

County of Alameda

CIVIL SERVICE
COMMISSION

Civil Service Rules

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The information previously included on pages 1 through 6 is contained in the Alameda County Charter. These pages have been omitted from these rules because it is a duplication of information.

SECTIONS OF CHAPTER 2, ARTICLE 4 OF THE ORDINANCE CODE OF ALAMEDA COUNTY, BASED ON SECTIONS OF THE CIVIL SERVICE ENABLING ORDINANCE 162 OF THE BOARD OF SUPERVISORS THAT PROVIDE FOR APPOINTMENT PROCEDURES NOT INCLUDED IN THE ALAMEDA COUNTY CHARTER PROVISIONS.

PROVISIONAL APPOINTMENTS

2-272. ...Each county or township officer, Board or Commission may appoint any person without reference to the eligible civil service list to fill a vacancy in the classified civil service in the office or department of the officer, Board or Commission whenever no examination has ever been held for the position or whenever there is no eligible civil service list for the position.

2-273. ...Persons appointed pursuant to section 2-272 shall serve until an eligible civil service list for the position is created and an appointment made therefrom, but in no event to exceed thirty (30) days after the eligible list is created.

EMERGENCY APPOINTMENTS

2-274. ...In case of an emergency where an appointment to fill a position in the classified civil service must be made forthwith and pending certification and appointment from the civil service eligible list, an appointment to fill the position may be made without regard to the civil service eligible list.

2-275. ...Persons appointed pursuant to Section 2-274 shall serve only until an appointment from the appropriate eligible civil service list can be made, and in no case longer than ten (10) days.

2-276. ...Sections 2-272 and 2-274 shall not be construed as authorizing successive emergency appointments.

RULES AND PROCEDURES

1000 Authority to Adopt Rules

Under the authority of Section 43 of the Charter of the County of Alameda, the Alameda County Civil Service Commission hereby prescribes and adopts these rules.

1004 Purpose

These rules are prescribed to carry out the purposes and intent of the civil service provisions of the Charter and of its enabling ordinance and to provide a system of effective personnel administration within the scope of those provisions. To this end these rules shall be liberally construed.

1008 Continuing Provisions

The provisions of these rules, insofar as they are substantially the same as rules of the Commission superseded hereby and relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. Rights, privileges, and remedies accrued under any rules superseded by these rules are continued in full force and effect.

1012 Amendments to Rules

The Commission may amend these rules at any time after due notice and hearing thereof. Due notice shall be given by posting the proposed amendment on the official website of the County Human Resource department and sending notice to County operating departments and recognized employee organizations at least ten business days prior to the date the hearing will be held and final action taken. All rules and amendments shall become effective on the date of their adoption by the Commission. Following adoption, updated rules shall be made available on the official website of the County Human Resource department and notice of the rules that have been changed shall be posted in the Commission's minutes.

Amended 1/19/05

1016 Procedures

The Commission may, from time to time without prior notice, establish procedures and change its established procedures for the purpose of regulating the administration of its functions under these rules.

1020 Procedures Manual

The Commission shall prepare, distribute to operating departments, and keep current a procedures manual, as an aid in conducting personnel transactions between the

departments and the Commission's office. Such manual shall include copies of prescribed forms and detailed instructions in their use.

DEFINITIONS

1050 Terms and Definitions

The following terms, whenever used in these rules, shall be construed as defined below unless the context clearly indicates otherwise:

Allocation: The determination of the class to which a position belongs and the assignment of a position to an appropriate class.

Applicant: A person who has made formal application to take a civil service examination.

Appointment: The offer to a person and his/her acceptance of a position in accordance with the provisions of these rules.

Board: The Board of Supervisors of Alameda County.

Candidate: A person who has been admitted to an examination.

Certification: The submission of names of eligibles from the appropriate eligible list by the Director of Personnel to the requisitioning department head.

Charter: The Alameda County Charter.

Class: One or more positions sufficiently similar as to duties and responsibilities that the same title, the same minimum requirements, the same tests of fitness, and the same schedule of compensation may be applied.

Classification: The process by which a class is established and by which its level in the schedule of classes is determined.

Classification Plan: The current schedule of classes established by the Civil Service Commission and approved by the Board of Supervisors.

Class Series: A number of classes related to one another in terms of ascending difficulty and responsibility of work within the same occupational field.

Class Specification: The official description of a class adopted by the Commission.

Commission: The Alameda County Civil Service Commission.

County: The County of Alameda.

1050 Terms and Definitions (continued)

Department: An administrative branch of the Alameda County government. The term department shall be construed to be synonymous with the terms office, board, commission, court, agency, institution, or with any other term designating a branch of County government.

Department Head: The head of a County department charged with the responsibility for the work of the department and for the performance of employees of the department and who has the power, by law or legally delegated authority, to make appointments to and removals from positions in the classified service in accordance with the provisions of the Charter and these rules. The term department head shall be construed to be synonymous with the terms appointing authority, or any other title used to designate the head of a department as defined herein.

Director: The Director of Personnel of the Alameda County Civil Service Commission.

Eligible: Any person whose name is on an employment list.

Employment List: A list of persons qualified for employment or reemployment in a class.

Employee: A person legally holding a position or office in the classified service.

Examination: Any test or group of tests to determine the fitness and relative ability of persons seeking employment or promotion in the classified service.

Lay-off: Termination of the service of an employee without fault on his/her part.

Level: The degree of relationship which one class bears to other classes in the classification plan.

Position: A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time or part-time employment of one person. As used in these rules position and office shall be synonymous.

Probationary Period: The working test period required before a regular appointment is complete.

Probationer: A regularly appointed employee who is serving his probationary period.

1050 Terms and Definitions (continued)

Promotion: Changing from a position in one class to a position in a higher class, or to a position in a class that offers a better career opportunity.

Rank: An employee's class.

Rating: See "Score," below.

Reduction in Compensation: A decrease in an employee's base salary below the base salary provided in Section 1-2.2 of the Salary Ordinance of Appendix A of the applicable Memorandum of Understanding.

Reduction in Rank: A demotion from one class to another class of lower base salary.

Removal: The involuntary termination, discharge or dismissal of an employee from a class.

Reallocation: Reassignment or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level, on the basis of significant changes in the kind, difficulty, or responsibility of duties performed in such position.

Status: The condition of an employee's employment, such as temporary, provisional, probationary, permanent, etc.

Tenure: The permanent status attained by an employee upon the satisfactory completion of his/her probationary period.

Score or rating: The number, to the nearest tenth of a point, that expresses the accomplishment of a candidate in an examination and the relative standing of a candidate or employee on an employment list.

Amended 1/2/85, 4/15/98

1054 Section Headings

Section headings of these rules shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

1058 Tenses, Gender, and Number

The present tense includes the past and future tenses; and the future, the present. Shall is mandatory and may is permissive. The masculine gender includes the feminine and neuter. The singular number includes the plural, and the plural, the singular.

JURISDICTION

1100 Classified Civil Service

Jurisdiction of the Civil Service Commission includes all positions now existing or hereafter created in the County service, which are not specifically included in the unclassified civil service by the County Charter.

1104 Unclassified Civil Service

The following positions constitute the unclassified civil service of the County:

- (a) All officers elected by the people, and their chief deputies.
- (b) All assistants, deputies, and other employees in the office of the District Attorney.
- (c) All appointive boards and commissions.
- (d) Members of the Civil Service Commission.
- (e) All persons serving the County without compensation.
- (f) Not to exceed two confidential employees of the Board of Supervisors.
- (g) All appointive agency and department heads, other than department heads reporting to an agency head, appointed by the Board of Supervisors on or after August 22, 1986.
- (h) Entry level positions designated by an appointing officer with approval of the civil service commission for persons who meet minimum qualifications and are certified as severely disabled. Notwithstanding any other provisions of this Commission, persons appointed to such unclassified positions under this subsection, and whose job performance is certified as satisfactory by their appointing officer, and who remain in said unclassified position for one year, shall acquire civil service status. The civil service commission shall adopt rules and regulations to enforce and implement this subsection which shall include performance evaluation requirements, definitions of an standards for the certification of the severely disabled.

Amended 2/27/67, 2/3/99; 2/28/01

ORGANIZATION AND ADMINISTRATION

1150 Civil Service Commission

The Civil Service Commission shall consist of five members, each a resident of the County for five years next preceding his/her appointment, and his/her name shall be on the County Assessment role at the time thereof.

Amended 3/27/70

1154 Organization

Each newly appointed Commissioner shall take the oath of office as prescribed in Section 1360 of the California Government Code, and shall file a copy of the oath of office with the County Clerk and a copy with the County Auditor. At the first regular meeting in January of each odd-numbered year, the Commission shall elect one of its members as president and another of its members as vice-president to serve for a term of two years or until his/her successor is elected. In the event the office of president falls vacant before the expiration of his/her term of office, a successor shall be elected in like manner to fill the unexpired term, such election to take place at the next regular meeting of the Commission.

1158 Meetings of the Commission

The Commission shall meet regularly on every other Wednesday of each month at 4pm unless otherwise designated and in addition as often as may be necessary to conduct its business expeditiously. Notice of each meeting other than the regular ones and of change in the regular meeting place shall be given at least 24 hours in advance. Three members shall constitute a quorum for the transaction of business at any meeting and the concurrence of a majority of those present shall be necessary to make any action effective.

The following provision shall apply to all disciplinary cases pending before the Commission. In the event of a tie vote in disciplinary matters that have been appealed to the Commission, the matter will be calendared for consideration at a second meeting. If the tie vote reoccurs, the recommendation of the hearing officer shall become the Commission's decision as if adopted by the Commission. Nothing in this Rule shall be construed to limit the Commission's authority to Act pursuant to the provisions of Rule 2118.

It shall be the duty of the president to preside over all meetings of the Commission and to perform all functions required of the president. In the absence of the president, his/her functions shall be performed by the vice-president.

The Director of Human Resource Services shall act as secretary to the Commission. He/she shall keep an agenda of all business to be transacted at each meeting, shall present all matters which require consideration by the Commission, shall keep the records and files of the Commission. He/she shall cause the minutes to be written forthwith and presented for approval or amendment at the next regular meeting. The minutes as finally approved by the Commission and certified by the secretary shall be posted consistent with the posting of the Commission's meeting agenda.

Amended 7/10/70; 1/19/05

1162 Minutes

The secretary shall record in the minutes the time and place of each meeting of the Commission, the names of the Commissioners present, and all official acts of the Commission. He/she shall cause the minutes to be written forthwith and presented for approval or amendment at the next regular meeting. The minutes as finally approved by the Commission and certified by the secretary shall be recorded in the official minute book.

1164 Investigative Powers

The Commission, for the purpose of carrying into effect the Civil Service provisions of the Charter and these rules, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of books and papers, and to administer oaths. Any person failing to obey its subpoena or refusing to testify or produce books, or papers required of him/her shall be deemed to be in contempt, and the Commission shall have power to take such proceedings in the punishment thereof as may be taken by boards of supervisors as provided by the laws of the State of California.

1166 Director of Personnel - ex officio Chief Examiner

The Commission shall appoint a Director of Personnel, who shall be ex officio Chief Examiner.

