

YUBA COUNTY MERIT RESOLUTION

RESOLUTION NO. 2002-21

February 2002 (Revised as of 5/5/05)

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ARTICLE ONE

PURPOSE

The Board of Supervisors of Yuba County hereby establishes a merit system for the County of Yuba. All Yuba County employees shall be subject to the Merit System including (i) those specified in Section 576 of the Welfare and Institutions Code and (ii) persons employed in departments in which the department head is an elected official.

ARTICLE TWO

DEFINITIONS

1. **APPLICANT** means a person who has submitted a written application for employment in accordance with these rules. The term does not apply to one who has indicated either orally or in writing interest in employment.
2. **APPOINTING AUTHORITY** means a person or group having lawful authority to appoint or remove persons from positions in the county service.
3. **APPOINTMENT** means the offer of and acceptance by a person of a position in the county service in accordance with these rules.
4. **BOARD** means the Board of Supervisors of the County of Yuba.
5. **CERTIFICATION** means the action by which persons on an eligible list are certified by the Personnel Director to the appointing authority as eligible for appointment or promotion.
6. **CLASS** means a position or group of positions, having duties and responsibilities sufficiently similar that (i) the same title may be used, (ii) the same qualifications may be required, and (iii) the same schedule of compensation may be made to apply with equity.
7. **CLASSIFIED SERVICE** means all positions in the County service except (i) elective officials, (ii) appointed department heads, (iii) Undersheriff, (iv) contract employees, (v) extra help employees, and (vi) licensed physicians.
8. **COMPENSATION** means the salary, wage, allowances, and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position.
9. **COMPETITOR** means an individual applicant who is participating in a merit system selection procedure.
10. **CONTRACT EMPLOYEE** means a professional employee who is exempt from the classified service and all other provisions of this chapter except as otherwise specified by individual agreement approved by the Board of Supervisors.
11. **COUNTY** means County of Yuba.
12. **DAY** means "calendar day" unless otherwise stated.
13. **DEPARTMENT HEAD** means an elected or appointed person who has a direct supervision and responsibility for personnel, records, funds, maintenance, and service to be performed by a county department.
14. **DEMOTION** means whether on a voluntary or involuntary basis a reduction in an employee's classification which results in a reduction in the employee's salary range or a reduction of an employee's pay step within the salary range or a reduction in rank in the safety classes in the Sheriff's Department.
15. **DISPLACEMENT** means the replacement of an employee in a position by another employee from a class at a substantially equal or higher salary level when said replacement is in lieu of lay-off for the displacing employee.
16. **ELIGIBLE** means a person who has successfully passed all examinations for a class and whose name is placed on an eligible list or maintained in an eligible name file.

17. **ELIGIBLE LIST** means a list of persons who have been examined in open or promotional competitive examinations and are eligible for certification in a specific class.
18. **EMPLOYEE** means any person employed by the county except those persons elected by popular vote or appointed to office by the Governor of the State.
19. **EXTRA HELP** means any employee who is employed for a period of short duration, not to exceed 1000 hours in any fiscal year.
20. **HOURLY RATE** means the amount of individual compensation, for a full hour's service, as set forth in the Classification System Basic Salary Schedule.
21. **IMMEDIATE FAMILY** means a person related by blood, marriage or adoption who is a husband, wife, son, daughter, sister, brother, mother, father, grandmother and grandfather.
22. **INTERMITTENT EMPLOYEE** means a regular employee who is assigned fluctuating hours of work which may be on a seasonal basis depending on the needs of the Department.
23. **LAY OFF** means termination of service without fault on the part of the employee because of lack of work, lack of funds, or other causes unrelated to the employee's job performance.
24. **LIMITED TERM POSITION** means a position which is allocated to a specific mission in a given period of time pursuant to a special program adopted by the Board of Supervisors.
25. **MINIMUM QUALIFICATIONS** means the minimum qualifications of education, experience, ability, knowledge, licenses and other requirements for entrance examinations, appointments, or promotion.
26. **MONTH** means a "calendar month".
27. **MONTHLY SALARY** means the amount of individual cash compensation for a full month of service in a range and step established in accordance with the provisions of this chapter.
28. **PART-TIME EMPLOYEE** means a regular employee who is regularly assigned to work a specific number of hours less than a normal full-time schedule.
29. **PERMANENT POSITION** means a position approved by the Board of Supervisors and included in the allocation schedule.
30. **PERMANENT STATUS** means an employee has completed a probationary period for a Yuba County position.
31. **POSITION** means a specific office, employment, or job calling for the performance of certain duties and the carrying of certain responsibilities by one individual either on a full-time or part-time basis.
32. **PROBATIONARY EMPLOYEE** means an employee who has been certified and appointed from an employment list, or has been reinstated after resignation, or has been transferred, promoted or demoted, but who has not completed probationary period provided in these rules.
33. **PROMOTION** means the movement of an employee from one class to another class having a higher maximum rate of pay.
34. **PROMOTION LIST** means a list of names of county employees who have passed a promotional selection procedure for a class in the classified service, ranked in the order of score earned.
35. **RANGE** means a sequence of salary steps used to identify the minimum, maximum and intermediate salary rates which may be paid to employees within a class.

36. **RANK** means all candidates receiving the same whole score on an eligibility list.
37. **REGULAR EMPLOYEE** means an employee occupying a permanent position, whether part-time, intermittent, or full-time.
38. **REASSIGNMENT** means the movement of an employee from one position to another position of the same classification within the same department.
39. **SELECTION PROCEDURE** means the process of testing, evaluating and/or investigating the fitness and qualification of applicants based on merit procedures, validity and reliability.
40. **SEPARATION** means any termination of employment. Termination may include death, discharge, lay-off, resignation, retirement or work completion.
41. **STEP** means one of the salary rates identified in the Classification System - Basic Salary Schedule which is a specific compensation rate of an employee within the established salary range for his or her class.
42. **TRANSFER** means either (i) the movement of an employee from one position to another within the same class, but to another department, or (ii) the change of an employee from one position to a position in another class with the same pay range.
43. **WEEK** means a period of seven consecutive days.
44. **Y-RATE** means a monthly salary rate for an individual employee which is greater than the established range for his class.
45. **YUBA-SUTTER AREA** means Yuba and Sutter Counties.
46. **SECTION 19800 OF THE GOVERNMENT CODE POSITION** means those positions established by the Board in the Health and Welfare, and Emergency Services Departments which are required by law to be under the regulatory control of the Merit System of the California State Personnel Board.

ARTICLE THREE

APPLICATIONS, RESPONSIBILITY AND ADMINISTRATION

1. **Applicability.** The provisions of this chapter shall apply alike to all officers and employees of the county regardless of the time of creation of the office or the appointment of the officer or employee.
2. **Employment Authority.** Subject to compliance with (i) this chapter, (ii) and procedures adopted by the Board, (iii) the Resolution Establishing an Affirmative Action Program (Resolution No. 1978-8) as amended, and (iv) pertinent federal laws and regulations, the head of each department and office shall have the authority to employ the necessary personnel as authorized by the Board.
3. **Administrative Responsibility.** The Personnel Director shall be responsible for the administration of this chapter except as otherwise specifically provided herein. He/She shall direct the enforcement of personnel policies established by the Board, shall specify such administrative procedures, forms, records, reports, and audits as he/she deems necessary for the proper administration of this chapter, including a file for each employee which will be available to the employee or his/her representative designated in writing and authorized persons at all reasonable times. The Personnel Director may assign to other County Officers such duties in connection with this ordinance he/she deems proper and expedient.
4. **Delegation of Authority.** The Personnel Director may redelegate to his/her subordinates any power, duty, or function which has been delegated to him/her by the Board, unless by Board rule or express provisions of law he is required to act personally. Unless otherwise expressly provided, whenever a power is granted or a duty imposed upon an appointing authority, the power may be exercised or the duty performed by a deputy of the appointing authority or by a person authorized by him pursuant to law.
5. **Record Keeping.** It shall be the mandatory duty of each appointing authority to keep or cause to be kept, accurate records reflecting the application of this ordinance to comply with such requirements for administrative procedures, forms, records, reports, and audits as the Personnel Director may specify.
6. **Cooperation.** All officers and employees of the county shall aid in all proper ways in carrying into effect the rules herein or hereafter adopted.
7. **Non-discrimination in Employment.** In connection with the enforcement of this Chapter and with employment in the County service generally, there shall be no discrimination against any employee or applicant for employment because of race, religion, color, ancestry, national origin, sex, marital status, age, sexual orientation, medical condition or physical handicap unless sex, age, medical condition or physical handicaps are valid, job related requirements. The Personnel Director, all elected officials, and all department heads shall take affirmative action to insure that applicants are employed, and that employees are treated during employment with equal regard. This policy shall apply to employment promotion, demotion, transfer, recruitment advertising, selection, merit increases, performance appraisals, disciplinary action, lay-off, termination, training or other aspects of employment.
8. **Affirmative Action Program.** Nothing contained in this Chapter shall be deemed or construed to amend or affect any portion or provision of the Resolution Establishing an Affirmative Action Program (Resolution 1978-8), as amended, but instead this resolution shall at all times be construed in a manner consistent with that resolution.
9. **Federal Law.** This Chapter shall at all times be construed in a manner consistent with the provisions of any pertinent federal law and regulations, including but not limited to the Civil Rights Act of 1964, as amended, and the regulations promulgated thereunder.

