

RULE IV

CERTIFICATION AND APPOINTMENTS

PART I - CERTIFICATION

SECTION 4.1.1 FILLING VACANCIES

Vacancies in authorized permanent or temporary positions shall be filled by appointment. Appointments shall be made by an officer of the County having appointing authority and from a list(s) of persons certified as eligible for an appointment by the Director. A request for certification from an appointing authority shall be made on the form prescribed by the Director.

(Amended 1-15-88)

SECTION 4.1.2 CERTIFICATION FROM EMPLOYMENT LISTS

The Director shall provide certification list(s) of eligible candidates to be considered for appointment by the appointing authority. Vacancies in a class shall be filled from the reinstatement list when one exists for the class. If no reinstatement list exists, an appointing authority may request certification from any employment list(s) available for the class. Certification from an employment list shall be, in the following order and manner:

(a) Reinstatement List for the Class

- (1) Persons on the reinstatement list shall be certified on the basis of seniority ratings from high to low. The number of names certified shall equal the number of vacancies. Persons certified must be offered a position.
- (2) The Director shall notify each eligible of their certification.
- (3) When an employee is reinstated, the Director shall notify the employee's bargaining representative of the employee's name and class to which the employee is reinstated.
- (4) A new probationary period shall not be required of an employee reinstated to the department from which he/she was laid off. A new probationary period shall be served when an employee is reinstated to a position in a different department than that from which he/she was laid off.
- (5) When probation is failed, seniority credit shall be granted for the time served prior to failure. Seniority credit shall be calculated as provided by Rule XIV of these rules and added to the rating existing at the time of certification. The employee's reinstatement list expiration date shall remain as originally determined.

(b) Other Employment Lists for the Class

(1) Regular List. Persons on the regular list shall be certified based on examination scores from high to low, and the Director shall notify each eligible of their certification for appointment consideration. The number of names certified shall be ten (10) more than the number of vacancies in addition to the tie scores in the tenth position. If a full certification cannot be made, the Director shall certify the names available. For Departments who currently or who may in the future receive State or Federal funding pursuant to Government Code Section 19800 and therefore must comply with the State of California's Local Agency Personnel Standards (LAPS), the number of names certified shall be nine (9) more than the number of vacancies in addition to the tied scores in the ninth place.

(Amended 12-03-13)

(1a) Department Certification. Upon request of the appointing authority, the Director may limit the certification from the regular list to the names of employees currently employed in permanent or certified temporary appointments in the requesting department. The number of names certified shall be in accordance with Section 4.1.2(b) (1).

(1b) Certification - More than ten vacancies. If there are eleven or more vacant positions, and State law requires a thorough background investigation, the appointing authority may request, and the Director may certify additional names so as to provide a higher selection ratio of eligibles for appointment consideration. The number of names certified may be increased to the number of vacancies plus one, two, three, or four times the number of vacancies. Departments who currently or who may in the future receive State or Federal funding pursuant to Government Code Section 19800 and therefore must comply with the State of California's Local Agency Personnel Standards (LAPS), are excluded from this section.

(Amended 12-03-13)

If a full certification cannot be made, the Director shall certify the names available. Certification under this provision must be from a regular list created as a result of an open competitive recruitment and may not be combined with a request for department certification.

(Amended 06-26-12)

(2) Seasonal List for the Class. The names of all persons on the seasonal list shall be provided.

(3) Reemployment List for the Class. The names of all persons on the reemployment list shall be provided.

(4) Transfer List for the Class. The names of all persons on the transfer list shall be provided.

(c) Most Nearly Appropriate Employment List for the Class

- (1) In the event that there is no reinstatement list and if a full certification cannot be made from the regular list for a class, the Director may certify names from an appropriate other employment list for a class. If a regular list is used as a nearly appropriate list, the Director shall limit the certification of names to the number which would provide a full certification.
- (2) The Director shall identify a most nearly appropriate list consistent with the spirit and intent of the merit principle and the concept of career service and based on the following criteria:
 - (2a) The knowledge and skills tested for in the most nearly appropriate employment list are substantially similar to the class of the vacancy; and
 - (2b) The top prescribed pay rate for the most nearly appropriate employment list is not less than the class of the vacancy.
(Amended 1-15-88)

SECTION 4.1.3 MULTIPLE VACANCIES - SAME CLASS

Notwithstanding any other provision of these Rules, when vacancies for a class exist in various departments, the Director may certify successive ranks of eligibles until the entire list is certified. The number of names provided for each certification will be in accordance with Section 4.1.2 of this Rule. (Amended 1-15-88)