1170 Duties of Director

In addition to acting as secretary to the Commission, the director shall perform and discharge under the direction and control of the Commission the powers, duties, purposes, functions, and jurisdiction vested in the Commission and delegated to him/her. The director shall:

- (a) be the executive officer for the Commission and be responsible for the direction of the work and of the personnel of the civil service department;
- (b) administer and make effective the provisions of these rules and establish such administrative procedures and controls as may be required;
- (c) make recommendations to the Commission relative to matters of policy and for necessary amendments to these rules;
- (d) prepare the budget for the department, and administer generally the expenditure of funds appropriated for the operation of the department;
- (e) make recommendations to the Commission in the classification and allocation, and reclassification and reallocation of positions in the classified service, and shall maintain the official classification plan;

1170 Duties of Director (continued)

- (f) develop and put into continuous effect policies and procedures for administering the examination program, including the scheduling, announcing, advertising, preparing, administering, and scoring of examinations, the evaluation of qualifications of applicants, and the establishment of eligible lists;
- (g) administer and conduct programs of in-service training, counseling, and effective utilization of employees in order to promote individual, group, and departmental efficiency;
- (h) develop and put into continuous effect procedures for salary surveys and prepare for submission to the Commission reports of the results of such surveys;
- (i) audit payrolls to determine that the persons whose names appear thereon have been legally appointed;
- (j) certify eligibles for appointment;
- (k) promote public understanding of the purposes, policies, and practices of the Commission;
- (l) perform any additional duties that may be assigned to him/her by the Commission or that may be required to properly administer the civil service provisions of the Charter and these rules.

CLASSIFICATION

1200 Authority

Pursuant to the provisions of Section 36(a) of the Charter, it shall be the duty of the Commission to provide for the classification of all positions in the classified service and from time to time for the reclassification of any or all such positions. It also shall be the duty of the Commission to allocate and reallocate individual positions to classes. Each classification action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

1204 The Official Classification Plan

The schedule of classes adopted by the Commission and approved by the Board of Supervisors, effective July 1, 1956, together with all subsequent amendments, constitutes the official classification plan for all positions in the classified service. The classification plan shall not be deemed to be a part of the rules of the Commission, but shall serve as an administrative tool for its personnel transactions.

1208 The Maintenance of Plan

The classification plan shall be kept current by continual investigation and review of positions in the classified service. Such investigation and review may include the survey of a single position, or county-wide surveys of all positions in a single class or class series, or surveys of positions in an organizational unit, or surveys of positions in an occupational grouping. The investigation and review of a position or positions may be initiated by the Commission or upon the request of a department head or an employee. In addition the Commission shall provide for periodic reclassification surveys of all positions in the classified service.

Department heads and employees shall make available to the Commission or its authorized representatives all pertinent information required to properly maintain the classification plan, including new statements of duties and responsibilities as needed.

1212 Amending the Plan

The classification plan shall be amended from time to time as needed. New classes may be added and existing classes may be divided, combined, altered, or abolished.

1216 New Positions

Requests from department heads to the Board of Supervisors for the creation of new positions shall be made in accordance with established procedures. New positions shall not be filled until they are classified and allocated.

1216 New Positions (continued)

For the purpose of adjusting the allocation of positions in a department, the Commission, on its own initiative, may request the creation of positions in such department, in which case the department head shall be fully advised in advance of the Commission's intention to act and of the reasons therefor.

1220 Allocation

Each position in the classified service shall be allocated by the Commission to an appropriate class in the classification plan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position, without regard to the special qualifications of the incumbents, and shall be based on the principle that 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) substantially the same requirement as to education, experience, knowledge, and ability are demanded of incumbents;
- (c) substantially the same test of fitness may be used in selecting qualified employees;
- (d) the same schedule of compensation can be made to apply with equity.

1224 Reallocation

Whenever it is determined by the Commission that a position does not properly belong in the class to which it has been allocated, such position shall be reallocated to an appropriate class in the classification plan, or if the plan does not contain an appropriate class, the position shall be reclassified and a new class established, and the position shall be reallocated to the new class. In making reallocations, the Commission shall be guided by the provisions of Rule 1220.

1228 Status of Incumbents in Reallocated Positions

When a position is reallocated to another class, the status of the incumbent in such position in the new class shall be determined in accordance with the Commission's established procedures governing classification upgrading, downgrading, transfer, or split-off.

1232 Appeals

Any employee may appeal the allocation or reallocation of his/her position and shall be given an opportunity to be heard by the Commission. All appeals from classification action shall be made in accordance with the Commission's established procedures for classification appeals.

1236 Changes to be Reported

Any significant changes in the duties assigned to the incumbent of a position in the classified service or any organization change in a department that may affect a position in such department, shall be reported to the Commission as provided in its established classification procedures.

1240 Temporary Duties Assignment

With approval of the Commission, a department head may assign to an employee duties which are properly allocable to a higher or different class provided such assignment is of a temporary nature.

1244 Class Specifications

The Commission shall adopt and maintain a written specification for each class of positions and such specifications shall constitute the official specifications of classes in the classified service. Each class specification shall set forth a descriptive class title, a definition outlining the scope of duties and responsibilities of positions in the class, the minimum qualifications for the class, and such other information as the Commission deems appropriate.

The official class specifications shall be maintained in the office of the Commission and shall be open to inspection by the officers and employees of the County and the public during business hours. Duplicates of the specifications shall be made available on request to departments of the County and units thereof and to employees and other interested persons.

1248 Interpretation of Class Specifications

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various classes. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

The language of the specifications is not to be construed as limiting or modifying the authority of a department head to direct and control the work of employees under his/her jurisdiction or to alter their duties and responsibilities, as may be necessary in the efficient conduct of the business of the County, except that it shall be the responsibility of the department head to report to the Commission promptly any substantial change in the duties and responsibilities of any position under his/her jurisdiction.

In determining the class to which a position should be allocated, the specification shall be considered in its entirety. Consideration shall be given to the general duties, specific tasks, responsibilities, and minimum requirements, as a composite description

1248 Interpretation of Class Specifications (continued)

of the kind and level of work the class is intended to embrace. In order to determine the level and proper grouping of the class within the plan, its relationship to other classes also must be considered; therefore, each class specification is to be read and interpreted with this relationship in mind.

1252 Class Title

The text of the class specification shall determine the official meaning of the title of the class. The class title and its properly designated code number, shall apply to all positions allocated to the class and shall be used in all personnel and administrative transactions involving such positions.

1256 Minimum Requirements

The minimum qualifications statement in a class specification shall constitute the minimum employment standards for the class. Persons provisionally appointed shall meet the minimum qualifications for the class. An examination may be limited to applicants who possess qualifications above the minimum for the class, provided the higher qualifications are approved by the Civil Service Commission and published as the examination's minimum qualification on the official examination announcement. Any departure from the minimum qualifications established for a class shall be by order of the Commission only.

Amended 3/13/67

1260 General Qualifications

General qualifications commonly required of all candidates for, appointees to, and employees in the classified service such as integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, good health, and freedom from disabling defects, shall be deemed to be a part of the personal characteristics of the minimum qualifications of each class specification and need not be specifically set forth therein. The Commission may prescribe alternative or additional qualifications for individual classes and such qualifications also shall be deemed to be a part of the specifications for such classes.

EXAMINATION ANNOUNCEMENTS, APPLICANTS, APPLICATIONS

1300 Notice of Examination

At least twenty five days' notice shall be given of each competitive examination by means of an official announcement posted on the official bulletin board in the office of the Commission. Announcements shall be given such other publicity as the director deems warranted to attract sufficient numbers of qualified candidates to compete in examinations and to assure that County employees and the public generally are informed of such examinations.

1304 Requests to be Notified

Requests to be notified when applications are to be accepted for a specific examination may, at the discretion of the Director, be filed in the Commission's offices on forms provided. When the examination is announced these notices will be mailed forthwith to those persons.

Amended 3/20/70

1308 Contents of Announcements

Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the qualifications required; the time, place and manner of making application; the date of the examination; and other pertinent information.

1312 abolished 9/29/72

1316 Specific Requirements

Persons applying to take an examination must possess the requirements established for that examination as specified on the official announcement. The Commission may specify as requirements any or all of the following: Residence, sex, State licenses or certificates, professional status, education, training, and experience. Age shall not be a requirement except that the compulsory retirement age established by the County Employees Retirement Act of 1937, shall be the maximum age for all classes in the classified service and whenever a minimum age or a minimum and maximum age limit is required by law for any class, the Commission shall set age limits to comply with such law.

1320 Documentary Proof of Requirements

Applicants may be required to submit documentary proof that they possess the required education, licenses, certificates, or professional status, as well as evidence of satisfactory training and experience.

1324 Fingerprinting

The Commission may require that candidates in an examination be fingerprinted at any stage of the examination process. Any candidate who refuses to submit to fingerprinting shall be disqualified in the examination.

1328 Form of Application

Any individual may apply to take an examination by filing a prescribed form on which he/she states that he/she meets the announced requirements for such examination and that he/she understands that he/she will be eliminated at any stage in such examination if it develops that in fact he/she does not meet the announced requirements. This form must be filed at the office of the Commission on or before the closing date specified in the examination announcement, except that when a sufficient number of applications have not been received up to the closing date, the director may accept applications in the period between the closing date and the scheduled date of the examination. Otherwise applications filed after the closing date may be accepted only on approval of the Commission.

When an examination has been announced as a continuous examination as provided in Rule 1436, the closing date shall be indefinite and the period of applying shall continue until suspended or terminated by order of the Commission.

This rule shall not apply where an examination is held entirely on an oral basis, or where other special circumstances make the procedure not feasible. In such case, each applicant shall file the official application form referred to in Rule 1332 before the announced closing date.

In promotional examination, the preliminary forms shall be checked against personnel records, and any applicant who does not meet the announced requirements shall be disqualified in advance.

Amended 10/27/72

1332 Filing of Official Application Form

Upon completion of the written or subject matter portion of the examination, those candidates who pass shall then be required to file an official application form with the Commission by a specified date prior to the date of the oral interview. No one shall be admitted to the oral interview who has not filed his official application form, or who is found from the information on the official application form not to meet the announced requirements for admission to the examination.

When an examination has been announced as a continuous examination as provided in Rule 1436, the closing date shall be indefinite and the period for filing applications shall continue until suspended or terminated by order of the Commission.

1336 Rejection

The Commission may reject an application or may disqualify an applicant at any stage of the examination process, or may remove an eligible from an employment list, for any of the following reasons: If he/she does not meet the minimum requirements as stated in the official announcement, or has not conformed with other published requirements, or has made false statements in his/her application, or is so deficient in personal qualifications or physical ability as to be unfit for effective service in the class.

1340 Notice of Rejection

Whenever an application is rejected, the applicant shall be notified in writing and advised of the reason for rejection.

1344 Right to Appeal

Whenever an application is rejected, the applicant may file a written appeal for reconsideration by the Commission. Such appeal shall be filed immediately on receipt of the rejection notice. In the event there is not sufficient time for the Commission to act on such appeal, the director may allow the appellant to participate on a provisional basis pending decision of the Commission on the appeal.

1348 Notice of Admission

Each applicant whose application is accepted shall be furnished with a notice of admission to the examination for which he/she has filed.

1352 Applications Confidential

Neither the names of applicants for an examination or the names of those who fail in an examination shall be made public.

1354 Applications Not Returnable

Applications filed with the Commission shall become the property of the Commission and shall not be returned to applicants.

1358 Veterans' Preference

Each applicant entitled to veterans' preference as provided in Rule 1460, who wishes to claim such preference shall do so by presenting proof of his/her honorable discharge from the armed forces of the United States, showing the dates of his/her military service. Such proof must be presented with the official application form and in no event later than the date of the oral interview. Failure to submit proof by this date will forfeit the applicant's claim to veterans' preference in such examination.

Amended 6/11/76

EXAMINATIONS

1400 Competition

Except as provided in Rule 1404 and Rule 1408, all examinations shall be competitive and shall be designed to determine the qualifications, fitness, and ability of competitors to perform the duties of the class for which the examination is being given. Examinations may be written, oral, performance, physical, or a combination thereof. They may take into account such factors as experience, education, aptitude, capacity, knowledge, skill, character, physical fitness, or any other factor, quality, or attribute, including moral character and reputation, that may determine the relative fitness of a competitor.

1404 Suspension of Competition

In the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, upon satisfactory evidence adduced at a public hearing that competition is impracticable and that the position can best be filled by the selection of a person of recognized attainments, the Commission may order the competitive examination suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension of competition shall be reported by the Commission, together with the reasons therefor, to the Board of Supervisors.