10. **The Employment of a Relative.**

- a) Any department head or other individual having appointive power shall not appoint or promote any employee to any position within the county which would create any of the situations specified in Subsection c below.
- b) Hiring, reinstatement, promotion or transfer, which will result in relatives of employees working in the same department, division or office may be permitted, but only where the appointing authority finds that such action will not create any of the situations specified in Subsection c below. If such a condition is created by two employees, immediate steps shall be taken by the appointing authority to transfer or reassign either employee to alleviate the condition.
- c) In deciding whether to hire, reinstate, promote or transfer a relative of a person already working in a department, division or office the appointing authority will not take such action if to do so would tend to create the following conditions:
 - (1) Lessen ability of the department, division, or office to react to safety emergencies.
 - (2) Adverse office working conditions.
 - (3) Jeopardize confidentiality.
 - (4) Possible conflicts of interest.
 - (5) Lessen employee morale.
 - (6) Direct supervision of one relative by another.
- d) For purposes of this Section 10, relative shall mean spouse, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandson, granddaughter, grandmother, grandfather, either by blood, adoption or present marriage, or people living together in a romantic relationship.

11. **Prohibition of Appointment to Inappropriate Class.** No person shall be appointed to a position for which the person fails to meet the minimum qualification.

12. **Political Activities.** All appointed officers and employees are subject to the provisions of Sections 3201 - 3204.5 and 3206 of the Government Code relating to political activities. Officers and employees whose principal employment is connected with an activity which is financed in whole or in part by loans or grants made by the United States or Federal Agency are subject to the provisions of Sections 1501-1508, Title 5, United States Code. Employees of Yuba County are further prohibited from using county work time, their own or that of other employees; county owned and controlled property; and or a county uniform for political activities.

13. **Merit System Employment.** All classes and positions in the Classified Service shall be subject to the merit system employment provisions of this Resolution unless otherwise specifically excluded herein.

ARTICLE FOUR

CLASSIFICATION SYSTEM BASIC SALARY SCHEDULE COMPENSATION

1. **Classification System - Salary Schedule.** With respect to the classified service, there shall be established by resolution a "Classification System - Basic Salary Schedule" which shall set forth:
 - a) A class title for each class.
 - b) The salary range or rate for each class.
 - c) The salary for each of the steps within a particular salary range.
 - d) The hourly equivalent for each salary step.

2. **Other Compensation/Working Conditions.** With respect to other compensation such as benefits and working conditions there shall be established, by resolution a set of rules and procedures governing those programs adopted by the Board.

3. **Allocation of Position to Appropriate Classes.** Every position in the county service shall be allocated to the appropriate class in the Classification System - Basic Salary Schedule. The allocation of a position to a class shall derive from and be determined by the ascertainment of the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:
 - a) They are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used.
 - b) They demand substantially the same requirements as to education, experience, knowledge, and ability of incumbents.
 - c) Substantially the same tests of fitness may be used in choosing qualified persons.
 - d) The same schedule of compensation can be made to apply with equity.

4. **Classification Studies.**
 - a) Position studies: The Personnel Director shall make classification studies of proposed additional or presently authorized positions in the classified service:
 - (1) When authorization for a new position is indicated.
 - (2) When directed to do so by the Board.
 - (3) When the Personnel Director identifies the need for a review of an existing position or group of positions in a department or group of departments.

In all such cases the Personnel Director may, at any time, secure from an appointing authority, department head, or employee involved a statement of the duties and responsibilities of the position or positions under consideration.
 - b) Each appointing authority shall promptly report to the Personnel Director the need for new positions and shall report material changes in the duties of any position, including the date when such changes occur, in order that new positions and positions whose duties have been materially changed may be properly classified and allocated.

5. **Changes to Position Allocations and Classifications.** Within the Department's budget as approved by the Board of Supervisors each fiscal year, upon approval by the County Administrative Officer and the Personnel Director, a Department Head has the authority and responsibility to take the following actions within their department:

- A. Abolish encumbered or vacant positions or existing classifications,
- B. Add to, or delete from, the allocated positions or the existing classifications,
- C. Present any proposed new County classification to the Board for approval.

The Personnel Director will notify the impacted employee union(s) at least seven calendar days prior to the effective date of any position allocation or classification changes.

The Personnel Director has the responsibility to maintain the Departmental Allocation Schedule as these changes occur. On an annual basis when the Auditor brings the Final Budget to the Board for approval, the corresponding Departmental Allocation Schedule will also be brought to the Board for approval.

6. **Hearing on Allocation of Position.** Reasonable opportunity to be heard shall be provided by the Board to any employee affected by the allocation or reallocation of his or her position.

ARTICLE FIVE

RECRUITMENT

1. **General.** The Personnel Director shall establish recruiting procedures and techniques which, within practical limitations of budget and time, will secure qualified individuals to apply for employment in the county service. All such recruiting procedures and techniques shall be in conformity with all applicable county provisions and all pertinent federal law and regulations.
2. **Announcements.** The Personnel Director shall direct the preparation of announcements for employment selection procedures. Each announcement shall state the duties and salary range of the class; the method of evaluating the education, experience, and personal qualifications of the competitors; the place and date to file applications; the date of selection procedures; and such additional information as may be appropriate.
3. **Area of Recruitment.** The Personnel Director shall determine whether the area of recruitment shall be within the department, within the Yuba-Sutter area, or within such area beyond Yuba-Sutter as he/she deems proper.
4. **Applications.** All applications must be filed in the office of the Personnel Director, within the time and in the manner specified in the announcement. The time for filing applications may be extended by the Personnel Director as the needs of the service require. A separate and complete application shall be necessary for each recruitment. All applications shall be signed. Under no circumstances will applications be returned to the applicants. The names of applicants shall not be made public.
5. **Authorization to Take Selection Procedure.** Each applicant shall be notified of the approval or disapproval of his or her application in such form as may be prescribed by the Personnel Director.

ARTICLE SIX

SELECTION PROCEDURES

1. **Scheduling Selection Procedures.** The Personnel Director shall schedule selection procedures as the current and anticipated needs of the service require with due consideration to current departmental workload. Scheduled selection procedures may be postponed or cancelled or the closing date extended by the Personnel Director by notifying all persons affected and posting public notice.
2. **Type.** Selection procedures shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of positions for which they seek appointment, including written tests, oral tests, performance tests and tests of physical strength, stamina and dexterity. A selection procedure shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when a single applicant is scored against a fixed standard.
3. **Minimum Qualifications, Certificates, Documentary Evidence.** The Personnel Director shall establish minimum qualifications for determining the fitness and qualifications of applicants for each class of position and for temporary appointments. For such purposes, the Personnel Director may require such certificates of citizens, physicians, public officers, or others having knowledge of the applicant as the good of the service may require. Such minimum qualifications shall be reasonably related to successful job performance in the class in which an applicant seeks employment. The Personnel Director may require necessary documentary evidence of citizenship, honorable discharge from the armed forces of the United States, possession of valid licenses for various purposes, or other evidence of identification, fitness and qualifications.
4. **Causes of Disqualification.** The Personnel Director may make inquiry into the past record of competitors and shall disqualify any whose record or reputation in the judgment of the Personnel Director warrant such action. The Personnel Director may refuse to examine or, after selection procedures, may refuse to declare as an eligible or may withhold or withdraw from certification prior to appointment, anyone who comes under any of the following categories:
 - a) Lacks any of the minimum qualifications established for the examination or position for which he or she applied.
 - b) Is physically or mentally so disabled as to be rendered unfit to perform the duties of the position to which he or she seeks appointment.
 - c) Is addicted to the use of narcotics or habit forming drugs.
 - d) Is addicted to the excessive use of intoxicating beverages.
 - e) Has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude.
 - f) Has been guilty of infamous or notoriously disgraceful conduct.
 - g) Has been dismissed from any position for any cause which would be a cause for dismissal from the county service.
 - h) Has resigned from any position not in good standing or in order to avoid dismissal.
 - i) Has intentionally attempted to practice any deception or fraud in his or her application in the selection procedure or in securing eligibility.
 - j) Has failed to reply within a reasonable time, as specified by the Board, to communications concerning his or her availability for employment.

