service hearing beyond the time prescribed by Rule 1735.10 once hearing dates are set and the postponement is granted by the Commission, the eligibility for back pay and other benefits during the period of the postponement which could be awarded in a decision overturning or modifying a disciplinary action shall be as agreed upon by the parties.
- 1735.15 All hearings of the Civil Service Commission shall be open and public, and all persons shall be permitted to attend any hearing of the Commission, except that a hearing may be closed to the public to consider appointment, employment, or dismissal of any employee or to hear complaints or charges brought against an employee or applicant by another person or employee, unless such employee or applicant requests a public hearing.
- 1735.19.10 *Pre-Hearing Motions:* For hearings set to commence more than 20 calendar days after filing of the appeal, all objections to the substantive or procedural sufficiency of any notice, process, or proceeding occurring prior to the commencement of hearing before the Commission, including, but not limited to, objections to the pre-disciplinary Skelly notice, the disciplinary investigation, the disclosure of materials on which the proposed discipline is based and the pre-discipline hearing by the appointing authority (Rules 1710.10, 1710.30, 1720.01, 1720.02), the order of discipline (1725.00), the bill of particulars (Rule 1730.10-1730.30), to exclude items of physical evidence or concerning the issuance and/or service of Commission subpoenas shall be in writing and shall be filed with the Commission Secretary and personally served on the opposing party's legal counsel or representative not less than ten (10) full business days prior to the first date the matter is scheduled for hearing. Any response to such objections shall be in writing and shall be filed with the Commission Secretary and personally served on the moving party's legal counsel or representative not less than two (2) full business days prior to the first day the matter is set for hearing. If a party

is not represented, then service shall be on the party. All motions and responses thereto shall contain citations to or photocopies of the statutes, rules, or court cases supporting the positions asserted. For any hearing set to commence within 20 calendar days from the filing of the appeal, all objections referenced in this section shall be due five full days prior to the first date the matter is scheduled for hearing and any response shall be due one full day prior to the first date the matter is scheduled for hearing.

- 1735.19.20 *Hearing Motions:* Any motion or objection made during the course of a hearing may be oral but shall be accompanied by written citations or photocopies of the statutory or court decisions serving as grounds for the motion or objection. Such written citations or photocopies are not required to support an evidentiary objection, a motion to close the hearing, continue the hearing or to exclude witnesses.
- 1735.19.30 Failure to comply with this Rule, unless excused by the Commission upon a factual showing of good cause, shall constitute a waiver of the motion or objection or the response to the motion or objection.
- 1735.20 The hearing shall be conducted informally in accordance with the provisions of Government Code Section 11513. However, any motions shall be made in accord with Rule 1735.19 and any party or witness may be examined at any time pursuant to California Evidence Code Section 776.
- 1735.21 Each party will be allowed to give an opening statement (the department will go first) and to engage in direct and cross examination of witnesses. Re-direct and re-cross examination of witnesses is allowed when necessary. Following examination of a witness by the parties, if the Commission questions the witness, either party may ask a single series of follow-up questions of the witness within the scope of the areas covered by the Commission's questions. Further follow-up questions will not be allowed except on a showing of good cause. At the conclusion of the evidence, each party will be allowed to give a closing argument. The department will be allowed a brief rebuttal argument.
- 1735.22 All Appellant exhibits should be marked in sequential numerical order beginning with the letter A (e.g. A-1, A-2, etc.). All department exhibits should be marked in sequential order beginning with the letter C. The department's exhibits not already included within the Bill of Particulars should be identified beginning with the number next in order after the exhibits listed in the Bill of Particulars. (i.e. if the Bill of Particulars has 10 exhibits attached, the first exhibit outside the Bill of Particulars introduced by the Department at the hearing should be marked C-11).
- 1735.23 The parties are to meet and confer prior to the hearing to pre-mark exhibits and reach agreement as to which exhibits will be admitted without objection and to identify those exhibits as to which objections to admissibility remain. At the outset of the hearing, the parties must be prepared to inform the Commission which exhibits are to be admitted without objection and they will be admitted at that time. Any exhibit not included within the Bill of Particulars

and submitted at the hearing must be pre- marked. Six three-hole-punched copies of such exhibits must be submitted to the Secretary at the time the exhibit is introduced. No additional copies of demonstrative evidence, video evidence or over-sized exhibits need be provided. The parties shall also meet and confer about any facts as to which they are willing to stipulate may be deemed approved without the introduction or admission of evidence.