1408 Qualifying Examinations

At the discretion of the Commission, noncompetitive qualifying examinations may be given to an incumbent with tenure in a position which is upgraded as a result of reclassification or reallocation. An incumbent who qualifies in such examination shall be certified by the Commission as eligible to fill the upgraded position subject to serving the probationary period required for the class to which the position has been reallocated.

1412 Preparation of Examinations

All examinations shall be scheduled, prepared, and administered under the direction of the director. He/she may secure the assistance of persons of recognized attainments in a given field to assist in the preparation or conduct of examinations, in the review of examination questions and keys, or in the correction of essay questions, or he/she may contract with public or private professional agencies for such service.

1416 Subject Matter Portion

The subject matter portion of an examination may consist of written, oral, performance, or physical tests, or any combination thereof, and may include any test of knowledge, skill, capacity, intelligence, aptitude, or of any other factor which in the opinion of the director will be an aid in evaluating the relative fitness and ability of candidates as well as their capacity to develop. Where possession of a license, issued

1416 Subject Matter Portion (Continued)

following appropriate examination by a legally constituted body of the State of California, is a requirement for the class, the Commission may order that possession of such license shall qualify applicants in the subject matter portion of the examination for such class and shall so specify on the examination announcement.

1420 Interview

Unless otherwise ordered by the Commission, each examination shall include an interview to appraise the personal qualifications of candidates. For the purpose of limiting the oral examination to those deemed most qualified, the interview may be limited to those candidates successfully completing a subject matter test or performance test or review of application or other procedures or combinations thereof for evaluating qualifications. In such event, the final rating received by the candidate in said procedure may or may not be weighted with the rating received in the oral portion of the examination in determining his final rating. Failure to report for the interview shall eliminate a candidate from the examination.

Amended 4/19/74

1424 Education, Training and Experience

When education, training and experience or any combination thereof are weighted separately as a part of an examination, procedures shall be developed to evaluate the quality, recency, and amount of experience and the pertinency of and satisfactory completion of education and training.

1428 Administration

Examinations may be administered at such hours and in such locations as in the judgment of the director will be most consistent with the interests of the County and the convenience of the applicants. Each applicant who has filed for an examination according to Rule 1328 shall be notified of the date, time, and place of such examination, or part thereof. The director shall appoint monitors to conduct the examination in accordance with instructions prescribed therefor.

1432 Administration in Other Localities

When recruiting outside the County, the director may arrange to have the subject matter portion of an examination administered to applicants by other qualified agencies in the area where such applicants are located. When the interview is a part of such examination, successful candidates in the subject matter tests shall come to Alameda County for such interview at their own expense, unless otherwise ordered by the Commission.

1436 Continuous Testing

The Commission may order continuous examinations for classes for which it is difficult to maintain adequate eligible lists. For such classes, the director may continuously receive applications, conduct examinations, and place names of successful candidates on eligible lists in order of their final ratings in the examination. Eligibility from a continuous examination may be deemed to be established as of the date the examination is completed.

1440 Postponement and Cancellation

The Commission may order that an examination be postponed or cancelled and in such case applicants shall be given suitable notice thereof.

1444 Deferred for Religious Reasons

This rule was abolished by the Civil Service Commission 2/11/71

1448 Anonymity of Candidates

To assure anonymity for each competitor in the written test, his/her papers shall be identified by a number until the scoring of the written test is completed. Only after the scoring of the written test is completed shall the identity of the competitors be disclosed.

1452 Inspection of Tentative Key

During the period of from one to five working days, as determined by the director, immediately following the day of a written examination, any candidate in the examination may inspect a tentative keyed copy of the examination in the office of the Commission and may request a review of any items that he/she believes to be ambiguously worded, inappropriate for inclusion in the examination, or incorrectly keyed. However, keyed copies of copyrighted or standardized tests, or of examinations being given continuously, or of essay or other questions requiring judgment to correct, shall not be available for review. During this inspection period, a candidate may file a written request for review of the items or part of the examination he/she questions, giving his/her reasons and citing authorities to support them. The examination shall not be scored until all of the disputed items have been reviewed and appropriate adjustments, if any, made by correcting the scoring key or eliminating items from the examination. Further requests for review of the written examination shall not be considered. Candidates will be advised at the time of the examination of the period of time available for inspection of the tentative key.

Amended 9/17/71

1456 Ratings

In order to qualify in an examination, candidates must attain a rating of at least 70% in the subject matter portion and a final rating of at least 70% in the total examination. The Commission may set a minimum qualifying rating for each different subject matter test or for other parts of an examination and candidates failing to achieve such ratings shall be eliminated from participating in the remaining tests or parts of such examination, or if they have already participated, they need not be rated. When in scoring the examination of a candidate, it becomes evident that he/she would receive a rating less than the minimum required to qualify, such candidate shall be eliminated at that point and the scoring of the remaining parts of his/her examination need not be completed. In converting raw scores to percentage ratings, scores below the passing score need not be converted.

The Commission may limit the maximum number of qualified persons who shall constitute an eligible list, or who shall be permitted to compete in any of the separately weighted parts of an examination, and such persons shall be those individuals scoring the highest in the total examination or separately weighted part thereof, as the case may be.

1460 Veterans' Preference

Each honorably discharged veteran of a war of the United States as defined in Section 39 of the Charter who attains the required minimum final rating to qualify in an examination, shall be given preferential credit as shown below, which added to his/her examination rating shall constitute his/her total rating, provided he/she makes application therefor as provided in Rule 1358:

In Open Competitive Examinations

Non-disabled veteran	Five percentum of maximum rating
Disabled veteran	Ten percentum of maximum rating

In Promotional Examinations

Non Disabled Veteran	One percentum of maximum rating
Disabled veteran	Three percentum of maximum rating

A disabled veteran is defined as one who has a current disability rating of ten percent or more as determined by the United States Veterans Administration and who served during time of war as defined in Section 39 of the Charter.

Amended 3/13/67

1464 Notice of Results

As soon as the eligible list is promulgated, each candidate in the examination shall be notified by mail of the result of his/her examination and, if he/she has qualified for a place on the eligible list, such notice shall state his/her rating and relative standing on the list except that when candidates are eliminated in an earlier stage of the examination process as provided in Rule 1456, they may be notified of their failure to qualify at an earlier date.

A candidate's notice of standing on an eligible list and his/her rating in an examination shall be disclosed only to him/her except that in connection with certification and appointment, his/her standing and rating as an eligible may be disclosed to a department head or to a representative of a department head.

1468 Examination Inspection Period

Each candidate may inspect his own examination papers in the office of the Commission at any time within ten days from the date of mailing notices of standing in the examination, except that copyrighted or standardized tests shall not be inspected, and that the inspection period for an examination being held on a continuous basis shall be limited to the ten-day period following the termination of continuous testing.

1470 Interview Records Confidential

Each candidate is entitled to know the score he attained in the interview portion of an examination during the inspection period provided by Rule 1468. Records of the interview, other than the overall score, particularly statements of the opinions of the individual interviewers regarding the qualifications of the candidate upon which the ratings given by such interviewers are based, are confidential and shall not be revealed to anyone other than the Commission or Commission staff members directly concerned with the examination.

Amended 2/2/68

1472 Appeal for Review of Rating

If a candidate has been disqualified in the oral part of an examination and believes that such action was the result of irregular interview procedures, he may make a written appeal, giving particulars of such irregularities for review by the Commission. Also, an appeal of disqualification in the written part of an examination may be made only on grounds of irregularity or clerical error. Any appeal shall specify the grounds upon which it is made and must be received in the office of the Commission within ten days of the mailing of the notices of standing in the examination.

Amended 1/9/70, 5/14/71

1476 Revision of Ratings

When an appeal is upheld, the appellant's standing shall be revised accordingly and if the appeal discloses errors that affect the standing of other candidates, they shall also be revised. When the relative standing of eligibles changes as a result of such revisions, their places on the eligible list shall be changed accordingly but appointments previously made from such list shall not be affected thereby.

Amended 1/9/70

1480 Promotional Examinations

All promotional examinations shall be competitive and shall be conducted in the same manner as open examinations except that admission to a promotional examination shall be restricted to persons in the employ of the County who have served at least six months following regular appointment to the classified service and who meet the published requirements for the examination. The Commission shall determine whether an examination shall be held on a promotional or open basis.

For promotion within his/her department of employment, an employee who attains a passing grade in a promotional examination shall be given a preferential credit of three percent of the maximum rating for such examination. Such credit shall be added to his/her total score, including military preference to constitute his/her final rating at the time of certification to the position, provided that at that time he/she has at least six months' service in his current department of employment and that such fact is made known to the Civil Service Certification Unit by the employee.

Amended 2/11/71, revised 7/72

1484 Preferential Promotion Credits

In order to encourage promotion in the classified service in accordance with the principle set forth in Section 36 of the Charter, each employee of the County who attains a passing grade in an open competitive examination shall be given a preferential promotion credit of five percentum of the maximum rating for such examination, which credit shall be added to his total score including military preference to constitute his final rating; provided, however, that such employee shall have at least six months of continuous service following regular appointment to a position in the classified service, which position is determined by the Commission to be appropriate for promotion to the class for which the examination is given.

For promotion within his/her department of employment, an employee who qualifies for preferential promotion credits as set forth immediately above shall be given an additional preferential credit of three percentum of the maximum rating for such examination, at the time of certification to the promotional position, and provided that at that time he/she shall have at least six months service in his/her current department of employment.

Amended 2/9/72

1488 Medical Examinations

Each person entering or reinstated to the County classified service shall be required to pass a medical examination to show that he/she is free from organic or disqualifying disease and the he/she is physically fit to perform the duties of his/her employment.

Where there is probable cause to believe that an employee of the County is not physically or mentally able to perform the duties of his employment, the Commission may require that such employee submit to a medical examination to determine whether he/she possesses the required fitness for the duties he is performing. If the examination confirms that the employee is physically or mentally unfit for his/her employment, he/she may then be transferred or demoted to other employment in accordance with the provisions of Rule 1732 governing transfers, or Rule 1736 governing demotions. If the examination shows that the employee is physically or mentally unfit for any County employment, his/her service shall be terminated upon two weeks' notice. In all cases of transfer, demotion, or separation covered by this paragraph, the provisions of Rule 1744 governing reinstatement shall apply if and when the physical or mental condition of the employee improves to where he/she can resume the duties of his/her original employment.

Where a class requires special physical fitness, the Commission may include, as a part of the total examination for such class, a qualifying medical examination as well as tests of physical strength and agility.

Medical examinations herein referred to shall be given by physicians designated by the Commission. Failure of an applicant or an employee to pass a medical examination may be cause for disqualification in an examination, or for the withholding of an eligible's name from certification, or for the removal of an eligible's name from the employment list, and in the case of an employee of the County, the medical findings shall be reported to the department head for suitable action.

1492 Disposition of Papers and Records

Prescribed application forms of persons who fail to appear for the written test and examination records of candidates who fail to qualify in the written test shall be destroyed at any time after thirty days from the date of promulgation of the eligible list. Examination records of candidates who qualify in an examination shall be retained during the life of the eligible list or for 15 months, whichever is longer, and the examination records of each appointee shall be filed in his/her permanent personnel folder.

Following the period during which competitors may inspect their examination papers, and after their ratings in each part of the examination have been transferred to examination records, examination materials such as question booklets, answer sheets and work papers may be destroyed, but general qualifications appraisal sheets and applications shall be retained for at least 15 months from the date of the promulgation of the eligible list.

1500 Eligible Lists - How Established

The Commission shall approve the results of all competitive examinations for entrance into and promotion in the classified service, and shall approve, create, and order promulgated open eligible lists and promotional eligible lists resulting therefrom.