- k) Has made himself or herself unavailable for employment by requesting that his or her name be withheld from certification.
- l) Is, in accordance with Board rules, found to be unsuited or not qualified for employment.

5. **Inability to Appear for Written Test.** In the event an applicant is unable to appear at the designated time and place for a written test, he or she must forego the competition on that selection procedure unless he or she submits in writing one of the following reasons for inability to appear.

- a) The applicant is a member of a religious group which observes the examination day as the Sabbath or as a holiday.
- b) Because of illness, confirmed by a doctor's certificate.
- c) Through an oversight on the part of the Personnel Director the applicant was given no notice or insufficient notice to appear.
- d) The applicant is a student at an institution of higher learning and he or she is involved in final examinations at the time in question.
- e) The applicant is a county employee who is required on an emergency assignment at the time of the examination.
- f) The applicant is a member of an active reserve unit who will be on active duty on the test date.
- g) The applicant has been ordered to appear for jury duty.

In the event of such excusable inability to appear, the Personnel Director may grant an extension of time in which to take such a written test provided that such extension shall not exceed five working days.

6. **Late Arrivals to Written Test.** The proctor of a written test is authorized to decide whether applicants who arrive late may be admitted to the written test.

7. **Waiver of Selection Procedure(s).** When a selection procedure(s) has been publicly announced and the number of applicants meeting the minimum qualifications for position is five or less, the Personnel Director may, at his discretion,

- a) Waive the competition entirely and submit the names of the applicants meeting the minimum qualifications to the appointing authority.
- b) Revise the conditions of competition to a more practical basis under the circumstances.

8. **Authorization to Take Selection Procedures.** Each applicant will be given written notice of authorization to take selection procedures.

9. **Written Tests.** The Personnel Director shall approve all written test questions in advance.

10. **Explanation.** All necessary explanations will be made to the whole group taking the written test and no questions will be explained to any individual competitor.

11. **Right to Challenge Test Questions.** An applicant who finds an ambiguous or doubtful question or item in a written test must call it to the attention of the proctor either during or immediately after the written test. The proctor will then record the nature of the doubt and notify the Personnel Director. The Personnel Director will establish from competent authority that the item is proper or eliminate the item if it proves to be improper.

12. **Prohibited Act.** Communication between competitors during a written test is strictly forbidden and competitors are forbidden to receive aid from one another or to use help in any form. Before the commencement of a written test, competitors will be required to hand to the proctor any printed or written matter in their possession that might serve to aid them in the written test. Evidence of copying or collusion may result in the cancellation of the applicant's written test papers and the debarment of the competitor from future selection procedures. Copies of the questions in the written test may not be made or taken from the test room.
13. **Identification of Candidates.** Written tests shall be conducted so that no test paper will disclose the name of or identity of the applicant until the test papers of all competitors have been scored and the passing point established.
14. **Proficiency Tests.** Whenever necessary, selection procedures shall include tests for proficiency in the use of skills appropriate to the class for which the procedure was given. The Personnel Director may waive a proficiency test in cases where an applicant for employment, or a former employee, has attained a passing grade in such test within one year of the date of selection process for the class for which the applicant or former employee has applied.
15. **Notification of Result.** Each competitor shall be notified by mail of the result of his or her selection procedure, and, if successful, of his or her final grade.
16. **Right to Review of Written Test.** Any competitor may, within five days from the date when notice of the result of the written test was mailed, review his or her answer sheet to such test and shall have the right to compare his or her answer sheet with a "key" answer sheet to confirm the fact that the competitor received full credit for correct answers. Inspection of standard or copyrighted tests or tests pre-duplicated as "form" tests or "semi-form" tests is prohibited by the State Personnel Board and inspection of such tests is not allowed.
17. **Selection Procedure Limitation.** A competitor who fails a written test will not be allowed to take a second test for the same class if the second selection procedure is scheduled less than sixty (60) days from the date of the previous written test.

ARTICLE SEVEN

PROMOTIONS

1. **Filling Vacancies by Promotion; Promotional Lists.** Subject to provisions of an affirmative action program, vacancies in positions shall be filled insofar as possible and consistent with the best interests of the county from among county employees, and appropriate promotional lists shall be established for this purpose.
2. **Advancement According to Merit and Ability.** The Personnel Director, each officer and department head shall encourage economy and efficiency in and devotion to county service by encouraging promotional advancement of employees showing willingness and ability to perform efficiently the services assigned to them. Every person in county service shall be given the opportunity to advance according to merit and ability.
3. **Selection Procedures.** Whenever the Personnel Director determines that the needs of county service so require, he/she may announce and hold promotional selection procedures for purposes of establishing county-wide or departmental promotional lists.
4. **Eligibility.** Promotional examinations shall be limited to employees specified in this Article.
5. **Promotional Eligibility.** An employee in an office or department designated by the Personnel Director as appropriate, may participate in a promotional selection procedure.
6. **Qualifications.** No employee may participate in a promotional selection procedure unless he or she has the minimum education and experience requirements and any license, certificate or other evidence of fitness as prescribed for the class for which the selection procedure is given.
7. **Additional Credit.** Each employee who has attained a passing mark on a promotional selection procedure shall be allowed one additional point up to a maximum of five points, for each year or major portion thereof of seniority calculated in accordance with Article 16, Subsection 3 of this Chapter.
8. **Promotional List.** In establishing the promotional list following the selection procedure, the names of the persons who have attained a passing mark shall be placed in the order of final earned ratings, except as such order may be modified by the application of this Section. The names of employees who separate from county service shall be removed from the promotional list.

ARTICLE EIGHT

RATING

1. **Rating of Written Test.** All written test papers shall be marked and graded under the direction of the Personnel Director and in accordance with the selection procedure announcement. Unless otherwise determined by the Personnel Director, competitors shall be required to attain a score of not less than 70%. In no case will the minimum passing score on a written examination be less than 60% of the total possible score.
2. **Rating by Interview.** In any selection procedure, the education, experience, and personal qualifications may be rated by interview. The interview and rating shall be conducted by the appointing authority.
3. **Use of Whole Numbers.** In the marking of written test papers and in computing scores for each competitor, all figures shall be rounded to the nearest whole number.
4. **Rating by Oral Appraisal Boards.**
 - a) A selection procedure for the purpose of appraising the fitness of applicants for any position may include or be limited to an oral interview as hereinafter provided. When such an interview is required, all applications will be evaluated by an appropriate screening panel consisting of the Personnel Director and up to two persons qualified by education or experience to evaluate the qualifications of the applicants for the particular position. Those applicants who appear best qualified will be invited for an oral interview before an oral appraisal board appointed as herein provided. The oral appraisal board will evaluate each applicant's experience, education, and personal fitness for the position. The names of the applicants in the top five ranks who have passed highest in accordance with the procedures herein provided will be submitted to the appointing authority who will make the appointment.
 - b) Oral appraisal boards shall be appointed by the Personnel Director. Names of potential oral appraisal board members may be suggested by the heads of departments or offices for consideration by the Personnel Director.
 - c) Interviewers shall mark on forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewer's marks shall be numerical percentage with 70% as the minimum passing rating. The ratings of the several members of the oral appraisal board shall be arithmetically averaged to determine each competitor's final rating except that if the average rating is below 70% but there is not a majority of the board who assign ratings below 70%, the competitor shall be given a rating of 70% and except that, if a majority of the members assigned a rating below 70%, the competitor shall be eliminated regardless of the fact that his average rating may be 70% or more.
 - d) Each member of an oral appraisal board shall place the reason that he or she rated any candidate below 70% in writing in the space provided on the rating sheet.
 - e) Persons holding elective office in Yuba County, officers or members of a committee of a political organization, and persons related to applicant by blood, marriage, or adoption are disqualified from serving on an oral appraisal board.
 - f) Failure to appear for an oral examination shall void the whole application. If the candidate wishes to compete on a subsequent examination, he/she must reapply the next time the recruitment for this position is open.

ARTICLE NINE

ELIGIBLE LISTS

1. **Establishment of Eligible Lists.** The Personnel Director shall establish an eligible list of persons who have passed a selection procedure provided herein, and who meet the minimum qualifications requisite to the performance of the duties of the position for which the selection procedure was conducted.
2. **Order of Names on Eligible List.**
 - a) In establishing an eligible list following a selection procedure, the names of the persons who have attained a passing mark in such procedure shall be placed on the lists in the order of final earned ratings. The final earned ratings shall be determined by the total of the scores earned by each applicant for each part of the selection process, based upon the relative value assigned to each part of the procedure before the procedure was given, plus additional credits allowed pursuant to Subparagraph (b) hereof.
 - b) In original entrance selection procedures, all persons who become eligible for certification for eligible lists by attaining the passing mark, and who have served on active duty for a period of not less than ninety (90) days in the armed forces in time of war or national emergency, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States and who has been discharged or released under honorable conditions within a period of twelve (12) months prior to the date of such selection procedure, and widows of such persons shall be allowed one of the following additional credits.