1735.24 No less than five calendar days prior to the first date scheduled for the hearing, the parties shall each submit to the Commission Secretary the following:

- a) Witness list
- b) Joint exhibit list identifying each exhibit by number. This list is of exhibits as to the admissibility of which the parties agree.
- c) Party exhibit list identifying each exhibit by number. This list is of exhibits a party intends to introduce but as to which the other party has objection.
- d) A realistic time estimate for the full length of the hearing.
- e) A one-page summary of the case setting forth the charge(s), the proposed discipline and any defenses to be raised by the Appellant.
- f) A list of facts as to which the parties stipulate may be deemed proved without the introduction or admission of evidence.

1735.25 The parties are expected to be present and ready to proceed on the dates set for the hearing. Prior to opening statements or the taking of evidence on the first day of the hearing, the parties must be prepared to address the following matters with the Commission:

- a) Which exhibits are to be admitted without objection. Such exhibits will be admitted at that time.
- b) Any stipulated facts. Stipulated facts will be deemed proved for all purposes without the need for evidence.
- c) Any pre-hearing motions that have not yet been resolved.
- d) Any witness or scheduling problems known to the parties.

1735.30 An employee or a County Department may be represented by a person of their choosing who:

- a) Has attained the age of at least eighteen (18) years.
- b) Is reputed to be of good moral character. This criterion is presumptive by the Commission unless challenged by either the Appellant or the Respondent.

1735.30.10 It is the duty of persons involved in the proceedings of the Civil Service Commission hearings:

- a) To maintain the respect due to the Civil Service Commission and its officers.
- b) To counsel or argue positions regarding disciplinary actions only as legal or just, and which pertain to alleged violations of the Rules of the Kern County Civil Service Commission.

- c) To be truthful, and never to seek to mislead the Commission or any Commissioner or Commission officer by deceit or false statement of fact or law.
- d) To abstain from all offensive personal remarks, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged
- e) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
- f) Comply with the Commission hearing rules.

1735.40 The Commission may censure or take any other appropriate action, up to and including permanently, or for a limited period as is just, excluding any person involved in the proceedings before the Kern County Civil Service Commission who fails to maintain these standards. If the Commission makes a finding to take action against such person, they will produce a written findings of facts, decision and order.

1736.00 PITCHESS MOTIONS

1736.10 California law allows Pitchess motions to be brought before the Civil Service Commission.

1736.20 Pitchess motions will only be entertained by the Commission after an appeal has been filed with the Commission pursuant to Civil Service Rule 1730 and its jurisdiction thereby invoked. Any Pitchess motion filed prior to the filing of an appeal with the Commission shall be denied without prejudice.

1736.30 Pitchess motions are considered to be pre-hearing motions, but they shall be governed by the filing deadlines articulated in California Code of Civil Procedure Section 1005(b).

1736.40 The papers constituting the Pitchess motion shall comply with California Evidence Code Section 1043.

1736.50 The hearing of a Pitchess motion shall be conducted as follows:

- a) The hearing shall be closed to all but the moving party, his or her legal counsel, an employer representative, legal counsel to the employer and the Custodian of Records.
- b) The moving and opposing parties shall argue their respective positions if they are unable to stipulate as to whether a prima facie showing has been made by the moving party. Following argument, the Commission will retire to closed session to decide whether a prima facie showing has been made. The Commission will then reconvene to the closed hearing and announce its decision.