SECTION 4.1.4 RESULT OF CERTIFICATION

The appointing authority shall return the certification list reporting the results of certification for each eligible to the Director. (Amended 1-15-88)

SECTION 4.1.5 SUPPLEMENTAL CERTIFICATION

When an appointing authority notifies the Director that candidates certified for consideration are not actually available for appointment, the Director may supplement the original certification list with additional names from the regular employment list so as to provide a full certification. (Amended 1-15-88)

SECTION 4.1.6 CHANGES TO PERSONNEL REQUISITIONS AFTER CERTIFICATION

Changes to the number of vacancies and/or any other condition of employment as stated on the original request for certification, must be reported to the Director immediately and before an offer of employment is made. In such event, the Director shall adjust the certification list by increasing or decreasing the number of persons eligible for appointment in accordance with Section 4.1.2(b)(1) and 4.1.2(c)(1). (Amended 1-15-88)

PART 2 - APPOINTMENT

SECTION 4.2.1 CONDITIONS OF APPOINTMENT

Prior to appointment, eligibles must meet the conditions of employment specified for a particular position, including qualification in a medical examination. For job related reasons, eligibles may have to submit to psychological, polygraph, and other similar examinations or tests. Failure of such pre-employment tests or examinations may be cause for the Director to cancel eligible's name from a certification or remove the name from an eligible list.

SECTION 4.2.2 MEDICAL/PSYCHOLOGICAL EXAMINATION

(a) Medical Examination

Prior to initial appointment, reinstatement, or appointment to a classification with different physical demands, a candidate shall undergo medical screening and/or a physical examination. The physician shall be designated by the County and a medical report certifying the medical fitness of a candidate shall be submitted to the Director.

Within 30 days of receipt of notice of rejection for employment for physical reasons, an eligible may petition such decision by presenting to the Director the medical diagnosis of another physician which contradicts the diagnosis of the County physician. The cost of this second medical report shall be borne entirely by the candidate. (Amended 3-15-83)

Upon receipt of a timely petition, the Director shall refer the matter to a third physician. The Director shall then render a decision based on information provided by the third physician. The cost of the third medical examination shall be borne by the County.

The County's Medical Examination Standards and Instructions will be developed and maintained by the Department of Human Resources and will be subject to the approval of the Commission. (Amended 8-20-96)

(b) Psychological Examination

Candidates who fail a pre-employment psychological evaluation may, at their own expense, obtain a second evaluation, using the original test material, from another psychologist or psychiatrist of their choice. Candidates availing themselves of this option shall notify the Commission of the intent to do so within five days of receiving notice of the disqualification from the Director.

If a diagnosis of a second psychologist or psychiatrist is different from that of the first psychologist or psychiatrist, and if a second psychologist or psychiatrist determines that the candidate has passed the psychological evaluation, a third psychological evaluation will be ordered by the Commission or one of its members at County expense.

The Commission or one of its members will select a third psychologist or psychiatrist who will also use the original testing material. The Commission will determine whether or not to return the candidate to the eligible list based on the majority of psychologist and/or psychiatrist evaluations. The Commission's decision shall be final. (Amended 3-15-83) (Amended 6-14-11)

SECTION 4.2.3 APPOINTMENTS

Appointments shall be either permanent or temporary.

SECTION 4.2.4 PERMANENT APPOINTMENTS

- (a) Conditions. Permanent appointments may be made only to authorized permanent positions. A candidate so appointed must have been certified as eligible for appointment from an employment list established by the Director and must serve the probationary period established for the class, unless otherwise provided for in these rules.
- (b) Pursuant to Charter Section 500.4, the Board of Supervisors may enter into agreement with the State or Federal government or a city or special district within the County to assume specific functions of that government agency. In that case, the employees performing these functions may be blanketed into County service if agreed upon by the Board of Supervisors.
- (c) Duration. Permanent appointments shall be for an indefinite period of time subject to satisfactory completion of the probationary period for the class. Upon completion of the probationary period, the appointing authority may terminate the permanent appointment only for cause and in accordance with provisions of the County Charter and these Rules. (Amended 1-15-88)

SECTION 4.2.5 PROBATIONARY PERIOD FOR PERMANENT APPOINTMENTS IN THE CLASSIFIED SERVICE

- (a) All appointments from employment lists to permanent positions shall be for a probationary period of six months or such longer period as established by the Director prior to the appointment. Probationary periods shall not exceed one year except for Deputy Sheriffs which shall not exceed 18 months.