Disabled Veterans	10 points
All other Veterans and Widows of Veterans	5 points

Persons who have served only in auxiliary or reserve components of the armed forces whose services therein did not exempt them from the operation of the Selective Training and Service Act of 1940 are not eligible for the allowance of additional credits. Proof of military service by which an eligible is entitled to claim the allowance of additional credits shall be furnished to the Personnel Director.

For the purpose of this section, "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 25% or more disabled as a result of his service. Proof of such disability shall be deemed conclusive if it is on record in the United States Veterans Administration.

3. **Alternate Eligible List.** Where no eligible list is in existence for a classification, certification may be made from a list created for another class of the same or higher rank in the same or in a related series if the duties of the class for which the selection procedure was given include substantially all of the duties of the position to be filled; provided that the Personnel Director finds that the use of the list is in the best interest of the County and that the necessary skills and knowledge were adequately tested in the selection procedure.
4. **Removal of Names From Eligible List.** The names of eligibles may be removed from an eligible list:
 - a) For any cause set forth in Article 6, Subsection 4.
 - b) On evidence that the eligible cannot be located by the postal authorities.
 - c) On receipt of a statement from the eligible declining an appointment or stating that he no longer desires consideration for a position with the County.
 - d) After refusal of three offers of appointment to the class for which the eligible list was established.

- e) For failure to respond within stipulated time after the notice of certification, without suitable explanation.
 - f) After three certifications for appointment to a position have failed to result in selection in any one or more offices or departments, or with appointments in at least two of the certifications being made of persons lower in rank on the eligible list.
 - g) For failure to pass background or psychological examination as required by state.
5. **Change of Address.** Applicants whose names are placed upon an eligible list shall notify the office of the Personnel Director of any change of address while their names remain on such list or while they are employed by the County.
 6. **Effective Date of Eligible List.** An eligible list shall be in effect from the date on which it is approved by the Personnel Director.
 7. **Duration of Eligible List.** An eligible list normally expires after one year unless extended by the Personnel Director. An eligible list may be abolished sooner when fewer than five names remain or when the Personnel Director determines it to be in the County's best interest.
 8. **Use of Eligible List.** The appointing authority shall have authority to appoint any eligible certified to him by the Personnel Office subject to successful completion of the medical review process and satisfaction of the requirements of the Immigration Reform and Control Act of 1986.
 9. **Re-employment Lists (General).** In addition to the general eligible list, there shall be established for each class a re-employment list containing the names of persons who have resigned in good standing.
 - a) Any employee who attained permanent status in the classified service and who resigned in good standing may make application for reinstatement within one year after the date of resignation, and if such request is granted, he or she will be placed on the re-employment list for the class or position from which he or she resigned. Such application must be made within one year after the effective date of resignation. It shall be referred to the appointing authority of the department from which the person resigned for recommendation. If such appointing authority grants re-employment privileges to such person, his or her name shall be placed on the appropriate re-employment list.
 - b) The names of persons granted re-employment privileges after resignation shall be placed on the appropriate list in the order of the date of application for re-employment, in order of receipt of application.
 - c) The names of any person granted re-employment privileges shall continue on the appropriate re-employment list for a period of one year after it is placed there. The names of any eligible on a re-employment list shall be automatically removed from said list at the expiration of such one year period.
 - d) The Personnel Director may remove the name of any eligible from a re-employment list for any of the reasons set forth in this section.
 10. **Re-employment List (Lay-Off or Displacement in Lieu of Lay-Off.)** In addition to Subsection 9 and general eligible lists, the Personnel Director shall establish re-employment lists by class listing only those regular employees who are laid off or who displace into another class.
 - a) Any person who is laid off or displaces into another class because of temporary or permanent abolishment of his or her position shall have his or her name placed on the re-employment list for the class from which he or she has been laid off. Notwithstanding the provisions in Article 10, when a vacancy occurs in a classification for which a re-employment list exists, the entire list of eligibles will

be certified to the department head seeking to fill the vacancy. The department head shall re-employ the eligible person with the most county seniority who was laid off from his/her department and is actively seeking re-employment. Should there be no eligible person on the list who was laid off from the hiring department, the department head shall re-employ the eligible person with the most county seniority who is actively seeking re-employment. Should an eligible person reject two offers of re-employment their name shall be removed from the re-employment list. If no eligible is actively interested in re-employment the order of lists in subsection 12 below shall be followed.

- b) The name of any person who is laid off or displaced into another class shall continue on the appropriate re-employment list for a period of one year after it is placed there. The name of any eligible on a re-employment list shall be automatically removed from said list at the expiration of such one year period except that the Personnel Director may exercise the option available under Subsection 7 of this Section.
11. **Promotion Lists.** The names of competitors who are successful in promotional selection procedures as provided in Article 7 shall be placed on the promotional eligible list for the class for which said selection procedure is held in order of their ratings.
12. **Order of Lists.** If more than one employment list exists for a class, the lists shall be certified in the following order: re-employment list for lay-off or displacement in lieu of lay-off; promotional list; re-employment eligible list; and open eligible list.
13. **Inactive List.** The name of an eligible who is not available for immediate certification may, upon request, be placed on an inactive list, and may be restored to the active list from which it was removed upon request of such eligible, provided said list is still in existence.

ARTICLE TEN

CERTIFICATION AND APPOINTMENT

1. **Request for Certification.** Whenever a vacancy is to be filled, the appointing authority shall make written request for certification which shall include a statement of the salary, tenure, and location of the position.
2. **Certification.** For each vacancy or new position, the Personnel Director shall certify five places which includes ties from the eligible list. If any eligible who is certified is unwilling to accept appointment, unless said eligible is tied for the same place with one or more eligibles, the Personnel Director shall certify additional places equal to the number who have refused appointment. If the list of eligibles is not sufficient to provide five persons willing to accept appointment, the Personnel Director may include additional names from an employment list for an appropriate class of substantially the same or higher level provided such persons possess the qualifications for the position to be filled.

After an eligible is certified and interviewed by the same supervisor and department head twice, the department head may request in writing that eligible to be withheld from future certifications to that department for the duration of the list.

3. **Certification to Position of Lower Class.** Whenever a request for certification is made to fill a position in a class for which (i) there is no eligible list, or (ii) there are not sufficient names to the eligible list, an eligible may be certified to a position in a class lower than that for which he or she was placed on an eligible list, provided such position is one having similar duties and responsibilities. The acceptance of such a position shall not affect his or her right to be certified to a position in the class for which he or she was originally examined.
4. **Appointment Following Certification.** The appointing authority shall fill a vacancy or new position in a class by selection from the eligibles certified who are willing to accept employment under the condition of employment specified. The appointing authority may, at his discretion, appoint or refuse to appoint from any list of certified eligibles when such list contains less than three names.
5. **Appointment Procedure.** The appointing authority shall, prior to appointment:
 - a) Interview all eligibles who have been certified.
 - b) Check references.
 - c) Notify in writing the eligible who has been appointed with a copy to the Personnel Director.
 - d) Notify the other people interviewed that a final selection has been made.
6. **Extra Help Appointment.** For Government Code Section 19800 positions, extra help appointments shall be selected from appropriate employment lists unless said lists do not have interested or qualified eligibles.

ARTICLE ELEVEN

MERIT PROCEDURES FOR LONGEVITY/MERIT STEP INDEX

1. **Salary Based upon Longevity and Merit:** A regular employee's salary will be determined based upon successful job performance and years of loyal service to the County.
2. **Salary Determination or Adjustments:** Unless specifically stated otherwise, an employee will have their salary determined or adjusted by multiplying the Base Rate for their classification as specified on the Classification System-Basic Salary Schedule by the Index Rate on the table below as determined by their Service Computation Date (SCD), consistent with the applicable sections of this Article.