- c) If the Commission concludes a prima facie showing has been made or the parties stipulate that prima facie showing has been made, then the Commission will adjourn to closed session to inspect the records brought to the hearing by the Custodian of Records.
 - i. The Custodian of Records and legal counsel, if any, representing the Custodian shall attend the closed session.
 - ii. The Custodian of Records shall be placed under oath during the closed session and shall respond to the questions asked by the Commission regarding the records produced at the hearing.
 - iii. The Secretary to the Commission shall tape-record the Commission's closed session review of the records.
 - iv. Any records ordered produced by the Commission shall be produced by the Custodian to the moving party along with a letter articulating what records or information, if any, has been ordered disclosed. The Custodian shall serve a copy of the letter on the Secretary to the Commission.
 - v. The tape recording of the closed session record review shall be retained by the Secretary under seal and the tape shall not be released or transcribed except upon stipulation of the parties or order of the Superior Court or appellate court.
- d) In determining whether records should be released, the Commission shall be guided in its determination by California Evidence Code Section 1045.

1740.00 FINDINGS AND DECISION

The Commission shall, within a reasonable time after completion of the hearing, determine a verdict. The verdict by the Commission shall specify a finding as to each ground or reason charged.

- 1740.10 By specific decision, the Commission may affirm, revoke, or modify the order, and the appointing authority shall forthwith enforce and follow the Commission's decision.

1745.00 MAXIMUM SUSPENSION

Any suspension without pay of an employee by the appointing authority for disciplinary purposes shall be limited to a maximum of 30 calendar days for any one specific incident.

1750.00 HEARING OFFICER

The Commission may, upon its judgment, employ a hearing officer to hear the appeal. After hearing the appeal, such hearing officer shall submit to the Commission a Proposed Decision, along with Findings of Fact and Conclusions of Law, within a reasonable time. The Commission shall review the proposed decision and either adopt it or take other such action as is appropriate under the law.

1760.00 OCCUPATIONAL ALCOHOLISM - NON-PUNITIVE ACTION

Notwithstanding any rule provisions to the contrary, it is the general policy of the County to recognize employee alcoholism as a treatable disease and that a policy of non-punitive action be followed for any employee whose job performance is impaired by such condition. Non-punitive action in each case is dependent upon the employee advising the appointing authority of existence of the condition; and the appointing authority's concurrence that such action is in the best interest of the County and the employee.

- 1760.05 An employee's continued participation in a treatment program as an alternative to disciplinary action is contingent upon satisfactory progress in the program and satisfactory job performance as determined by the treating professional and the appointing authority, respectively.
- 1760.10 Alcoholism shall not be used by an employee as a shield from disciplinary action taken under other provisions of these Rules after the period of response to proposed disciplinary action has passed.
- 1760.20 Failure of the employee to agree to treatment after entering the treatment program or lack of satisfactory progress as determined by the treating professional and the appointing authority may result in further action as provided for in these Rules.

1810.00 COMPLAINTS BASED ON DISCRIMINATION AND HARASSMENT

- 1810.01 Every person has the right to complain of and to seek remedy for acts of unlawful discrimination against or discriminatory harassment experienced by the person in applying for County employment or in the County workplace. Unlawful discrimination is discrimination based on the person's race, national origin, sex, age, physical ability, medical condition, marital status, ancestry, religious affiliation, union affiliation, political affiliation, or sexual orientation.
- 1810.02 Every County officer and employee is prohibited from engaging in unlawful discrimination against or harassing any person or from retaliating against or taking adverse employment actions against a person based upon that person's complaint of unlawful discrimination or discriminatory harassment.
- 1810.03 Every County officer or employee is prohibited from unlawfully discriminating against, retaliating against, or taking adverse employment actions against an employee based upon an employee's testimony, assistance, cooperation, or participation in connection with an investigation, disciplinary action, or hearing before a governmental body arising out of the complaint of unlawful discrimination or harassment.
- 1810.04 As used in these rules, acts of unlawful discrimination, retaliation, and adverse employment actions include, but are not limited to:
- 1810.04.10 Verbal or physical abuse or threats of harm;
 - 1810.04.20 Disciplinary actions including demotions, suspensions, oral or written reprimands, transfers, or termination of employment;
 - 1810.04.30 Failure to give equal consideration in employment decisions;
 - 1810.04.40 The imposition of adverse working conditions not encountered by similarly-situated employees; or
 - 1810.04.50 The unreasonable denial of employment benefits.