The probationary period shall not include the time served as an emergency, provisional, seasonal, or temporary appointee or employee, but shall date from the time of appointment and certification to a permanent position in the classified service; provided, however, that continuous active service under temporary appointment from an employment list in the class of position to which the employee is certified as permanent, which service shall have been rendered within one year prior to permanent appointment, may be counted toward completion of the probationary period, upon request of the appointing authority and the approval of the Director. (Amended 9-27-05)

- (b) No period of absence, or limited duty assignment which is made necessary by a temporary physical or mental disability as determined by a doctor, shall be credited toward completion of the probationary period, provided, however, that at the written request of the appointing authority the Director may credit a maximum of 15 days of absence or limited duty during the probationary period.
- (c) It shall be the duty of the appointing authority, during the probationary period of each employee in the classified service to investigate thoroughly the conduct of such employee, to determine whether the employee is fully qualified for employment in the class of position to which he/she has been appointed. A performance appraisal shall be made by the appointing authority at such time or times as may be prescribed by the Director.

The appointing authority shall dismiss a probationer who is found unsatisfactory for or incompetent to fulfill the duties of the position to which he/she is appointed, except as provided in Rule 14.3.1. The appointing authority shall give the dismissed employee a statement of the reasons for the dismissal and shall file such statement with the Director.

A probationer dismissed at any time within the probationary period shall have no right to appeal to the Commission in regard to his/her separation or performance appraisal. A probationer who alleges facts showing a violation of his/her liberty interest shall be entitled to a hearing in accordance with the rules, procedures and policies implemented by the Commission and/or Director. A probationer has the right to file a complaint of discrimination under Civil Service Rule VI.
(Amended 9-27-05)

Unless charges are filed against a probationer as provided in these rules, such probationer may be retained upon the employment list at the discretion of the Director and shall be eligible for certification to some other department.
(Amended 1-15-88)

SECTION 4.2.6 CERTIFIED TEMPORARY APPOINTMENTS

- (a) Conditions. Certified temporary appointments shall be made only to temporary positions and to perform work which is temporary, seasonal or extra help in nature. Such an appointment may be authorized by the Director so long as the following conditions have been met:
 - (1) The appointing authority has notified the Director as to the reasons, type and duration of the planned certified temporary appointment.
 - (2) The Director has classified the temporary position.
 - (3) The candidate for appointment has been certified as eligible for appointment from an employment list established by the Director.

- (b) Duration. The Director may authorize a certified temporary appointment for a specified and definite period of time, not to exceed six months and may authorize extension(s), for just cause, for up to an additional six months. Extensions that have been authorized by the Director, beyond six months from the original appointment date, shall be transmitted within fourteen (14) days to the Civil Service Commission for ratification.

The Civil Service Commission may oppose ratification by directing the appointing authority to terminate the certified temporary appointment effective on the last day of the pay period of the Commission's action. In no event shall a person serve in the same or any combination of temporary appointments for more than twelve (12) months.

An appointing authority may terminate such an appointment earlier within the authorized period of time. An employee so appointed shall not accrue a right to continued or subsequent appointment beyond the termination date.

(Amended 1-15-88)

SECTION 4.2.7 PROVISIONAL TEMPORARY APPOINTMENTS

- (a) Conditions. The Director may authorize a provisional temporary appointment in the absence of a reinstatement or regular list for a class. Such an appointment may be authorized to a permanent or temporary position, provided that the Director has certified that the candidate for appointment meets and possesses the employment standards established for the class.
- (b) Duration. The Director may authorize a provisional temporary appointment for a specified and definite period of time not to exceed six (6) months or thirty (30) days after a list of eligibles is available for certification from a reinstatement or regular list for the class, whichever comes first. The appointing authority may terminate such an appointment earlier within the authorized period of time.
- (Amended 1-15-88)

SECTION 4.2.8 EMERGENCY TEMPORARY APPOINTMENTS

A short term appointment of not more than fourteen (14) days may be approved by the Director to preserve the public peace, health and safety, or to prevent stoppage of public business. The appointment need not be made from an employment list and is not renewable. (Amended 1-15-88)

SECTION 4.2.9 CHANGE OF CERTIFIED TEMPORARY APPOINTMENT TO PERMANENT

At the request of the appointing authority, the Director may authorize the permanent appointment of a satisfactory employee who holds a certified temporary appointment. The employee must have been certifiable for permanent employment from the same employment list from which the certified temporary appointment was made. (Amended 1-15-88)

SECTION 4.2.10 REQUIRED SEPARATION BETWEEN TEMPORARY APPOINTMENTS

Upon completion of a temporary appointment or any combination of consecutive temporary appointments which has/have continued for more than six months, unless extended by the Civil Service Commission, a person having so served in said temporary position(s) cannot be appointed to the same or another temporary position until after a minimum of 90 calendar days has elapsed. (Amended 1-15-88)