LONGEVITY/MERIT STEP INDEX:			
Number of Years Service	Index Rate		Number of Years Service
Less than 1	1.0000		16
at least 1	1.0500		17
" 2	1.1030		18
" 3	1.1580		19
" 4	1.2160		20
5	1.2160		21
6	1.2300		22
7	1.2450		23
8	1.2600		24
9	1.2750		25
10	1.2900		26
11	1.3050		27
12	1.3200		28
13	1.3350		29
14	1.3500		30
15	1.3650		

3. **To Determine an Employee's Monthly Salary:**
 - a.) Determine the number of years of service an employee has completed based on their Service Computation Date (SCD).
 - b.) Refer to the "Number of years Service" column; go to the number of years of service that an employee has completed, and locate the "Index Rate" immediately to the right.
 - c.) Refer to the Classification System – Basic Salary Schedule and find the current title of their position. Multiply the corresponding Index Rate by the Base Rate for the employee's classification.
 - d.) Round up to the nearest whole dollar.
4. **To Determine an Employee's Hourly Rate:**
 - a.) Determine the Monthly Salary from above.
 - b.) Take the Monthly Salary and multiply it by twelve months.
 - c.) Divide the total by 2,080 average work hours in a year.
 - d.) Use standard rounding to the nearest whole penny.

5. **Service Computation Date (SCD) and Index Rate Determination:** A regular employee's Service Computation Date (SCD) determines their Index rate. The SCD is computed by adjusting the employee's current hire date for any prior service with the County as a regular employee, and for any Leave Without Pay (LWOP).
 - a. The employee's SCD does not affect or determine their probationary period or when they receive performance evaluations.

6. **Salary Anniversary Date (SAD) For Merit/Longevity Index Rate Adjustments:** The employee's Salary Anniversary Date (SAD) will be the first day of the month the following their SCD (instead of their position date or hire date). However, if their SCD is within the first 3 calendar days of the month, their SAD will be the first day of that month in which they are hired.
 - a. Longevity/Merit Step Index increases will occur automatically on the employee's SAD, unless the Personnel Department is notified at least 30 days in advance that the employee has received an evaluation that is less than Meets Standards and is on a Performance Improvement Plan (PIP). If an increase is withheld, due to a PIP, it will not be approved until the Department notifies the Personnel Department that the employee's performance at least meets standards.

7. **Prior Service:** The number of calendar days between a current employee or applicant's previous hire date and termination dates with the County of Yuba as a regular employee. If when applying the employee's prior service credit on a calendar day basis, it results in a date which falls within the first three calendar days of the month, the employee will be given credit for that entire month. Should the application of prior service on a calendar day basis result in a date other than the first three calendar days, the employee's adjusted SCD will be the first day of the following month.

8. **Leave With Out Pay (LWOP):** LWOP will be computed in either one of two ways.
 - a.) Effective January 1, 2004, each accumulated eight hour increment of LWOP from work (i.e. excluding nonscheduled work days such as weekends) will reduce an employee's SCD by one day (i.e. Move their SCD forward one day). or,
 - b.) Prior to January 1, 2004, the granting of any leave of absence without pay exceeding fifteen (15) calendar days shall cause the regular employee's salary anniversary date to be postponed (moved forward) a number of months equal to the nearest whole number of months for which the leave was taken. All such calculations shall be based on the number of calendar days of such leave.

9. **Advanced Index Rate Hires (external recruitments only):** When it is necessary to attract the best qualified applicants to a critical position or when an applicant's prior experience justifies, the Department Head is authorized to hire a new employee at an Index Rate equivalent to completion of up to two years of service (Index Rate 1.1030). At the request of the Department Head, the Board of Supervisors may approve the appointment of a new employee at an Index Rate equivalent to completion of up to four years of service (Index Rate 1.2160). The employee will be given a Temporary SCD adjusted to reflect completion of from one to four years of prior service. The employee's SCD will be temporarily adjusted to reflect the advanced Index Rate.

A regular employee who is granted an Advanced Index Rate will continue to receive annual Index Rate increases until their Index Rate equals 1.2160 (equivalent to four years of service). At that point, the employee will not receive any Index Rate increases and the employee's salary Index Rate will be 'frozen' until the employee has completed six years of County service based upon their actual SCD.

10. **Promotions:** When an employee is promoted to a classification with a higher Base Rate the employee will have their salary adjusted by multiplying the Base Rate for their new classification as specified on the Classification System-Basic Salary Schedule by the Index Rate as determined by their Service Computation Date (SCD). However, if an employee was hired at an Advanced Index Rate and received a Temporary SCD, they will continue to receive annual Index Rate increases until their Temporary SCD equals completion of the equivalent of 'at least' four years of service or an Index Rate of 1.2160. At that point, the employee will not receive any Index Rate increases and the employee's Index Rate will be 'frozen' until they are eligible to advance on the Longevity/Merit Step Index based upon their actual SCD.
11. **"Y-rated" Salary:** If a management directed action or an ADA accommodation results in a regular employee being downgraded to a classification with a lower Base Rate, the employee's salary will be 'Y-rated' (frozen). The employee's salary will continue to be "Y-rated" until their salary as defined in Article 11, Section 2, 3 & 4, is equal to or greater than the "Y-rated" salary. If an employee does not successfully pass a probationary period, and is eligible to return to their former position, their salary will be computed as normally defined in Article 11, Section 2, 3 & 4.
12. **Salary Upon Transfer:**
 - a.) When an employee transfers from one position to another position within the County their salary shall be determined by multiplying the base salary of the classification they have transferred to by the appropriate index rate consistent with their SCD and other applicable sections of these rules.
13. **Salary Upon Reclassification:**
 - a. **No Change:** When a reclassification results in no change to the base rate of the classification, there will be no change to the employee's salary.
 - b. **Higher Class:** If a reclassification results in an employee's position being assigned to a classification having a higher base rate of pay, their salary shall be determined consistent with Section 8.
 - c. **Lower Class:** If a reclassification results in an employee's position being assigned a lower classification having a lower base rate of pay, their salary shall be determined consistent with Section 11.

ARTICLE 12 AND ARTICLE 13 DELETED 5/5/05 PER RESOLUTION 2005-61

The amendment of Article 11 (Resolution #2005-61) deleted both Articles 12 and 13. Please refer to Article 11 for all references made in regards to Articles 12 and 13.

ARTICLE FOURTEEN
PROBATIONARY PERIODS

1. **Probationary Periods.** Persons entering County Service by appointment to a permanent position in the classified service shall have a probationary period of twelve months for all employees, except for all entry level employees in the Sheriff's Department classifications who shall have an eighteen (18) month probationary period provided that the Evidence Technician in the Sheriff's Department shall have a twelve (12) month probationary period. All such probationary periods shall run from the first day of the month following the date of employment, or in the event the date of employment is on the first day of the month, then from that date. The period of County Service of an appointee to a temporary position, subsequently appointed to a permanent position in the same class without a break in service, shall not be included in computing the probationary period. The granting of any leave of absence without pay exceeding fifteen (15) calendar days shall cause the regular employee's probationary date to be postponed a number of months equal to the nearest whole number of months for which the leave was taken. All such calculations shall be based on the number of calendar days of such leave.
2. **Probationary Period Upon Promotion.** An employee with permanent status who is promoted to a position in a class having a higher salary range shall serve the appropriate probationary period before attaining permanent status in that position. An employee promoting into the Deputy Sheriff III classification shall serve an 18 month probationary period.
3. **Probationary Period Upon Transfer.** An employee who transfers to another department shall serve a new probationary period. If the employee should fail that new probationary period, upon approval of the former department head, the employee may return to the former position.
4. **Probationary Period Upon Demotion.** Any employee with permanent status who demotes to a position in another department for reasons other than discipline or in case of layoff shall serve a new probationary period.
5. **Acquisition of Permanent Status.** A probationary employee acquires permanent status upon completion of the probationary period.
6. **Separation During Probationary Period.** A probationary employee may be discharged by the appointing authority without cause during the probationary period. The appointing authority may, at any time before the effective date thereof, withdraw or cancel such notice of termination. Except as provided in Section 3.10.100 (ii) a discharged probationary employee shall have no right of appeal for dismissal or demotion.
7. **Probationary Period upon Re-Employment.** A person re-employed in a classification in which he or she has previously held permanent status, shall not serve a new probationary period if such re-employment occurs within one (1) year from the date of his or her separation and is to the same department to which they were employed prior to separation. If a person is re-employed in the same department and classification he/she previously held but did not obtain permanent status prior to separation, he/she shall be subject to completing the condition of the initial probation period. If a person is re-employed in the same classification but in a different department, a new initial probation period must be completed.
8. **Failure to Pass Probation Upon Promotion.** Notwithstanding any other provision of these rules, an employee, who has attained permanent status in a county position, and who fails probation in a position to which the employee has been promoted, shall be restored to the position from which the employee was promoted. If the employee has never held permanent status in a county position, they may go back to their old position only with the approval of the department head and shall, otherwise, have no return rights to any other position. Upon returning to their former position, if the employee has held permanent status in that position, a new probationary period shall not be required. If the employee had not completed probation in that position he/she, shall be required to complete the probationary period not served in that position.
9. **Probation Upon Reclassification.** An employee reclassified with a position will not be required to serve a new probationary period because of the reclassification. However, the employee will be required to finish any probationary period prior to reclassification.