1504 Departmental Preferred List

For each class or designated specialty in each County department there shall be established and maintained a separate departmental preferred list. Each such list shall consist of the names of persons with tenure in the class who, without fault on their part, were involuntarily separated from the class by a reduction in force or a classification action, and who, at the time of separation were employees of the department for which such list is established. The names of such persons shall be ranked in order of Total County Service, except for the County Counsel and Public Defender Departments' attorney classes and the Sheriff's Department sworn classes which shall be ranked in inverse order of layoff based on the criteria set forth in Rules 2013 and 2014.

Certification and appointment from a departmental preferred list shall be made in accordance with the provisions of these rules governing Certification and Appointment.

Acceptance of an appointment from a County departmental preferred list to the class and department from which the person was laid off or from which the employee accepted demotion will result in the person's name being removed from all other departmental preferred and County-wide re-employment lists.

Acceptance of an appointment from a departmental preferred list to a position in another class or department other than the one from which the person was laid off or from which the employee accepted demotion will result in the person's name being removed from all other departmental preferred and County-wide re-employment lists of equal or lower salary level, except the departmental preferred list for the class and the department from which the person was laid off or from which the person accepted demotion.

If the accepted position was for a lesser number of hours than previously worked by the employee, acceptance will not result in the removal of the employee's name from any full-time lists.

When more than one departmental preferred re-employment list for the same class or designated specialty exists for the same department or agency, the lists for that class or specialty in that department or agency shall be combined. Persons shall be ranked on the resulting combined list in the order described in the first paragraph of this Rule. For this purpose, Total County Service shall be determined as of the effective date of layoff or classification action.

Amended 10/30/78, 3/25/92, 6/12/96, 7/3/02

1508 County-Wide Re-Employment Lists

County-wide re-employment lists shall be established and maintained for each class in the classified service. Each such list shall consist of the names of persons who, following regular appointment to the class, were involuntarily separated therefrom without fault on their part. Each employee placed on a departmental preferred list shall automatically be placed on the County-wide re-employment list for the same class.

1509 Departmental Preferred/County-Wide Re-Employment Lists

In addition to Rule 1504 and 1508, persons laid off due to a general reduction in force, may upon request, have their name placed on Departmental Preferred Lists/County-Wide Re-Employment lists for other classes in which the person previously held tenure. The person's name will be placed only on Departmental Preferred Lists for those departments in which the person was employed in the tenured classification. The person's name will be placed on County-Wide Re-Employment Lists in all departments for the tenured class. They will be placed on such list(s) in order of Total County Service, except for the County Counsel and Public Defender Departments' attorney classes and the Sheriff's Department sworn classes which shall be placed on such list(s) in inverse order of layoff based on the criteria set forth in Rules 2013 and 2014.

Adopted 4/24/78, 3/25/92, 6/12/96

1512 Alternative Lists

If a vacancy exists for a class for which there is no employment list, the Commission may order certification made from an employment list for a related class for which the minimum qualifications and the examination are similar to or of higher level than those required for the class in which the vacancy exists. An appointment from an alternative list for a higher class shall not remove the name of the appointee from such list.

1516 Area Lists

The Commission may establish a separate eligible list for a specified area or organization unit of the County, or may divide an eligible list into areas or units. The areas or units for which separate eligible lists may be established may vary for different classes.

1520 Consolidated or Supplemental Lists

The Commission may order that the names of eligibles on two or more successive eligible lists for the same class be consolidated on one list in the order of examination ratings. If the name of an eligible is on more than one eligible list, placement on the consolidated list shall be in accordance with the highest rating of that eligible. In lieu of consolidation, the Commission may promulgate an eligible list for a class as a supplement to an existing eligible list for such class, in which case the old list shall precede the new list.

Amended 1/2/85

1524 Order of Names on Lists

Names of successful candidates in a competitive examination shall be placed on the promotional or open eligible list for the class for which they were examined in the order of their relative total ratings in the examination, which ratings shall include military preference points and/or preferential promotion credits to which such candidates may be entitled.

Names of employees involuntarily separated from a class as stated in Rules 1504 or 1508 shall be placed on the departmental preferred list and County-wide reemployment list in the inverse order of separation from the class, as determined at the time of such separation.

1528 Resolving Ties on Departmental Preferred and County-Wide Reemployment Lists

When two or more persons are tied for a place on a departmental preferred list or on a County-wide re-employment list, each such tie shall be resolved by the Commission after consideration of such factors as seniority in the service, standing on the eligible list from which appointment was made or any other pertinent factors. For the purpose of certification, an individual's standing on a departmental preferred list or County-wide reemployment list shall be considered a "score".

Amended 1/2/85

1532 Priority of Lists

Eligible lists shall be certified in the following order of priority:

- 1) Departmental preferred lists
- 2) County-wide re-employment lists
- 3) Promotional lists
- 4) Open eligible lists

If fewer than Five names of persons willing to accept appointment are on a County-wide re-employment list, then additional eligibles shall be certified from the list or lists next in order of their scores until eligibles with the five highest scores are certified.

Amended 1/2/85

1536 Duration of Lists

Normally, the life of an eligible list shall be for one year from the date of its promulgation unless it is cancelled or extended by the Commission. The Commission may order an eligible list reactivated when in its judgment the needs of the service will be best served thereby. The promulgation of a new eligible list for a class will automatically cancel the existing list for that class except when otherwise ordered by the Commission.

1536 Duration of Lists (continued)

Names shall remain on departmental preferred lists for three years, unless such time is extended by the Commission. Refusal to accept reemployment when offered, shall be cause for removal from a preferred list unless reasons for such refusal, satisfactory to the Commission, are presented in writing.

Names shall remain on County-wide re-employment lists for two years, unless such time is extended by the Commission.

1540 Extension of Eligibility of Inductees

Rule 1536 shall not be construed to prohibit extension by the Commission of the eligibility of an individual who is on an employment list at the time he/she is inducted into the armed services of the United States, provided that he/she makes application in writing for the extension of such eligibility not later than ninety (90) days after termination of his/her military service and that he/she submits appropriate evidence of an honorable discharge from such service. A person whose eligibility has been extended shall retain his/her relative position in accordance with his/her rating in the examination on a current or succeeding employment list for the class.

1544 Removal of Names

The name of an eligible may be removed or withheld from certification from an employment list for any of the following reasons:

- (a) Acceptance by an eligible of a regular appointment from such list.
- (b) Acceptance by an eligible of a regular appointment from a list for another class at the same or higher salary as provided in Rule 1656.
- (c) Failure of an eligible to respond to written communications as required in Rule 1644.
- (d) Refusal by an eligible of three offers of regular appointment to a class as provided in Rule 1648.
- (e) Receipt of evidence that the eligible cannot be located by the postal authorities at his/her last known address as provided in Rule 1644.
- (f) Failure of an eligible to report to work on the date agreed upon at the time of his/her appointment, when no suitable explanation thereof has been received.
- (g) Separation from the County service as provided in Rule 1660.
- (h) On receipt of written request from an eligible that his/her name be withheld as provided in Rule 1652.
- (i) For any cause specified in Rule 1336, or for any other justifiable cause or reason which in the judgment of the Commission warrants such action.
- (j) Previous separation from the County service during his/her probationary period or as provided in Rule 2104.

1546 Disqualification for County Employment Based on Conviction Records

The following provisions shall cover the exclusions for employment within the County of Alameda based upon criminal conduct:

- (1) Knowingly making a false statement of fact required to be revealed in an application for employment.
- (2) Conviction of a crime(s) which is substantially related to the qualifications, functions or duties of the particular position for which application is made. The Civil Service Commission may consider the following factors in determining whether the crime(s) is substantially related to the qualifications, functions or duties of the particular position for which application is made.
 - (a) The classification to which the person has applied or being certified, including its sensitivity.
 - (b) The nature and seriousness of the conduct.
 - (c) The circumstances surrounding the conduct.
 - (d) The time lapse since the occurrence of the conduct.
 - (e) The age of the individual at the time of the conduct.
 - (f) The presence or absence of rehabilitation.
- (3) Current addiction to or use of illegal drugs.

The Personnel Department shall give notice of disqualification to any applicant disqualified under this rule.

Applicants may request a personal appearance before the Civil Service Commission for reconsideration of their disqualifications under this rule. Any such requests shall be in writing and filed with the Civil Service Commission within ten(10) days of notification of disqualification.

Adopted 8/13/76, amended 2/9/81

CERTIFICATION

1600 Availability of Eligibles

Availability of eligibles for certification to regular, temporary, and project specialist appointments, full-time, part-time or services as needed positions, specific geographical areas, shifts and identified operating departments (divisions/sections) in which they are willing to accept employment shall be ascertained in writing on forms prescribed by the Commission. Statements of eligibles that they are not available for employment or who restrict their availability by the type of appointment, by the number of hours they are willing to work, by geographical area, for specified shifts, and identified operating departments (divisions/sections) shall constitute an automatic withhold from certification to such hours, geographical areas, shifts, and departments (divisions/sections). An eligible may request in writing that the availability restrictions be changed; but, in such event shall not be entitled to consideration for interview/appointment to positions for which certifications have already been made.

Amended 10/19/81

1604 Request to Fill Vacant Position

Whenever a vacant position in the classified service is to be filled, the department head shall requisition the Commission on the prescribed form for the names of eligibles from the appropriate employment list or for authority to fill the vacancy by transfer, voluntary demotion, reinstatement after resignation, split-off privilege, or, if no list is available, by provisional appointment. Regardless of the method by which a position is to be filled, the required form(s) shall be completely filled out and submitted to the Commission as far in advance of the anticipated need as possible.

Amended 7/3/02

1608 Selective Certification

Eligibles shall be certified in order of their standing on an employment list, except that the department head may request selective certification of eligibles having specialized qualifications that are required to fill a position. If after investigation the Commission finds that such selective certification is justified, eligibles who possess the special qualifications may be certified in order of their standing on the list.

1612 Departmental Preferred List

Whenever a position is to be filled from a departmental preferred list, the name of the person who ranks first on such list shall be certified and the requisitioning department head shall reemploy such person in the position.

1616 Number of Names

Except as provided in Rule 1608, upon receipt of a request to fill a position by certification from an employment list, the Commission shall certify from the appropriate list the names of eligibles having the five highest scores on such list who have indicated that they are available for appointment. When more than one position in the class is to be filled at the same time, additional scores may be certified, provided that each selection as it occurs must be from among the candidates with the five highest scores. An individual's standing on a County-wide re-employment list, as established in conformance with Rules 1524 AND 1528, shall be considered a "score" for the purposes of certification.

On open and promotional employment lists, tie scores will not be broken. Thus, more than five names will be certified when ties occur among the five highest scores on a certification.

When a certification cannot be completed from a list having priority, the names of eligibles on the next list in order of priority shall be used to complete the certification.

When it is ascertained that persons certified to temporary, part-time or Services-as-Needed entry level Group Counselor positions in the Probation Department are in active status in the criminal justice system (on probation, parole, diversion, pending prosecution or disposition), they may be suspended temporarily from the eligible list and from certification to that department pending resolution of the criminal matter in a manner acceptable to the Chief Probation Officer. Each such action shall be brought to the Commission for review and approval at its next meeting and written notification of the action sent to the candidate. Nothing in this section is intended to impede the candidate's right to request restoration as provided in Rule 1668.

Amended 10/26/81, 1/2/85, 1/30/85

1620 Additional Names

To expedite the certification process, additional names may be certified beyond the number to be considered on the basis of the number of appointments to be made. Such additional names shall be considered by the department head in the order of their scores in which they appear on the certification with one additional score being considered for each refusal of appointment or failure to reply to notice of certification within the time specified thereon when such refusal or failure to reply results in a certification of less than five scores.

Amended 1/2/85

1624 Fewer than Three Names

When there are fewer than three names available for a class for which certification has been requested, the department head may elect to appoint from the names available or he/she may disregard them and request an authorization for provisional appointment.