1820.00 COMPLAINT PROCEDURE

As set forth in Kern County Civil Service Commission Rule 1800 et seq., each employee or applicant for employment who believes that they have experienced unlawful discrimination or harassment in the application for employment, within the testing for promotion within County employment, or in the general terms and conditions of County employment may file a written complaint setting forth the specific facts and evidence supporting the complaint with the Equal Employment Opportunity Officer. This complaint shall provide all documentary evidence, names of potential witnesses, and any other information believed by the complainant to be relevant to the complaint. Such complaints shall be filed within 180 days of the occurrence of the acts giving rise to the complaint.

1820.01 INFORMAL INVESTIGATION

Upon the receipt of the written complaint, the Equal Employment Opportunity Officer shall attempt to resolve the complaint on an informal basis through informal investigatory and conciliation efforts between the complaining individual and the involved County department(s). The Equal Employment Opportunity Officer or his delegate shall have a period not to exceed thirty (30) business days to investigate and to informally attempt to resolve the complaint. (Rev. 03/99)

1820.02 FORMAL INVESTIGATION

If the Equal Employment Opportunity Officer (EEOO) is unable to resolve the complaint through informal conciliation efforts, the EEOO shall notify the complainant, the Director of Personnel, and the impacted County department of this inability in writing. If the EEOO believes there are grounds to proceed, he/she may initiate a formal investigation of the allegations of the complainant, interview all witnesses to the incident giving rise to the complaint (including the complainant and the person(s) against whom the complaint is directed), and issue written findings as to the merits of the complaint and the remedy that should be implemented to resolve the complaint under existing County ordinances, policies, and procedures. The Equal Employment Opportunity Officer shall have a period of not more than forty-five (45) business days to conduct the investigation and to issue appropriate findings of fact and recommended remedies. (Rev. 03/99)

The complaining person, the affected County department, and the Director of Personnel shall have twenty (20) calendar days to review and either accept or reject the findings and recommendations of the Equal Employment Opportunity Officer.

1820.03 EEO OFFICER FINDINGS AND RECOMMENDATIONS

If the complainant, the impacted County department, the County Administrative Officer, and the Director of Personnel are satisfied with the findings and recommendations of the Equal Employment Opportunity Officer, these findings and recommendations may be implemented informally and the matter closed. If the findings and recommendations of the Equal Employment Opportunity Officer require some action or order on the part of the Board of Supervisors to be implemented, the Director of Personnel shall forward the findings to the Board of Supervisors and recommend that the Board of Supervisors authorize the action called for therein.

1830.00 HEARING

If either the complainant or the impacted County department is not satisfied with the findings and recommendations of the Equal Employment Opportunity Officer as a resolution to the complaint, either may file a written request within twenty (20) days of the issuance of the findings and recommendations of the Equal Employment Opportunity Officer for an evidentiary hearing before the Civil Service Commission.

This hearing shall be commenced within thirty (30) days of the written request for hearing.

- 1830.01 The purpose of this hearing is to create an evidentiary record of the basis for the complaint, to permit the examination and cross-examination of all witnesses under oath, and to permit the Civil Service Commission to make factual findings based on the evidence presented and to order/recommend specific remedies designed to achieve a resolution to the dispute.
- 1830.02 The hearing shall be conducted as a public hearing, in accordance with the evidentiary standards established by Government Code Section 11513. The Equal Employment Opportunity Officer shall initiate the hearing by presenting his/her report and recommended findings to the Commission. After the presentation of the Equal Employment Opportunity Officer's report, the complaining person shall present all relevant documentary evidence and witness testimony that the complainant believes will establish proof of the unlawful discrimination or harassment. At the conclusion of this presentation, the impacted department shall present all relevant documentary evidence or witness testimony, which the department believes to refute or disapprove the complaining person's allegations. All witnesses shall be subject to cross-examination and to examination by the Commission. The complainant has the burden of proof to establish the validity of the complaint. At the conclusion of the hearing and upon the issuance of a written order, findings, and decision, the Civil Service Commission may take such action as is within its jurisdiction under Kern County Code Chapter 3.04 and Board of Supervisors' Resolution 85-094. If the action deemed appropriate is beyond the limited jurisdiction of the Civil Service Commission to implement, the Commission's findings and recommendations shall be forwarded to the Board of Supervisors with the recommendation that the same be adopted as an order of the Board of Supervisors. The order and decision of the Civil Service Commission (or the order of the Board of Supervisors implementing the decision of the Civil Service Commission) shall be final when issued and are subject to the judicial review provisions of Rule 2303. (Rev. 5/14)