ARTICLE FIFTEEN

TRANSFERS

1. **Transfers Within Offices or Departments.** An employee may transfer to the same or comparable (salary within 5%) classification within the same department or to another department without further examination. Note: The movement of an employee from one position to another of the same classification within the same department is a reassignment, not a transfer, and may be accomplished at the discretion of the appointing authority.
2. **Interdepartmental Transfers.** No employee shall be transferred to a position in another office or department unless prior to the transfer:
 - a) The two positions have similar minimum qualifications and duties and the affected employee possesses the minimum qualifications for the position to which he or she is being transferred.
 - b) The positions, if not in the same class, are in the same salary range; provided that an employee may voluntarily demote to a position in a lower salary range.
 - c) The appointing authorities of the two offices or departments have approved the transfer in writing.
 - d) The employee has approved the transfer in writing.
 - e) The Personnel Director has approved the transfer.
3. **Temporary Transfers.** The appointing authority may temporarily transfer a regular employee to a regularly authorized position in a class having a higher salary range when the incumbent in such position is absent or when there is no incumbent for such position. Such temporary transfer shall not exceed a period of 90 days unless a longer period is specifically authorized by the Board. The salary of the employee during the period of such temporary transfer shall be determined in accordance with Article 11 of this Chapter.

ARTICLE SIXTEEN

LAY-OFF AND REINSTATEMENT

1. **Lay-Offs.** The appointing authority may lay off employees pursuant to this Section (i) whenever it becomes necessary because of lack of work or funds or (ii) whenever it is deemed advisable in the interests of economy to reduce the force in a department.
2. **Order of Lay-Offs.** Persons shall be laid off in the following order:
 - a) Lay-off shall be by department and class within the department except as otherwise noted herein.
 - b) When it becomes necessary to reduce the force in any department, lay-off of regular employees shall be in the order in which their names appear on the Lay-Off List for the affected class, as prepared by the Personnel Director, with those persons having the least seniority credit being first laid off.
 - c) A designated position which requires special or unique knowledge or skills critical to the operation of county business which is in the same class as other positions within a department or office may be exempted from the provision in this Section when recommended by the appointing authority and approved by the County Administrator.
3. **Lay-Off List Computation.** When it becomes necessary to reduce the work force in any department, the Personnel Director shall establish a lay-off list by department and class. Said lay-off list shall be based upon seniority as follows:
 - a) **Seniority Defined.**
 - (1) For each regular employee, except as modified in Subsection 2, seniority will be measured from such employee's initial appointment to permanent county service. Seniority shall not be calculated nor included for any period during which the employee did not receive compensation. For any employee who is re-employed after permanent separation, seniority shall be measured from the date of his/her most recent appointment.
 - (2) Regular employees who held seasonal or limited term status prior to permanent appointment shall receive seniority credit for said status only if the service was continuously compensated employment prior to a permanent position.
 - (3) One point seniority credit shall be given for each full calendar month of service as specified in (1) and (2) above or for any period of one half ($1/2$) or more of a calendar month for the first or last months of employment. Except that permanent part-time employees shall receive seniority credit on a proportionate basis to their monthly regular schedule services.
 - b) **Tie Breaking.** When two or more regular employees have the same total Lay-Off credit, the tie shall be broken and preference given in the following sequence:
 - (1) Employees with the greatest seniority as reflected by the date of appointment as computed in Subsection 3(a).
 - (2) Employees with the highest position on the employment list of permanent appointment to his/her present class.
 - (3) Random drawing.
4. **Notice of Lay-Off.** The appointing authority shall send written notice by certified mail, postage prepaid, return receipt requested and correctly addressed to the last known mailing address of the employee as found in the records of the Personnel Department. If return receipt is not promptly received by the

appointing authority, then it shall serve said notice by personal service. If personal service cannot be made, said notice shall be effective when mailed by ordinary mail to said address. Notice of Lay-Off shall be mailed or delivered to all regular employees affected by a layoff at least fifteen (15) days prior to the effective date of the action. Said notice shall include:

- a) Reason for layoff.
- b) Regulations pertaining to demotion and displacement in lieu of layoff.
- c) Effective date of the action.
- d) Conditions governing retention on and reinstatement from re-employment lists.
- e) Rules regarding waiver of reinstatement and voluntary withdrawal from the re-employment list.
- f) Layoff list credit of the employees.

All employees not in regular positions shall be notified of appointment termination at least forty-eight (48) hours prior to the effective date of the action. An employee who is to be laid off may elect to accept such layoff prior to the effective date thereof.

5. **Demotion and Displacement in Lieu of Lay-Off**

- a) In lieu of being laid off, a regular employee may elect demotion and displacement in lieu of lay-off in the same department, to a class previously held by said employee with a lower salary range or to a lower class within a class series which the employee either holds or previously held a class. Class series means a class with the same title but different levels as identified as I, II, III, with a possible IV.
- b) Demotion and displacement rights to specified classifications shall be applicable only within the department and subject to lay-off list provisions in this Section based on seniority and ability.
- c) Notwithstanding Section 5 (a) and (b), employees who are transferred in accordance with Article 15, Subsection 2 of these rules and are subject to lay-off, should retain their rights to demotion and displacement in lieu of lay-off in the previous department or to whichever department the employees previous position has been allocated to if the interdepartmental transfer was initiated by the County. Should an employee exercise their rights under this section, all conditions and provisions of these rules shall be applicable.
- d) To be considered for demotion and displacement in lieu of lay-off, an employee must notify the Personnel Department in writing of this election no later than five (5) calendar days after receiving the notice of lay-off. Regular employees shall have an additional five (5) calendar days after each notification that lay-off credit is insufficient to allow displacement as computed in Subsection 3 above. The Personnel Director must be notified, in the time frame noted above, for a regular employee to elect to displace to the next lower class.
- e) A department head may request that his/her department be exempted from this subsection if he/she is able to demonstrate to the Board of Supervisors that this process would damage the overall efficiency and effectiveness of the department.

6. **Extra Help Employment for Laid Off Employees.** Should a regular employee be laid off from a classification and department which utilizes extra help employees in that classification to maintain staffing levels or to perform special projects, the department shall offer available extra help employment to the laid-off employee. Utilization of extra help shall not supplant regular employees.

7. **Priority Consideration.** An employee who has received formal notice of their separation from employment resulting from a pending layoff in accordance with Merit Resolution Article 16, Section 1, may elect to have their names forwarded for Priority Consideration for any County vacancy for which they meet the Minimum Qualifications.

The names of qualifying employees will be sent to the Department Head of any department that has a vacancy as soon as possible, but no later than five working days after the Personnel Department is notified by the department of the vacancy.

The Department Head with the vacancy is not required to select anyone from the Priority Consideration list; however, they are required to interview all employees whose names are submitted to them, before making a final decision on filling the vacancy. If the Department Head would still prefer to consider applicants from a Merit List, they may do so, without rejecting from consideration anyone on the layoff list until a final selection is made for their vacant position.

Employees who want to participate in this program must submit a request in writing to the Personnel Department, and complete a current application (with resume if they wish) with the position title left blank. The Personnel Department will have authority, only under this program, to copy the employee's application, fill in the position title, and forward it to the Department Head for consideration. The employee's right to participate in this program will terminate on the effective date/time of their layoff and separation from County employment.

Employees who transfer to another department in accordance with this program are subject to the terms and conditions of a transfer as set forth in the Merit Rules, Article 14, Section 3 and Article 15.

ARTICLE SEVENTEEN

GAIN AWEX SENIORITY

GAIN AWEX Seniority. GAIN-AWEX participants who are hired into regular County positions shall receive lay-off seniority credit for time worked in the Yuba County AWEX slot if they meet all of the following criteria:

1. Have transitioned into a regular County position with no break in service from the Yuba County AWEX slot, and
2. Have successfully completed the AWEX assignment as stipulated in the basis contract agreed to as part of the AWEX slot, and
3. Provided the AWEX position was in the same occupational area as the regular County position they were hired into, such as clerical experience for a clerical position, except for demotion in lieu of layoff where all continuous PREP experience in the County may be counted.

Seniority shall be credited on a prorated basis that their hours worked in the GAIN-AWEX slot compared to a 40-hour week.

The time worked in a AWEX slot shall not affect probationary periods, merit increases, vacation, sick leave or other benefits provided.