1628 Notice to Eligibles

A notice of certification shall be sent by U.S. mail, first class, postage prepaid, to the most recent address of each person certified, as the address appears on the records of the Commission, except that, when the department head notifies the Commission that he/she has previously interviewed the eligibles that will be certified to him/her and has determined which one is to be appointed, certification notice may be sent to that person only.

The notice of certification shall instruct the eligible to communicate with the department head or such person designated by him/her to interview eligibles, and shall state the date by which the eligible shall return that part of the Notice of Certification entitled "Report of Eligible."

1632 Report of Eligible

The eligible shall clearly state in the spaces provided on the "Report of Eligible" from the result of his interview, or in the event he/she has not yet had an interview, the result of his/her communication with the designated interviewer, or if he/she is refusing the offer of appointment, a clear statement to that effect. The form shall be signed by the eligible and returned to the Commission not later than the date specified thereon.

1636 Time in Which Eligible Shall Respond

The "Report of Eligible" form shall be returned to the Commission by the eligible not later than three days after the mailing date of his/her notice of certification excluding Saturdays, Sundays, and legal holidays.

When the address of an eligible indicates that the distance between his residence and place of return is such that the three days' time is not sufficient, the Commission may extend the three day period or institute other means of communicating with the eligible.

1640 Change of Address

Whenever an eligible changes his/her address, it shall be his/her responsibility to notify the Commission in writing, giving his/her new address and the titles of each employment list on which his/her name appears. The Commission shall be responsible for changing the addresses only on the employment lists indicated.

1644 Failure to Respond

When an eligible fails to respond to a certification notice as required in Rule 1636, or to any other communication requiring an answer, or when evidence is received that an eligible cannot be located by the postal authorities at his/her last known address, his/her name shall be withheld from future certification until such time as it is restored to active status as provided in Rule 1668. A failure to respond to a notice of certification for any reason shall be deemed to be a refusal of appointment to the position to which the eligible is being certified. Failure of an eligible to respond to a certification for temporary appointment shall not adversely affect or interfere with future certification of his/her name for regular appointment.

1648 Three Refusals of Appointment

When an eligible refuses three offers of appointment from an eligible list, his/her name shall be moved to the last space on such list for that type of appointment.

1652 Withhold at Request of Eligible

An eligible may file in the office of the Commission a written request that his/her name be withheld from certification for a definite or indefinite period of time. Upon receipt of such request, the name of the eligible will remain inactive on the list from which it is being withheld until it is restored to active status as provided in Rule 1664.

Withholding from certification shall include withholding from certification to both regular and temporary appointment, unless otherwise stated in the written request to withhold. Withholding from certification to a temporary appointment only shall not adversely affect or interfere with a certification to a regular appointment.

An eligible may file in the office of the Commission a written request that his/her name be withheld from certification to specified departments of employment or to specified geographical locations. Upon receipt of such request the name of the eligible shall remain inactive on the list for the departments or locations from which it is being withheld until it is restored to active status for such departments or locations as provided in Rule 1668.

1656 Automatic Withhold Following Regular Appointment

Upon being regularly appointed to a position in the classified service, the name of the appointee shall be deemed to be withheld from certification, for the duration of his/her appointment, from any other employment eligible list for a class the salary of which is either equal to or lower than the salary of the class to which he/she has been appointed, unless such appointee requests in writing that his/her name remain active on such lists.

1660 Withhold of Promotion Rights of Separated Employees

The name of an eligible who has left the employ of the County shall be withheld from certification from any promotional eligible list and if he/she has been given preferential promotion credits on any open eligible list, such credits shall be subtracted from his/her rating and his/her name moved to the position on such open list in accordance with his/her rating before such preferential promotion credits were added.

Employees reemployed as provided in Rule 1744 may be restored to active status on promotional lists or may regain their preferential promotion credits on an open list, if such lists are still in existence, by requesting that such promotion privileges be restored.

1664 Restoration After Voluntary Withhold

The names of eligibles that have been withheld from certification voluntarily may be restored to active status on the list from which they were withheld as follows:

If the withhold request is for a definite period of time, the name shall be restored to active status at the expiration of such period; if the withhold request is for an indefinite time, or is to withhold from certification to a specified department or geographical area, the name shall be restored to active status upon receipt in the office of the Commission of a written request from the eligible for restoration, except that when a name has been withheld for the third time, or when the request is to restore a name to a list on which there are fewer than three available eligibles, restoration to active status shall be on order of the Commission only.

When the Commission reestablishes an employment list by ordering an eligible restored to active status on such list, provisional appointments made while the list contained fewer than three names shall be terminated as provided in Rule 1720.

Restoration of an eligible to active status as provided in this rule shall have no effect on regular appointments made while the name was inactive.

1668 Restoration After Involuntary Removal or Withhold

When the name of an eligible has been removed from the list or withheld from certification without his consent, it may, upon his written request and at the discretion of the Commission, be restored to the list from which it was removed or withheld, if such list is still in existence.

1672 Cancellation of Certification

If, after a certification of eligibles is received, a department head decides not to fill a vacant position or to fill it by other legal means as provided in these rules, the certification may be returned to the Commission for cancellation.

1676 Objection to Certified Eligible

A department head may object to an eligible on a certification if he/she has information tending to show that such eligible is physically or morally unfit for the position to be filled. Such information may relate to any cause of a disqualifying nature. After investigation, the Commission may withdraw from the certification the name of the eligible found not to be qualified and shall certify an additional name or names of eligibles so that the department head continues to have a certification containing those eligibles with the five highest scores. Determination, as to whether the name of the person affected shall be removed from the eligible list, shall be at the discretion of the Commission. Findings of the Commission in each case shall be entered in its minutes.

Amended 1/2/85

1680 Return of Certification Form

The department head shall complete the certification form in accordance with instructions thereon; shall return the Commission's copy as soon as possible after making his/her selection; shall notify the selected eligible of his/her appointment; and shall make any necessary arrangements with him/her regarding the beginning of his/her employment.

APPOINTMENT

1700 Types of Appointment

An appointment may be regular (permanent), Services-as-Needed, temporary, provisional, or emergency, or it may be by reemployment, voluntary demotion, split-off privilege, or reinstatement following resignation.

Amended 1/30/85

1704 Notice of Appointment

The department head shall report on the forms prescribed by the Commission, the name of each person selected for appointment and the date service is to begin.

1708 Regular (Permanent) Appointment

An appointment from a county-wide reemployment list or from an open or promotional eligible list to a position that has been created for an indefinite period of time is a regular appointment that will become permanent after satisfactory completion of a probationary period.

1712 Seasonal Appointment

Abolished by CSC action 1/30/85

1713 Services-as-Needed Appointment

An appointment from an eligible list to a position which is filled seasonally or for irregular periods of time, is a services-as-needed appointment. Services-as-needed appointments are subject to a probationary period. After satisfactory completion of the period of probation, services-as-needed appointees gain tenure for services-as-needed employment. The scheduling of work for services-as-needed employees shall be based upon the needs of the department, as determined by the department head. In the event a services-as-needed employee is separated through layoff, seniority rights shall apply, pursuant to Rules 2004, et.seq.

Adopted 1/30/85

1714 Intermittent Appointment

Abolished by CSC action 1/30/85

1716 Temporary Appointment

An appointment is temporary when it is for the duration of a leave of absence or it is authorized for a period not to exceed five months in any one fiscal year. Service under temporary appointment shall not confer on the appointee any credit toward a probationary period or the privileges and rights conferred on regularly appointed employees.

1720 Provisional Appointment

When fewer than three eligibles are available for appointment and the department head decides not to appoint one of those available, or when there is no employment list for the class, the Commission may authorize a provisional appointment pending the establishment of a list. Any person to be appointed provisionally must meet the published minimum qualifications and the general health and other standards for the class of employment unless Commission approval for a waiver of those qualifications or standards has been obtained prior to the appointment. A provisional appointment shall not be made unless a full application has previously been filed with the Commission office for the person to be approved for appointment and the tentative approval of the Director obtained for the appointment. A provisional appointment shall not continue longer than thirty days from the date an employment list is established for the class. Service under provisional appointment shall not confer on the person appointed any credit toward a probationary period or the privileges and rights conferred upon regularly appointed employees. An appointment made other than in accordance with this rule may result in disapproval of the payroll for that appointment, as provided by Section 36(d) of the Charter.

Amended 8/13/71

1724 Emergency Appointment

An emergency appointment is made by a department head without recourse to an eligible list under conditions necessitating immediate action. An emergency appointment shall not continue longer than ten days and two successive emergency appointments shall not be made to the same position. The department head shall notify the Commission as soon as possible whenever an emergency appointment is made. Service in an emergency appointment shall not confer upon the appointee any credit toward a probationary period or any of the privileges or rights conferred on regularly appointed or tenure employees.

1728 Reemployment

Whenever a vacancy occurs in a department in a class for which there is a departmental preferred list, the first person on such list shall be entitled to reemployment in the vacancy with full tenure rights and privileges.

1732 Transfer

An appointment by transfer is the appointment of the incumbent of a position in the classified service to a position in the same class in another County department or to a position in a similar class designated as appropriate by the Commission. Each transfer appointment is subject to the written consent of the appointee and the two department heads involved. Such written consent shall be filed with the County Clerk and a copy thereof filed with the Civil Service Commission. A transfer appointee who has completed the required probationary period for the position from which he/she has transferred is not required to serve another probationary period.

1736 Voluntary Demotion

An appointment by voluntary demotion is the appointment of the incumbent of a position in the classified service, at his/her own request, to a position in a lower class in the same class series in his/her department of employment. Each voluntary demotion shall be approved by the department head and the Civil Service Commission. A demoted appointee who has completed the required probationary period in the position from which he/she has taken demotion is not required to serve another probationary period.

On the request of a department head and approval of the Commission, an employee who has taken voluntary demotion may be reinstated in a position in the class from which he was voluntarily demoted.

When a medical examination reveals physical or mental incapacity to perform the duties of his/her position, the provisions of this rule may apply if it is found that a position of a lower grade is within the capacity of the employee. Each such case shall be approved by the department heads involved and the Commission.

1740 Split-Off

When a class is divided into two or more new classes (split-off classes) and the positions of the old class are reallocated to the new classes, an incumbent with tenure in the old class shall be given tenure in the new class to which his/her position has been reallocated and in addition shall be given the privilege of future appointment without further examination to positions in any of the other split-off classes. An appointment by split-off privilege is made at the will of the department head with the approval of the Civil Service Commission and is not subject to a probationary period.

1744 Reinstatement following Resignation

On the request of a department head and approval of the Commission, a regularly appointed employee who resigned in good standing may, within three years after the effective date of his/her resignation, be reinstated in a position in the class from which he/she resigned or in a position in another class for which he/she may be eligible as determined by the Commission. Appointments by reinstatement following resignation are subject to the probationary period established for the class.

Amended 5/12/72

1748 Appointment from Unclassified Service

When one or more positions which previously had been in the unclassified service are brought into the classified service, incumbents who have been continuously employed in such positions shall be required to pass a non-competitive qualifying examination. Such employees shall not be required to serve a new period of probation if they have served at least one year in their former positions. All such employees shall be credited for time served continuously in the unclassified service toward pay increments, vacation, sick leave and all other benefits for which length of service is a consideration.

Amended 9/26/75

PROBATIONARY PERIOD

1800 Authority to Establish

The Commission shall provide a period of probation for each class in the classified service which shall become effective upon approval of the Board of Supervisors.

1804 Purpose of Probationary Period

The probationary period shall be regarded as an integral part of the examination process. It shall be utilized for the effective adjustment of the probationer, for close observation of his/her performance, and for his/her separation if such performance does not meet the work standards for the class, or if his/her conduct, moral responsibility, or integrity is found to be unsatisfactory.