1900.00 DEFINITIONS

As used in this Rule, words and phrases are hereby defined as follows:

Secondary Office: Any office which has been eliminated as a separate entity and the duties and functions of which have been absorbed by and are to be performed by a primary office; a secondary office shall also include a state function assumed by the County, any city office of any incorporated city within Kern County which has been eliminated because of the consolidation or assumption of the duties and functions of such city office by a County office in accordance with provisions of State Law.

Primary Office: Any office which continues to perform the duties and functions incumbent upon and incidental to its original purpose but which, in addition thereto, assumes the duties and functions of a previously existing secondary office, which has been eliminated.

Consolidate: To transfer to a primary office the duties and functions formerly incumbent upon and performed by an eliminated secondary office.

1910.00 APPOINTMENT OF FORMER EMPLOYEES OF ELIMINATED SECONDARY OFFICE

- 1910.10 *Deputies*: Whenever a secondary office has been eliminated and the former duties and functions thereof have been transferred to and consolidated with the duties and functions of a primary office under any provision of law which provides that the duties and functions of the eliminated secondary office shall be assumed and performed by the primary office and/or the designated deputies of such primary office, then, in such event, the appointing authority of the primary office may, upon request therefore made to the Commission, appoint such designated deputies from among the former employees of the formerly-existing secondary office who held therein, as regular employees, employment duties of a nature substantially equivalent to the duties of the designated deputy to be appointed by the primary office; in any such event, the appointing authority of the primary office may make such appointment without examination as otherwise provided in Rule 400 and without reference to the eligible list as otherwise provided in Rule 500 and without reference to request for certification as otherwise provided in Rule 600.
- 1910.20 *Other Than Deputies*: The appointing authority of the primary office may appoint employees other than deputies to fill positions established in the primary office, under the same conditions and under the same rules as provided in Section 1900.00 of this Rule for the appointment of deputies; former employees of the secondary office appointed to the primary office under the provision of this paragraph shall be classified in accord with the particular designation of the employment within the primary office and without reference to any particular classification theretofore held by the appointee in eliminated secondary office.

1920.00 PROBATIONARY PERIOD

The appointee whose appointment has been affected under the provisions of this Rule 1900 shall be subject to the provisions of Rule 700 relating to probationary period, and said appointee shall be deemed a probationer subject to the intents and purposes of said Rule 700, irrespective of the period of service of said appointee as an employee of the eliminated secondary department.

1930.00 VACATION, SICK LEAVE, AND RETIREMENT

Any vacation, sick leave, or health or retirement rights or benefits which were earned by or which accrued to the benefits of any employee of the secondary department shall, upon the appointment of said employee to the primary department under the provisions of this rule, be transferred to the credit and benefit of the appointee as an employee of the primary department. Provided such vacation, sick leave, health or other benefits were earned under the same vacation, sick leave, or health ordinance or systems in the case of the consolidation of County offices or departments.

- 1931.00 Notwithstanding the provisions of Rule 1920.00 and Rule 1930.00, when the secondary office is either an office or function of an incorporated city or of the state assumed by the County under the terms of an assumption or consolidation agreement, any transfer of benefits and rights of an employee appointed from the secondary department shall be determined and set forth in the terms and conditions of the agreement. (Rev. 10/84)

- 2000.00** No person employed under the system hereby created shall participate in any political activity on County time or in any manner involving the use of County property or expenditure of public funds nor conveying the implication of County endorsement or support for a candidate for local, state, or federal office. The Commission may adopt such other rules regulating the political activities of employees as may be necessary to preserve the efficiency and integrity of the Kern County government or this civil service system.