ARTICLE EIGHTEEN

DISMISSAL, SUSPENSION, REPRIMAND, DEMOTION AND RIGHT OF APPEAL

1. **Regular Employees - Disciplinary Action and Notice.** Any regular employee, except an elective official, may be reprimanded, suspended, demoted or dismissed by the appropriate appointing authority. The procedures outlined below shall be adhered to in all instances where said action(s) is/are contemplated.
 - a) When an employee receives a formal written reprimand from an appointing authority, the employee has ten (10) work days after receipt of the letter to file a written or oral response to the letter. (Public safety officers have thirty (30) days in accordance with Section 3306 of the Government Code.) The appointing authority may then modify, amend, or revoke any part of the formal written reprimand. The employee's response will be considered by the appointing authority. If it is demonstrated that any part of the formal written reprimand is inaccurate or not factually supported it will be modified, amended, or revoked. Unless revoked completely, the formal written reprimand as amended or modified by the appointing authority along with any written response shall be placed in the employee's personal history file in the Personnel Department. The written reprimand and response shall remain in the employee's personal history file for a period not to exceed two (2) years from the date the final reprimand was issued.
 - b) Prior to suspension, demotion, or dismissal, the appointing authority must contact and discuss such action with the Personnel Director and/or the County Counsel or their designees.
 - c) After the discussion in Paragraph (b), an appointing authority who concludes that suspension of more than five (5) work days, demotion or dismissal is justified, shall notify the affected employee(s) in writing of the proposed action; the reasons therefore with a copy of charges and material on which it is based (except that the Sheriff's Department may not use critical incident reports which are over 12 months old or involve behavior not referenced in a prior evaluation or a disciplinary action), and the right to respond to the appointing authority or his or her designee. Said notice must be served on the employee at least five (5) work days before the intended action.
 - d) The employee shall be entitled to a meeting with the appointing authority or his or her designee within five (5) working days of notice of the proposed action to answer the charges; or to present an answer in writing to the charges during the same period. Subsequent to the meeting with or review of written material provided by the employee(s), the appointing authority may (i) carry out the disciplinary action by written order; (ii) negate the intended action; (iii) impose a lesser disciplinary action; or (iv) notify employee of a greater disciplinary action intended within five (5) calendar days before the intended action and a meeting/review of written material as set forth in (d) above.
 - e) For suspensions of one (1) through five (5) days, Items (c) through (e) above may be administered after the beginning of the disciplinary action but no later than seven (7) calendar days after imposition of the disciplinary action.
 - f) All written orders shall be served on the employee and a copy sent to the Personnel Office. If personal service upon the employee is impossible, a copy of the order shall be sent by registered mail to the employee at his or her last known address.
 - g) Management reserves the right to immediately suspend an employee for irrational or improper behavior prior to the written notice required in Paragraph (c) with the reviews and notices required in the above paragraphs begun as soon as possible after the imposition of the suspension.
2. **Causes for Discipline.** Each of the following constitutes cause for suspension, demotion or dismissal of an employee or person whose name appears on any employment list.
 - a) Fraud in securing appointment, including but not limited to falsification of application in securing appointment, and false information concerning professional licenses or certifications.

- b) Incompetency.
- c) Inefficiency.
- d) Inexcusable neglect of duty.
- e) Insubordination.
- f) Dishonesty.
- g) In possession of or under the influence of alcoholic beverages or illegal drugs while at work or on county property.
- h) Intemperance.
- i) In possession of, under the influence of, or trafficking in, illegal drugs on county property.
- j) Inexcusable absence without leave.
- k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- l) Discourteous treatment of the public or other employees.
- m) Political activity which is in violation of federal, state or local laws and regulations.
- n) Use of county property in violation of law or Board order.
- o) Violation of this resolution.
- p) Any other failure of good behavior or acts either during or outside of duty hours which are incompatible with or inimical to the public service.
- q) Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.
- r) Violation of any of the provisions of Article 19.
- s) Violation of the employment of a relative rule set forth in Article 3 Subsection 10.
- t) Violation of written County or departmental policies including those relating to safety issues and sexual harassment.

3. **Right of Appeal.**

- a) Any regular employee who is suspended, demoted or dismissed, except for dismissal or demotion of a probationary employee, may appeal from such order by filing notice of appeal with the County Personnel Director within five (5) working days after service on such employee of the order as herein above provided. Probationary employees shall have no right of appeal for dismissal or demotion except as contained Yuba County Merit Resolution Article 14 and Yuba County Ordinance Code Section 3.10.100(ii). Within fifteen (15) days from the date of service of said order upon the employee, such employee shall file with the Personnel Director an answer in writing to the charges set forth in the order of disciplinary action. The Personnel Director shall review said order, notice of appeal, and answer and shall then discuss the disciplinary action and appeal with the employee and/or his or her representative and the appointing authority in order to determine if a hearing is necessary.

- b) In the event an agreement regarding disposition of the matter cannot be reached within fifteen (15) days after filing of the answer to the charges, and upon the request of the employee the Personnel Director will contact the State of California, Office of Administrative Procedures to request the assignment of a Hearing Officer to hear the appeal. In the event the Office of Administrative Hearings cannot provide an Administrative Law Judge to preside over the hearing within thirty (30) days from the date of the appeal, the Personnel Director may obtain a list of five (5) hearing officers submitted by the American Arbitration Association and a Hearing Officer may be selected from said list by alternatively striking names until one name remains. The party to strike the first name shall be selected by lot. The parties to the hearing may directly select a neutral third party to hear the matter and render a decision. The employee and/or his or her representative must agree within ten (10) days to a hearing date after contact by the Personnel Director or the appeal will be considered to have been abandoned by the employee and will not be scheduled. Said Hearing Officer will commence hearing the matter as soon as possible.
 - c) If any employee alleges that the suspension, demotion, or dismissal resulted from discrimination based on race, color, religion, sex, handicap, medical condition, marital status, age, ancestry or national origin, an appeal will be heard on this issue only if the employee's allegation is supported by a written statement of grounds or reasons which are deemed by the Hearing Officer to be sufficiently clear and concrete to permit a hearing. For employees in **Bargaining Units 1, 2, 3, 4, 5, and 12** the written statement of grounds must be served on County Counsel at least thirty days prior to the hearing. The County Counsel must then serve the employee with a response to the allegation(s) at least five days prior to the hearing. For employees in **Bargaining Units 6 and 7** the written statement of grounds must be served on County Counsel at least two days prior to the hearing. The burden of proof shall be on the complainant to show by a preponderance of evidence that an unlawful discriminatory action occurred.
4. **Hearing.** The following rules shall apply to any Hearing conducted under the provisions of this Section.
- a) The Hearing shall be public except that, if the employee requests that the matter be heard privately, it shall be so heard.
 - b) Subpoenas and Subpoenas Duces Tecum may be issued in accordance with Section 11510 of the Government Code.
 - c) The Hearing shall be conducted in accordance with Section 11513 of the Government Code.
 - d) The provisions of Section 11507.6 of the Government Code shall apply to any hearing conducted pursuant to this Section and shall provide the exclusive right to and method of discovery except that time limitations will be those established by the Hearing Officer. In those cases where the Board reheard the matter as provided by Subsection 5 of this Section, the Board shall establish such time limitations.
 - e) All costs related to the Hearing directed to be incurred by the Hearing Officer and all fees of the Hearing Officer will be shared equally by the parties, except that, (i) in the event the employee is fully reinstated, or (ii) the employee is in a position funded in whole or in part by the federal or state government which comes under Section 19800 of the Government Code of the State of California, such costs and fees will be borne by the County department imposing the discipline. At the county's discretion, and when the employee is not represented by an association or legal defense fund, the employee's estimated share of the costs shall be deposited with the county prior to scheduling of the hearing. Should the costs exceed the estimate, the employee's salary may be subject to automatic withholding in an amount not to exceed 10% of gross pay per month until paid in full. County will give no less than two weeks prior notice to the commencement of such withholding and employee will execute any and all documents reasonably requested by county to permit such withholding. Failure to execute such agreement will subject the employee to discipline. Other costs including attorney fees shall be borne by the party who incurs said costs.

5. **Decision.**

- a) The Hearing Officer shall within fifteen (15) working days after said hearing make a finding as to whether or not the employee was suspended, demoted, or dismissed for the reasonable cause set forth in the notice of disciplinary action and shall also make a recommendation as to the appropriate disposition of the case.

Written findings and recommendations shall be forwarded by the Hearing Officer to the Clerk of the Board of Supervisors, Personnel Director, the affected department head, and employee. These findings and recommendations must be agendized for presentation to the Board in accordance with standard agendizing procedures at its first regular meeting after they have been received.