1808 Appointments Subject to Probation

The following types of appointments are subject to satisfactory completion of a probationary period:

Regular appointments from promotional eligible lists, open eligible lists, and county-wide reemployment lists.

Services-as-Needed appointments from open Services-as-Needed eligible lists and County-wide Services-as-Needed reemployment lists.

Appointments made from qualifying examinations.

Reinstatement appointments following resignation.

Transfer or voluntary demotion appointments of probationers.

Amended 1/30/85

1812 Exclusion of Limited Term Appointments

Time served in a temporary, provisional or emergency appointment shall not be credited toward the completion of any period of probation and shall not confer upon the appointees any tenure rights.

1816 When Probationary Period not Required

A new probationary period is not required for the following types of appointments:

Re-employment from departmental preferred lists.

Transfer and voluntary demotion appointments of employees with tenure in the class from which they are transferring or taking demotion.

1816 When Probationary Period not Required (Continued)

Split-off privilege appointments.

Re-employment following disability retirement.

Re-employment in the same department from a county-wide re-employment list, provided that a probationary employee shall complete the original probationary period, except as specified in Rule 1820.

Initial Civil Service appointment for STEP-UP Program employees that have successfully completed the twelve (12) month evaluation period.

Amended 4/30/79; 2/28/01

1820 Duration

1. NON-MANAGEMENT CLASSES

Except as otherwise provided herein, the period of probation for employees appointed to any non-management class in the classified service shall be six months except as follows:

A) Sheriff's Recruit/Deputy Sheriff I/II/Sergeant

The period of probation for employees in the class of Sheriff's Recruit will be the amount of time spent in the Alameda County Sheriff's Office P.O.S.T. Certified Academy. Upon successful completion of the Academy, Recruit's will be sworn in as Peace Officers and promoted to Deputy Sheriff I. The period of probation for Deputy Sheriff I shall be 18 months. The period of probation for employees in the class of Deputy Sheriff II shall be one month when promoted from Deputy Sheriff I or six months if reinstated.

The period of probation for lateral transfers into Deputy Sheriff II shall be twelve months.

The period of probation for employees in the class of Sergeant shall be twelve months.

B) Associate Deputy Public Defender/Associate Dependency Attorney/Dependency Attorney

The period of probation for employees in the class of Associate Deputy Public Defender shall be twenty-four months.

The period of probation for employees in the class of Associate Dependency Attorney shall be twenty-four months.

The period of probation for employees in the class of Dependency Attorney shall be twelve months.

1820 Duration (continued)

C) Appraiser I/Auditor-Appraiser I/Mapping Technician I

The period of probation for employees in the classes of Appraiser I, Auditor-Appraiser I and Mapping Technician I shall be twelve months.

D) Miscellaneous Classes: 12-month Probationary Period (6 months if previously tenured)

The period of probation for employees in the following classes shall be twelve months, except that the persons in such classes who have attained tenure following regular appointment in the classified service shall have a period of probation of six months when regularly appointed to another higher level in the classified service:

Librarian I	Junior Engineer
Librarian II	Assistant Engineer
Librarian III	Associate Engineer
Engineer Scientist I	Weights and Measures Ass't
Engineer Scientist II	Weights and Measures Inspector
Mechanical Engineer	Sr. Weights and Measures Inspector
Landscape Architect	Agricultural Biologist Trainee
Telecommunications Technician Trainee	Maintenance Aide II (Apprentice Bridge Tender)
Water Plant Operator I	Deputy Probation Officer I, II, III
Plant Mechanic Trainee	Traffic Signal Technician Trainee
Bridge Utility Worker	Vector Control Officer, Trainee (24 months)
Latent Fingerprint Examiner	
Fingerprint Technician	

E) Miscellaneous Classes - Full 12-month Probationary Period

Employees appointed to the following classes shall serve a full 12-month probationary period: Emergency Services Dispatcher I in the Sheriff's Department; Clerk-Recorder Specialist I in the Auditor's Agency; Human Resources Assistant I in the Human Resource Services Department; Assessor's Technician I in the Assessor's Office and Child Welfare Worker I in the Social Services Agency.

F) Water Plant Operator II/III

The probationary period for the classes of Water Plant Operator II and Water Plant Operator III will be six months, unless a person is appointed to either class and did not serve in the class of Water Plant Operator I or Water Plant Operator II, in which case the probationary period will be twelve months.

G) Emergency Services Dispatcher II

The probationary period for the class of Emergency Services Dispatcher II will be six months, unless a person is appointed to that class without serving in the class of Emergency Services Dispatcher I, in which case the probationary period will be twelve months.

1820 Duration (continued)

H) Training Classifications

The period of probation for employees appointed to training classifications (those designated with "T" after their item number) shall be six months except when the Civil Service Commission specifically designates an extended probationary period for selected classifications. In those cases in which the Civil Service Commission or a department head feels that a training classification should carry an extended probationary period, the Civil Service Commission shall, either on its own initiative or in response to the substantiated written request of the department head, review and determine the appropriate probationary period for each such class. The Commission's actions in designating training classifications and in approving the duration of the training periods applicable thereto shall not become effective until approved by the Board of Supervisors pursuant to Section 36(c) of the Charter.

2. MANAGEMENT CLASSES

A) The period of probation for all other employees appointed to any management-designated class in the classified service shall be twelve months except as follows:

1. Any such employee who has attained tenure following a regular appointment in the classified service shall have a period of probation of six months when regularly appointed to another higher level position, or when reinstated or reemployed, in the classified service.
2. Sheriff's Peace Officer Management Classes - Employees appointed to the following classes shall serve a full 12-month probationary period: Lieutenants, Captain and Division Commander.
3. Child Support Attorney classes - Employees appointed to the following classes shall serve a full twelve-month probationary period: Child Support Attorney I, Child Support Attorney II, Child Support Attorney III, and Child Support Attorney IV.

3. CIRCUMSTANCES THAT AFFECT THE DURATION OF A PROBATIONARY PERIOD

A) Promotion Within the Same Classification Series

Whenever a probationary employee is promoted to a higher class within the same classification series and within the same department or agency, except where such classes are flexibly staffed, time served in such higher class shall be counted toward the period of probation for the class from which the employee was promoted.

B) Flexibly-Staffed Position Promotion

A probationary employee promoted within flexibly staffed classifications and within the same department or agency shall gain tenure in the class from which promoted upon completion of one and one-half times the probationary period within such flexibly-staffed classifications.

C) Demotion

Whenever a probationer accepts a demotion within the same department to a position in a lower class, the time served satisfactorily in the higher class shall be counted toward the completion of his/her period of probation for the class to which he/she accepts demotion.

1820 Duration (continued)

- D) Probationer Rehired from County-wide Re-employment List
When the remaining period of probation of a probationer rehired to the same department from a county-wide re-employment list is less than three months the period of probation shall be extended to three months.

- E) Part-Time or Services-As-Needed Appointee
The period of probation for regular appointees in part-time, or services-as-needed positions shall be considered satisfied when such appointees have accumulated in actual service an equivalent to the period of probation established for the class, regardless of the number of calendar months over which such accumulated service extends.

- F) Effect of Absence While on Leave Without Pay
Whenever a probationer is absent on leave without pay from his/her position, his/her period of probation shall be increased by total time of such absence, unless he/she is on leave of absence to serve within the same department in a higher class in which case the time served satisfactorily in such class shall be counted toward the completion of the period of probation for the class from which leave was granted.

- G) Effect of Absence While on Leave with Pay
Whenever a probationer is absent on leave with pay from his/her position for two consecutive work weeks or more, his period of probation shall be increased by total time of such absence.

- H) Effect Of Absence While On Mandatory Time Off Program Or Voluntary Time Off Program
When a probationer who has completed three months of continuous service with the County is absent on the Mandatory Time Off (MTO) program adopted by the Board of Supervisors in Fiscal Year 1993-94, such absences shall count toward the completion of the period of probation or absent on the Voluntary Time Off program (VTO) adopted by the Board of Supervisors in Fiscal Year 1992-93 and 1993-94, a maximum of ten days of such absences on VTO shall count toward the completion of the period of probation.

- I) Effect of Notice of Termination
Time spent on the job by a probationary employee following receipt of a written notice of termination shall not be counted toward completion of the probationary period.

- J) Probationary Employee Charged with a Crime
Whenever any probationary employee is charged with any crime punishable by a minimum of one year imprisonment, the Civil Service Commission may upon the request of the department head extend the period of probation set forth above thirty days after the final disposition of the charge or charges.

1824 Separation, Suspension, Reduction in Rank or Compensation Before Completion of a Probation

A department head may separate, suspend, or reduce in rank or compensation a probationer at any time during the period of probation, but a notice of such action and the reason therefore shall be concurrently sent by the department head to the probationer and the Commission at the time the action is taken. A copy of this Rule 1824 shall be attached to or included in the Notice of Separation, Suspension or Reduction in Rank or Compensation.

A probationary employee so separated, suspended, or reduced in rank or compensation shall have no right to appeal, except as provided in Rule 1828, or unless he alleges that such action was due to his/her race, national origin, disability (mental and physical), age, sex, sexual orientation, or political or religious opinions or affiliations. In the latter case, the appeal shall be in writing and shall be filed with the Commission within five days of the notice of separation, suspension, reduction in rank or compensation, and shall set forth the factual basis for such allegation.

The Director shall thereafter present the appeal to the Commission. In the event that the Commission shall determine that the grounds upon which the appeal is taken are sufficiently clear and concrete to permit a hearing, the matter shall be set for a hearing to be conducted pursuant to Rule 2116, subsequent to which the Commission shall uphold or revoke the notice of separation.

Amended 9/29/72, 4/25/75, 2/1/89, 8/16/06

1828 Separation of Promotional Probationer

An employee, promoted to a higher class in a department from a lower class in the same department, shall be on probation for the higher class only, and if an employee who has gained and holds tenure in the lower class pursuant to Rule 1820, is separated for any reason before attaining tenure in the higher class, and is denied the right to return to the position from which he/she was promoted, he/she shall have the right of appeal and hearing under Section 40 of the Charter and Rule 2112 as to whether there was just cause for such denial as provided by Rule 2104, provided, however, that he/she shall have no right of appeal and hearing where the lower class has been designated as a training classification pursuant to Rule 1820.

A promoted employee, separated while on probation in a higher class in a department other than the one in which he/she enjoys tenure, shall have no rights of appeal and hearing under Section 40 of the Charter and these rules, unless he/she has been granted a leave of absence from the position in which he/she had tenure.

Amended 5/11/73, 11/9/83

1832 Restoration of Eligibility

A separated probationer may apply to the Commission for restoration of his/her eligibility for certification to future vacancies in the class from which he/she was separated, provided he/she does so in writing not later than ten days following the date of his/her separation.

After investigation, the Commission, at its discretion, may restore the name of a separated probationer to the appropriate employment list for certification therefrom, provided that his/her name shall not again be certified to the department from which he/she was separated except with the concurrence of the head of that department.

1836 Notice of Termination of Probationary Period

It shall be the policy of the Commission to give advance written notice to each department head of the termination dates of probationary periods in his/her department, but neglecting to give such notice shall not relieve a department head of his/her responsibility in connection with the period of probation.

1840 Status Upon Completion of Probationary Period

An employee who satisfactorily completes the period of probation for the class to which he/she was regularly appointed, shall be considered to have tenure in his/her department of employment in such class.

1841 Appointments Under the Comprehensive Employment and Training Act (CETA)

New legislation governing CETA limits the duration of employment under this Federally funded program. Under this law, CETA employees must be terminated when their employment meets this requirement. Any CETA employee who is required to be terminated under this law pursuant to its regulations shall have no right to appeal from this termination action. Further, anyone subject to this termination procedure shall have no right to re-employment under Rules 1504 Departmental Preferred Lists; 1508 County-wide Re-Employment Lists; 1509 Departmental Preferred/County-wide Re-Employment Lists; and Rules 2008, Order of Layoff; 2012 Demotion in Lieu of Lay-off; 2016 Re-Employment; and 2020 County-wide Re-Employment Lists.