Rule 2100 **CERTIFICATION OF PAYROLLS - DELETED BY ORDER OF CIVIL
SERVICE COMMISSION ON 12/14/15 (See Kern County Administrative Policy and
Procedures Manual Chapter 2).**

2210.00 THE COMMISSION

A Civil Service Commission consisting of five (5) commissioners is created by the Kern County Initiative Civil Service Ordinance.

- 2210.10 *Duties and Responsibilities:* The Commission has the authority and responsibility to:
- 2210.11 Prescribe, amend, and enforce rules and regulations for the administration of a comprehensive Civil Service System as provided in Chapter 3.04 of the Kern County Ordinance Code.
- 2210.12 Make investigations concerning the enforcement and effect of Chapter 3.04 of the Kern County Ordinance Code and these rules and regulations and take such action as is necessary to enforce same.
- 2210.13 Appoint a Secretary to the Commission and such other staff as is necessary to conduct the business of the Commission.
- 2210.14 Establish the general policy to be followed in the administration of the Civil Service System.
- 2210.15 Keep minutes of its proceedings, and such other records as are desirable and necessary to administer the Civil Service System. A roster of all County employees in the classified service and a record of examinations conducted by the Division of Human Resources shall be maintained by the Division of Human Resources.
- 2210.16 Make an annual report to the Board of Supervisors.
- 2210.17 Hear appeals of employees in the classified service who have been dismissed, suspended or reduced in rank or compensation.
- 2210.18 Recommend to the Board of Supervisors, as part of the County budget process, the amount of money reasonably needed to carry on the work and administration of the Commission.

2220.00 ELECTION OF OFFICERS

At its first meeting of each calendar year, the Commission shall elect one of its members President and another Vice-President, who shall hold office until a successor shall be elected and qualified.

2225.00 QUORUM

Three (3) members of the Commission shall constitute a quorum for the transaction of business.

2227.00 COMMISSION MEETINGS

Regular meetings of the Commission shall be held at 5:30 p. m. on the second Monday of each month, provided that, when such day is a holiday, the meeting shall be held on another day of that same week at the same hour. Special meetings shall be held on the call of the President or any three (3) of the Commissioners. All meetings of the Commission, whether regular or special, shall be open to the public, except for certain meetings or portions of meetings where the Commission may, by law, enter into executive session.

2229.00 ORDER OF BUSINESS

Except as otherwise provided herein, business at Commission meetings shall be in the following order:

- 2229.10 Reading of the minutes.
- 2229.20 Public requests.
- 2229.30 Departmental requests.
- 2229.40 Division of Human Resources reports/requests.
- 2229.50 Commissioner items.

2230.00 SECRETARY TO THE COMMISSION

- 2230.10 The Commission shall appoint the Secretary to the Commission and the Secretary shall have the following duties:
- 2230.20 The Secretary shall keep the records of the proceedings of the Commission and have charge of and be responsible for the safekeeping of the books, records, papers, and other property of its office.
- 2230.30 Prepare or cause to be prepared forms for all transactions of the Commission.
- 2230.40 Generally conduct the correspondence of the Commission.
- 2230.50 Attend all Commission meetings, present matters requiring action by the Commission, advise the Commission where appropriate on matters pending before the Commission and prepare the minutes of Commission meetings.
- 2230.60 Attend all appeal hearings of the Commission and facilitate all aspects of such hearings, including overseeing the handling of evidence, the issuance of subpoenas, the preparation and issuance of the Commission verdict and findings and the recording of the proceedings.
- 2230.70 Act as the primary liaison between the Commission and the Division of Human Resources, the public, county departments, recognized employee unions and any others having business before the Commission.