The Board will take the findings and recommendations of the Hearing Officer under advisement and will render a decision within twenty (20) days after the presentation of said findings and recommendations to the Board. The Board may:

- (1) Follow the recommendation of the Hearing Officer; or
 - (2) Reinstatement the employee; or
 - (3) Order any disciplinary action which it judges to be appropriate based on the evidence; or
 - (4) Rehear the matter under the provisions of Subsection 4 of this Section.
 - (5) In these cases, the Board's decision shall be final and binding on all parties.
- b) The procedures in this Subsection shall be followed except as outlined below;
- (1) In cases where discrimination in suspension, demotion, or dismissal based on race, religion, color, sex, marital status, handicap, medical condition, age, ancestry, or national origin is alleged and proven, the Hearing Officer shall have the authority to reinstate the employee without prejudice where such decision is supported by the written findings of the Hearing Officer.
 - (2) For employees in positions funded in whole or in part by the federal or state government which come under Section 19800 of the Government Code of the State of California, the decision of the Hearing Officer, in matters of demotion or dismissal, is final and binding upon all parties within the limits and the authority of Hearing Officers as may be found in relevant sections of this Resolution.
 - (3) The Hearing Officer shall have no power to alter, amend, change, add to or subtract from any ordinance, resolution, rule or regulation approved by the Board of Supervisors.
 - (4) The Hearing Officer shall have no power to award punitive damages.
 - (5) The Hearing Officer's findings and award shall be based solely on the evidence presented at the hearing.
 - (6) The decision of the Hearing Officer, as outlined in Paragraphs (1) and (2) above, shall not be subject to modifications by the Board of Supervisors and shall be implemented by Board order.

6. **Exclusions.**

- a) Notwithstanding the provisions of this Section, except as otherwise provided by law, all department heads, the Undersheriff, and all licensed physicians may be suspended, demoted, or dismissed without cause and shall have no right to appeal from such action.

The Undersheriff, upon notice of termination of appointment by the Sheriff, except for cause, may elect demotion to the last Sheriff's Department classification in which permanent status was achieved under the County's merit system, providing no break in service occurred prior to appointment to the Undersheriff position. If no such position was previously held by said Undersheriff, he shall have no

rights to continued County employment. If upon such election to demote, there is no vacant position in said class, an additional position is hereby created. Upon attrition of an employee in that class, said additional position shall be eliminated.

- b) Elected department heads shall have the right to remove without cause their respective assistant department heads during the first six weeks after such elected department head assumes office only with the approval of the Board of Supervisors. Said assistant department head shall have no right to appeal such action.

Notwithstanding any other provisions of this Chapter, and except as otherwise provided by law, such assistant department heads shall serve a probationary period of one (1) year to run from the first day of the month following the date of employment in such position or in the event the date of employment is on the first working day of the month, then from that date. Elected department heads shall have the right to remove without cause such assistant department heads during the probationary period, and said assistant department heads shall have no right to appeal such action.

- c) Notwithstanding any other provisions in this Chapter, and except as provided by law, employees exempted from overtime under the Fair Labor Standards Act and not paid overtime by the County, may not be suspended for a period of less than one week.

ARTICLE NINETEEN

PROHIBITED ACTIVITIES

1. **General Policy.** No employee of Yuba County shall engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible, in conflict with or inimical to his or her duties as a County officer or employee or with the duties, functions, or responsibilities of the appointing authority of Yuba County.
2. **Prohibitions.** No employee of Yuba County shall:
 - a) Represent or counsel for compensation any individual, group of individuals or private or public organization, in legal or administrative actions against Yuba County;
 - b) Use for private gain or advantage, Yuba County time, facilities, equipment or supplies or his or her badge, uniform, prestige or influence as a Yuba County officer or employee;
 - c) Receive or accept compensation or other consideration from an individual, group of individuals or private or public organization other than Yuba County for the performance of an act which the officer or employee would render during regular work hours as part of such officer's or employee's assigned or prescribed duties;
 - d) Be involved in performing an act for compensation outside of employment with Yuba County which may later be subject directly or indirectly to control, inspection, review, audit or enforcement by any officer or employee of Yuba County; and
 - e) Be involved in employment outside of his or her duties with Yuba County which would render performance of his or her duties with Yuba County less efficient.
3. **Disciplinary Action.** Any employee who receives compensation or other consideration for an act prohibited by this Section shall be subject to the disciplinary actions and have the appeal rights as outlined under Article 18 of this Ordinance.

ARTICLE TWENTY

EMPLOYEE PERFORMANCE APPRAISAL AND EVALUATION

1. **Purpose.** Through the following written and oral review procedures, all aspects of regular employee and department heads (except elected officials) work performance will be reviewed and assessed as a means of enhancing employees' career growth and development; identifying above and below satisfactory work performance; fostering employer-employee relations; providing a high level of service to the public and effectively utilizing human resources to carry out the public business.
2. **Procedures.**
 - a) All regular employees, except as noted, shall receive at least an annual written performance appraisal and evaluation on forms prescribed and/or approved by the Personnel Director.
 - b) Employee performance evaluations shall contain at least the following: An assessment of 1) quality and quantity of work performance, 2) work attitude, 3) attendance, 4) employment development; a constructive plan of action for employee performance improvement and personal development.
 - c) The employee appraisal and evaluation forms for each employee, when completed by the department head, will be filed in the employee's central personnel file in the Personnel Office. All forms so filed must contain the signature of at least the department head and a notation or signature of the employee that he or she has been appraised of the evaluation.
 - d) Employee work performance will be reviewed at least once each calendar year and under the following conditions:
 - (1) At least one month before an employee's salary anniversary date when a merit step increase is to be considered;
 - (2) Employees shall be evaluated at three month, six month and nine month intervals during the probationary period and at least one month before the completion of the probationary period; and
 - (3) At such times as the department head or supervisor decide that an assessment of employee work performance is appropriate.
 - e) Departments will develop for each position or group of positions reasonable job performance criteria on which to base the assessment of employee work performance.
 - f) Evaluations shall include narrative remarks to support the overall rating.
 - g) An employee who receives a rating of overall less than satisfactory and/or a recommendation for denial of his/her merit step increase will have included in their evaluation:
 - (1) A clear statement identifying specific problems with the employee's work performance which support the rating and/or merit increase denial;
 - (2) Factual evidence to support any identified statements of deficiency;
 - (3) Reference to any prior counseling regarding problems with the employee's performance;
 - (4) Constructive recommendations for improving or addressing performance deficiency;
 - (5) A suggested time frame for improvement.

(h) Outstanding performance shall be recognized as well as less than satisfactory performance.

(i) Each performance appraisal covering a particular time period shall document only that performance which actually occurred during the subject appraisal period.

3. **Review of Performance Appraisal.** Each performance appraisal must be discussed with the employee prior to the department head's appraisal or prior to the time the appraisal is placed in the employee's central personnel file. Every employee has the right to meet with his or her department head concerning the results of the performance evaluation. Said review must follow the formal chain of command established for the department. Evaluations may not be appealed, however, should the employee not agree with an evaluation, after meeting with the department head, he/she shall have the right to file a written response within 30 days which shall be filed in his/her personnel file with the evaluation. The evaluation may be modified by or at the direction of the department head if he/she determines that it is unsupported by factual data, evidence of prior counseling or it is determined that the evaluation is arbitrary or capricious.

ARTICLE TWENTY-ONE

RESIGNATION

1. **Effective Date of Resignation.** A resignation submitted by an employee shall be effective as of the date stated therein or on such sooner date as the head of the department or office and employee may agree upon.
2. **Failure to Submit Written Resignation.** An employee who leaves the county service without filing a written resignation giving two weeks notice or notice acceptable to the head of the department or office shall not be placed on any re-employment list and may be denied eligibility to take any examination.
3. **Absent Without Authorized Leave.**
 - a) Absence without leave for five (5) consecutive working days shall be deemed an automatic resignation from County employment, as of the last date on which the employee worked.
 - b) Prior to invoking the automatic resignation provision contained herein, the appointing authority shall give the effected employee written notice of the facts supporting the invocation of this section and an opportunity to respond to said facts.
 - c) The effected employee may challenge the accuracy of the written notice by filing a written response within five (5) calendar days of receipt of the notice. If no written response is timely filed, the resignation shall be deemed final.
 - d) The appointing authority shall, within five (5) calendar days of receipt of the written response, make a final determination regarding invocation of this section. Said final determination shall be mailed to the effected employee.
 - e) Any decision hereunder may be appealed to the Board of Supervisors. Such appeal shall be filed in writing within ten (10) calendar days from the date a decision was rendered pursuant to section (d) above. As soon as practicable, the Board of Supervisors shall hear the appeal and render a written decision. Said decision shall be final.
 - f) This section shall only apply to permanent employees.

ARTICLE TWENTY-TWO

DECLARATION AND CLARIFICATION OF EXISTING LAW

The Board of Supervisors finds and declares that Article 1 of this Chapter is intended to clarify the existence of a merit system within the County of Yuba and thereby to facilitate and to promote uniform personnel rules and regulations. It is therefore the intent of the Board of Supervisors in enacting Article 1 of this Chapter only to declare and clarify existing law.

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