Rights to employment shall be limited to reinstatement to a regular County position under Rule 1744. For purposes of Rule 1744 Reinstatement Following Resignation, a termination under this CETA regulation shall be considered a resignation.

Adopted 12/11/78

REDUCTION IN FORCE, LAY OFF, RE-EMPLOYMENT, REINSTATEMENT

2000 Jurisdiction of Commission

All layoffs and demotions in lieu thereof resulting from reduction in force in the classified service shall be made in accordance with these rules and the procedures established by the Commission for an orderly reduction in force.

2004 Jurisdiction of Department Head

Whenever it becomes necessary to reduce the number of employees of a department, the department head shall determine the class(es) to be affected by the reduction, the number of positions by which each class shall be reduced, the date the reduction is to take effect and shall notify the Commission of these determinations. When specific positions within a class require special skills, knowledge, or abilities, the department head, with prior concurrence of the Commission, may designate specialties within a class and treat such approved specialty as a separate classification for purposes of lay off and demotion in lieu of lay off.

Amended 10/30/78

2008 Order of Layoff

When a reduction in force becomes necessary, the Commission shall provide layoff instructions to affected departments detailing the layoff procedures and policies to be used by departments in determining the order of lay off for affected employees. Any appeals concerning departmental actions under the instructions of the Commission shall be governed by the Commission's Administrative Appeals Rules. Lay off shall be accomplished in inverse order of total County service, except as provided in Rules 2013 and 2014 and as may be provided by applicable Federal or State regulations. For purposes of this rule, Total County Service shall be defined as the sum total of paid service for the County without regard to whether such service was continuous, full-time, less than full-time, tenured, probationary, provisional, temporary or emergency, as well as unpaid leave taken under the Voluntary or Mandatory Time Off program, adopted by the Board of Supervisors in Fiscal Year 1992-93 and 1993-94, except as provided in Rule 2014. All ties in service time will be resolved according to criteria established by the Commission.

Before any tenured employee is laid off, all appointees working in affected classes under emergency, provisional, temporary or probationary appointments shall be separated in the above sequence, except that the provisions of this sentence shall not apply to probationary appointees reinstated pursuant to Rule Number 1744 and to employees on probation by virtue of job reclassification where such employee was continuously performing the same job functions six months prior to the reclassification.

Any employee subject to lay off as a result of being in a promotional probationary status in a new department may at the decision of the Commission be allowed to demote in lieu of lay off to the employee's former classification and department. Any employee so affected shall request a Commission determination within ten working days of notification of the lay off status.

Amended 2/4/72, 6/19/78, 10/30/78, 3/25/92, 12/30/92,
9/22/93, 2/7/96

2010 Lateral Movement/Displacement in Lieu of Lay off

An employee in a classification affected by a reduction in force may, in lieu of lay off, elect to move to a position in an equal-paying classification (in the same department) where vacancies exist, provided that such employee has held tenure in that equal-paying classification. In a situation where there are no vacant positions, an employee who has held tenure in an equal-paying classification may displace another employee in an equal-paying classification within the same department, provided that such displacement in the equal-paying classification is effected pursuant to Rule 2008. The employee who has held tenure in more than one equal-paying classification does not have an option as to the class in which the displacement will occur, but will be permitted to move only into the class then filled by the employee with the least amount of total County service.

Reduction in force, or displacement in lieu of lay off in one agency/department shall not affect employees in other agencies/departments except as provided for in Rule 2008, and any movement/displacement under this rule shall be in accordance with the provisions of Rule 2008.

Adopted 1/4/84

2012 Demotion in Lieu of Lay Off

An employee in a classification affected by a reduction in force may, in lieu of lay off, elect to demote to a lower paying classification, provided that such employee had held tenure in the lower paying classification. For purposes of lay off or demotion in lieu of lay off, flexibly staffed classifications, as defined in the annual salary ordinance, may, with the concurrence of the Commission be treated as one classification. Except as provided in Rule 2014, when both the employee demoting and the employee in the lower paying class have equal total County service, the employee in the lower paying classification would be laid off or demoted first. Reduction in force or demotion in lieu of lay off in one agency/department shall not affect employees in another agency/department except as provided in Rule 2008.

Employees exercising their right of demotion in lieu of lay off must demote to lower paying classifications, in order of the pay levels of the classification.

Amended 4/10/78, 10/30/78, 3/25/92

2013 Layoffs and Demotions in Lieu of Layoff in Attorney Classes in the County Counsel and Public Defender Departments

Layoffs and demotions in lieu of layoff in attorney classes in the County Counsel and Public Defender Departments shall be accomplished in inverse order of total paid service in an attorney classification(s) within the department in which the layoff or demotion occurs. For purposes of this Rule 2013, total paid service shall include unpaid leaves of absence taken by the employee pursuant to Voluntary or Mandatory Time Off Programs specified in Rule 2008.

Adopted 2/7/96

2014 Demotion in Lieu of Layoff for Sworn Classes in the Sheriff's Department

An employee in a Sheriff's Department sworn classification affected by a reduction in force may, in lieu of layoff, elect to demote to a lower paying Sheriff's Department sworn classification, provided that such employee has held tenure in the lower paying classification. For purposes of layoff or demotion in lieu of layoff, flexibly-staffed classifications, as defined in the annual Salary Ordinance, may, with the concurrence of the Commission be treated as one classification. Resultant demotions or layoffs shall be accomplished in inverse order of total paid service in a Sheriff's Department sworn classification. For purposes of this Rule 2014, total paid service in a Sheriff's Department sworn classification shall include all continuous paid service worked plus any unpaid leaves of absence taken by the employee under the Voluntary or Mandatory Time Off program as adopted by the Board of Supervisors in Fiscal Year 1992-93 and 1993-94, in a classification plus paid service worked plus any unpaid leaves of absences taken by the employee under the Voluntary or Mandatory Time Off program as adopted by the Board of Supervisors in Fiscal Year 1992-93 and 1993-94 in any higher level Sheriff's Department sworn classification(s). Continuous paid service is defined as all service in a sworn classification where there is no break in service, or where any break in service is three years or less. When both the employee demoting and the employee in the lower paying classification have equal total paid service in a Sheriff's sworn classification, the employee in the lower paying classification would be laid off or demoted first. Reduction in force or demotion in lieu of layoff in one Agency/Department shall not affect employees in another Agency/Department except as provided in Rule 2008.

Adopted 3/25/92, amended 12/30/92, 9/22/93, 2/21/96

2016 Re-Employment

Employees with tenure in the class and department from which they were laid off, including employees who elected to take a demotion in lieu of lay off, shall have re-employment rights to future vacancies in such class and department. The names of laid off and demoted employees shall be placed, in the inverse order of lay off, on the departmental preferred list established for the class. Re-employment from such list shall be in accordance with the provisions of these rules governing certification and appointment.

2020 County-Wide Re-Employment Lists

The name of each employee placed on a departmental preferred list shall also be placed on a County-wide re-employment list for the same class, as provided in Rule 1508 and 1509 in order of Total County Service for certification to vacancies in the class in other County departments, except for the County Counsel and Public Defender Departments' attorney classes and the Sheriff's Department sworn classifications which are placed on such County-wide Re-employment lists in inverse order of layoff based on the criteria set forth in Rules 2013 and 2014. The names of laid off probationary employees shall be placed on a County-wide re-employment list if they were laid off from the probationary class.

Certification and appointment from the County-wide re-employment list shall be made in accordance with the provisions of these rules governing Certification and Appointment.

Acceptance of an appointment from a County-wide re-employment list shall not affect the right of any tenured employee to re-employment in the class and department from which the employee was laid off or from which the employee accepted demotion, but will result in the employee's name being removed from all other County-wide or departmental preferred lists for positions of equal or lower level salary. If the accepted position was for a lesser number of hours than previously worked by the employee, acceptance will not result in the removal

2020 County-Wide Re-Employment Lists (continued)

of the employee's name from any full-time lists. When more than one County-wide re-employment list exists due to multiple lay offs or reclassification action(s) and lay off, the lists shall be combined for each class with persons on the list being ranked in order of Total County Service, or in inverse order of layoff for the County Counsel and Public Defender Departments' attorney classes and the Sheriff's Department sworn classes based on the criteria set forth in Rules 2013 and 2014. Service shall be determined as of the effective date of the lay off or classification action.

Amended 10/30/78, 3/25/92, 6/12/96

2024 Right to Compete for Promotion

An employee who has re-employment rights as provided in Rule 2016, shall have the same right to compete for promotion that he/she would have had if he/she had not been laid off or had not accepted demotion in lieu of lay off. Such employee shall be admitted to a promotional examination and shall be given preferential promotion credits in an open examination as provided in Rule 1484.

2028 Re-Employment Following Disability Retirement

Any employee who has been retired because of disability before reaching the ordinary minimum retirement age, and who under the provisions of the retirement act has been medically re-examined and has been found to be able to engage in gainful employment shall be eligible for re-employment, either in the position he/she occupied or in another position for which he/she may be found to be qualified. When such position is in a department other than the one from which the employee retired, the consent of the head of the department is required before such re-employment shall become effective.

2032 Re-Appointment to Temporary Position

Any person from among the eligibles with the five highest scores willing to accept temporary appointment, who is appointed to a temporary position of an as needed nature, may be re-appointed to such position on the request of the department head without having to be certified again from the list, notwithstanding the fact that at the time of such re-appointment that person may not be within the five highest scores of those eligibles willing to accept temporary work. Nothing in this rule shall be construed to extend the maximum length of temporary appointments prescribed by the law.

This type of appointment is distinguished from a permanent Services-as-Needed appointment, the method for filling which is set forth in Rule 1713.

Amended 1/2/85, 1/30/85

2036 Re-Employment Following Pregnancy
Abolished by Commission action 11/9/73

2040 Re-Employment Following Separation from Promotional Appointment

An employee who, during his/her probationary period, is separated for reason of inability to perform the duties of a higher level position in County service to which he/she has been promoted, shall, upon request to and order of the Civil Service Commission, have his/her name placed on the County-wide re-employment list for the class from which he/she was promoted, and shall be certified from the list as provided in Rule 1532.

DISCIPLINARY ACTION

2100 General Provisions

The tenure of every employee in the classified service shall be during good behavior and rendering of efficient service. An employee with tenure in the classified service is subject to disciplinary action and may be removed, suspended, or reduced in rank or compensation for cause as provided in Section 40 of the Charter. No employee shall be reduced or removed or in any way discriminated against or favored because of his/her political or religious opinions or affiliations, or because of sex, or race, or national origin.

2102 Suspension of Management Employees

Employees in positions designated EM, SM, PA, CA, MA or M deemed to be executive, administrative, or professional and therefore exempt from the overtime provisions of the Fair Labor Standards Act may not be reduced in pay but may be suspended without pay only if such suspension is in increments of one or more full work weeks and when such suspension, including the length therefore, is for just cause.

This rule does not apply to attorneys, teachers, physicians, dentists and other medical professionals who are not subject to the Fair Labor Standards Act requirement that they be paid on salary basis in order to be exempt from the Act's overtime provisions. This rule shall not apply to suspensions or pay reductions for safety violations of major significance.