- 2230.80 Work collaboratively with the Division of Human Resources to ensure Commission Rules are observed by the departments and that Rule violations are reported to the Commission.
- 2230.90 Assist in the preparation of the Commission's annual report to the Board of Supervisors.
- 2230.100 Update and manage the Commission web page.
- 2230.110 Prepare meeting agendas and post the agendas and all pertinent back-up materials in compliance with the requirements of the Ralph M. Brown Act.
- 2230.120 Prepare and administer the Commission budget including approval of Commission time cards and mileage reimbursement.
- 2230.130 Oversee orientation of new Commissioners, track mandatory training compliance for Commissioners and provide documentation of such to the Clerk of the Board.
- 2230.140 Perform all other duties as assigned by the Commission that are consistent with these Rules and the Civil Service Ordinance.

2232.00 CHIEF HUMAN RESOURCES OFFICER

The County Administrative Officer appoints a Chief Human Resources Officer to direct the work of the Division of Human Resources pursuant to Kern County Ordinance Code Chapter 3.02. The Chief Human Resources Officer shall:

- 2232.10 Administer and enforce these Rules; investigate the effect of their enforcement and report from time to time any violations and other conditions which, in his or her judgment, make it desirable to amend the Rules.
- 2232.20 Determine which examinations are needed and set the dates for holding them.
- 2232.30 Keep a roster of all County employees in the classified service and a record of all Civil Service examinations.
- 2232.40 Make certification of those eligible for appointment or employment.
- 2232.50 Administer the provisions for transfers, leaves of absence, separations, and re-employment privileges.
- 2232.60 Have charge of all matters pertaining to the preparation and conduct of examinations and, in this connection, shall:
- 2232.61 Establish and maintain an examination management system which provides for valid and reliable selection and promotional examinations subject to established resource constraints and in accordance with accepted standards for testing and appropriate federal and state laws.
- 2232.62 Prepare or cause to be prepared and posted official bulletins announcing examinations.

- 2232.63 Determine or cause to be determined the subjects in each examination and the relative weights of each.
- 2232.64 Prepare or cause to be prepared suitable questions to be asked in the various examinations and report the results of each examination to the Commission.
- 2232.65 Protect or cause to be protected all examination materials to prevent unauthorized disclosure and compromise.
- 2232.66 Appoint experts to aid him/her in preparing questions and rating examination papers, whenever necessary.
- 2232.67 Direct the work of examiners or other employees subordinate to him/her and take care to secure accuracy, uniformity, and justice in their proceedings.
- 2232.68 Pass upon all questions relating to the eligibility of applicants for examination, based upon their written application, and also questions relating to the admissibility of applicants when they appear for examination and, in this regard, conduct such investigation as necessary into the background of applicants to ensure their fitness for the positions to which applied.
- 2232.70 Prepare or cause to be prepared the checking and certifying of payrolls.
- 2232.80 Administer the classification and compensation plans.
- 2232.90 Annually assemble and review pay scale data within Kern County relating to the various classes and positions of benchmark jobs which are comparable to various classifications in the classified service of Kern County.

2240.00 RECORDS

Minutes of the Commission meetings, the classification and pay plan, actions of dismissal and suspension, and the Rules shall be considered public record. Other records of the Commission and the Division of Human Resources shall be confidential by reason of public policy, except as otherwise provided in these Rules or by the California Public Records Act.

2301.00 AMENDMENT OF RULES

Amendment of the Rules and Regulations or additions thereto may be proposed at any meeting of the Commission, but action thereon shall not be taken until a subsequent meeting. All rules and amendments thereof shall become effective upon the date of their adoption by the Commission and shall be printed forthwith for distribution.

2302.00 REGULATIONS

The Commission may, from time to time, adopt and record in the minutes, regulations or procedures for the administration of these Rules, and a copy thereof shall be furnished to each department of the County government.

2303.00 JUDICIAL REVIEW

The adjudicatory decisions of the Civil Service Commission shall be final for all administrative purposes upon the Commission's approval and issuance of formal Findings of Fact, Conclusions of Law and Decision. Judicial review of any final adjudicatory decision may be sought within ninety (90) days of its issuance pursuant to Code of Civil Procedure 1094.5. This rule is adopted pursuant to authority granted by Civil Procedures Section 1094.6 and is to be applied in accordance with the provisions of the statute