Adopted 3/9/94, amended 1/11/95

2104 Causes

Each of the following may constitute a cause or reason for disciplinary action, but such action shall not be restricted to the particular causes listed:

- a) Fraud in securing the appointment.
- b) Unfitness for the position.
- c) Inefficiency.
- d) Neglect of duty.
- e) Drunkenness on the job.
- f) Addiction to the use of narcotics or habit-forming drugs.
- g) Willful disobedience.
- h) Insubordination.
- i) Inexcusable absence without leave.
- j) Discourteous treatment of the general public or fellow employees.
- k) Forbidden political activity.
- l) Willful misuse of public property.
- m) Immorality.
- n) Dishonesty.
- o) Conviction of a felony.
- p) (Removed from Rules on 8/9/82).
- q) Any failure of good behavior or acts either during or outside of office hours which are incompatible with or inimical to the public service.
- r) Engaging in business or accepting outside employment, while an employee of Alameda County, which gives rise to a conflict of interest.

2104 Causes (continued)

- s) Failure to maintain in effect an authorization for the payroll deduction of, or failure to otherwise pay, employee organization dues, or a service fee equivalent thereto, as required by a provision contained in a memorandum of understanding as adopted by ordinance by the Board of Supervisors.

Amended 12/7/73, 8/9/82

2108 Written Order to be Filed

In every case of removal, suspension, or reduction in rank or compensation of a tenured officer or employee pursuant to Section 40 of the Charter, a written order of the action stating specifically the reasons therefor and the period of duration, shall be filed by the appointing authority with the Commission and a copy thereof shall be furnished to the employee to be removed, suspended, or reduced in rank or compensation.

Amended 4/18/75

2112 Appeal from Order

Any tenured officer or employee removed, suspended, or reduced in rank or compensation, pursuant to the provisions of Section 40 of the Charter, may within ten working days after presentation to him of the written order of removal, suspension, or reduction, appeal in writing to the Commission from such order. A copy of this Rule 2112 shall be attached to or included in the written order of removal, suspension or reduction.

Amended 4/18/75, 2/1/89

2116 Hearing of Appeal

The Commission shall, within two weeks from the filing of an appeal from disciplinary action, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke the disciplinary order.

The appellant and the appointing authority both shall be entitled to appear personally at the hearing, to produce evidence, and to have counsel and a public hearing.

In the conduct of the hearing, the Commission shall not be bound by the rules of evidence nor the procedure of courts of record, but shall endeavor to establish the facts in order that justice may be done and the welfare of the County may be conserved.

The Commission may, on verified petition, issue a subpoena for the taking of the testimony of a material witness, by deposition, prior to the hearing. The petition shall set forth the nature of the pending proceedings; the name and address of the witness whose testimony is desired; a showing of the materiality of his/her testimony; the reasons for requesting the taking of testimony of the witness prior to the hearing; and shall request the issuance of a subpoena to compel the attendance of the witness for deposition. Any party may oppose the petition and may present both written or oral arguments to the Commission in opposition to the petition. The petitioner shall serve a copy of the petition on the opposing party at the same time the petition is filed with the Commission.

Amended 4/28/80

2117 Statement of Defenses

No less than one week prior to a scheduled hearing by the Commission of an appeal from disciplinary action, said appellant shall file in the Commission office a written statement setting forth his defenses to, and any matters in mitigation of, the disciplinary action from which the appeal is taken. In the event that said statement is not timely filed, the pending appeal shall be dropped from the Commission's hearing calendar until such time as the statement has been filed.

Adopted 9/19/72

2118 Hearing by Hearing Officer

In lieu of a full hearing by the Commission of an appeal from disciplinary action, appellant may request, on a form furnished by the Commission and executed by the appellant that his/her appeal be fully heard by a hearing officer selected by the Commission. Any such waiver shall be subject to the consent of the appointing authority or of counsel therefor. Notwithstanding the foregoing, the Commission may on its own motion order any such appeal to be fully heard by such hearing officer without regard to whether either the appellant or appointing authority has executed a waiver.

Any hearing before a hearing officer shall be scheduled at the earliest date convenient to the hearing officer and the parties to the appeal.

Hearing officers shall be scheduled in rotation as appeals are ordered heard except that the appellant and the County each shall have the right to make one peremptory challenge of a hearing officer per appeal.

The appellant and appointing authority both shall be entitled to appear personally at the hearing, to produce evidence, and to have counsel and a public hearing.

In the conduct of the hearing, the hearing officer shall not be bound by the rules of evidence nor the procedure of courts of record, but shall endeavor to establish the facts in order that justice may be done and the welfare of the County may be conserved.

A recording shall be made of any hearing conducted pursuant to this rule, but it is not required that such recording be transcribed except upon the request of, and at the expense of, a party to the appeal.

The Commission shall exercise its powers, set forth in Rule 1164, to subpoena and require the attendance of witnesses and the production of books and papers and to enforce such powers in furtherance of hearings held pursuant to this rule.

The Commission may, on verified petition, issue a subpoena for the taking of the testimony of a material witness, by deposition, prior to the hearing. The petition shall set forth the nature of the pending proceedings; the name and address of the witness whose testimony is desired; a showing of the materiality of his/her testimony; the reasons for requesting the taking of testimony of the witness prior to the hearing; and shall request the issuance of a subpoena to compel the attendance of the witness for deposition. Any party may oppose the petition and may present both written or oral arguments to the Commission in opposition to the petition. The petitioner shall serve a copy of the petition on the opposing party at the same time the petition is filed with the Commission.

2118 Hearing by Hearing Officer (continued)

Except in the case of a settlement or withdrawal of an appeal, no scheduled hearing shall be cancelled or rescheduled within 10 working days of the scheduled date by either the appellant or the appointing authority except by their mutual agreement and the payment to the Director of the hearing officer's cancellation fee. Any request for cancellation or rescheduling of a hearing within 10 days of the scheduled date that is not accompanied by payment of the cancellation fee shall be of no effect and the hearing officer shall proceed to hear the appeal as scheduled. Failure of the appellant to appear at the scheduled hearing either in person or by a representative shall be deemed a withdrawal of the appeal provided that the appointing authority's representative appears, and failure of the appointing authority or his/her representative to appear shall be deemed a withdrawal of the disciplinary action from which the appeal is taken provided that the appellant appears.

Upon completion of the hearing, the hearing officer shall prepare and forward to the Commission written findings of fact and a recommended disposition of the appeal.

The Commission shall then forthwith review the hearing officer's written report, as well as any written argument of the parties, and take any of the following actions:

- (a) Adopt as its own the findings of fact and recommended disposition of the hearing officer;
or
- (b) Adopt as its own the findings of fact made by the hearing officer and determine its disposition of the appeal based upon the findings of fact; or
- (c) Adopt as its own some of the findings of fact made by the hearing officer and modify one or more of the other findings of fact made by the hearing officer, based upon the hearing officer's report supplemented, where appropriate, by a transcript of any relevant portion of the hearing, if it appears that the finding was (1) not supported by the testimony as summarized by the hearing officer, (2) based upon incorrectly summarized testimony, or (3) otherwise incorrect; and determine its disposition of the appeal based upon the adopted and modified findings of fact; or
- (d) Order the preparation of a hearing transcript and, based upon that transcript and all other evidence received by the hearing officer, prepare its own findings of fact and determine its disposition of the appeal based upon those findings;
or
- (e) Refer the case back to the hearing officer with the instructions for further proceedings; or
- (f) Upon notice to the parties, request the hearing officer to appear before the Commission with regard to his/her report; or
- (g) Set the matter for a new hearing pursuant to Rule 2116 or 2118; or
- (h) Take such action not otherwise prohibited by the County Charter or Personnel Rules.

2119 Advisory Arbitration

The provisions of this rule shall apply only to employees who, at the time disciplinary action was imposed upon them, were employed within a County employee representation unit represented by a union or other employee organization which is party to a memorandum of understanding with the Commission providing for the arbitration of disciplinary appeals as set forth herein, and who are represented or furnished a defense by said union during the arbitration process. This rule provides the exclusive hearing procedure for such appeals.

The Director of Personnel shall submit to the Commission a list of qualified and experienced labor arbitrators. The Commission shall establish a panel of seven such arbitrators. Separate arbitrator panels will be established for each such memorandum of understanding, unless the union or unions party to the memorandum of understanding and the County jointly recommend to the Commission the use of a panel previously approved by the Commission.

Arbitrators shall be assigned to hear appeals in rotation, but each side shall have one peremptory challenge in connection with each appeal. No less than two weeks prior to a scheduled arbitration hearing, union and County representatives shall meet at the request of either party for the purpose of determining whether the appeal can be resolved without the necessity of such hearing.

In the conduct of the hearing, the Arbitrator shall not be bound by the rules of evidence nor the procedure of courts of record, and may follow the rules of evidence and procedure customarily observed in arbitration proceedings, provided that justice may be done and the welfare of the County conserved. A recording shall be made of any hearing conducted pursuant to this rule, but it is not required that such recording be transcribed except upon the request of, and at the expense of, a party to the appeal. The Commission shall exercise its powers, set forth in Rule 1164, to subpoena and require the attendance of witnesses and the production of books and papers and to enforce such powers in furtherance of hearings held pursuant to this rule.

The Commission may, on verified petition, issue a subpoena for the taking of the testimony of a material witness, by deposition, prior to the hearing. The petition shall set forth the nature of the pending proceedings; the name and address of the witness whose testimony is desired; a showing of the materiality of his/her testimony; the reasons for requesting the taking of testimony of the witness prior to the hearing; and shall request the issuance of a subpoena to compel the attendance of the witness for deposition. Any party may oppose the petition and may present both written or oral arguments to the Commission in opposition to the petition. The petitioner shall serve a copy of the petition on the opposing party at the same time the petition is filed with the Commission.

Upon completion of the hearing, the Arbitrator shall prepare and forward to the Commission his/her award and decision, which shall include a summary of the evidence presented by each party, findings of fact, and a recommended disposition of the appeal. The Commission shall then forthwith review the Arbitrator's award and decision, which shall not be binding upon the Commission, and render its decision.

The award and decision of the Arbitrator shall be kept confidential and shall not be divulged to either party, or to an agent, representative, or attorney of either party, until the Commission has completed its review and announced its decision. From the conclusion of the arbitration hearing and until the Commission has completed its review and announced its decision, no party, or agent, representative, or attorney of any party,

2119 Advisory Arbitration (continued)

shall in any way communicate with the arbitrator, the Commission, or any member of the Commission with regard to the appeal, the award and decision, or the Commission's disposition thereof.

In the event that the Commission, upon reviewing the award and decision of the Arbitrator, shall determine that it is unable to decide the appeal without additional testimony or the opportunity to observe the demeanor of the witnesses; or in the event, that upon reviewing such award and decision, it shall determine that the issues of law or fact raised by the appeal are so substantial as to require a hearing, in part or in full, before the Commission itself; the Commission, in its discretion, may require a hearing or rehearing before the Commission of any issues or testimony it deems appropriate, up to and including entire appeal.

The union and the County shall each bear its own costs in connection with the arbitration, but each shall pay one-half of the Arbitrator's fee, including any other expenses charged by the Arbitrator.

The provisions of this rule shall have no effect upon the rights of persons not employed in representation units covered by a memorandum of understanding between the Commission and the recognized employee organization providing for the application of such provisions, or upon the rights of persons employed in such units who choose to represent themselves or to provide their own defense, to make use of the hearing officer procedures set forth in Rule 2118. Adopted 9/26/75, amended 4/28/80

2120 Decision and Findings of the Commission

The decision of the Commission shall be certified to the appointing authority from whose order the appeal is taken and shall forthwith be enforced and followed by him/her. A copy of the decision shall also be furnished to the appellant or his/her counsel.

Either party to the appeal may request written findings of fact within ten days of the date upon which the Commission announces its decision. The director shall refer each such request for findings to the Commission which may prepare the findings itself or order one of the parties to do so. In the latter event, proposed written findings shall be submitted to the Commission within fifteen days of such order.

Amended 9/21/72

2124 Answer to Disciplinary Charges or Order

An employee with tenure may reply in writing to an order removing, suspending or reducing him/her to rank or compensation, provided he/she does so within ten days from the date such order was filed with the Commission, but such employee shall not be entitled to a hearing, unless he/she shall have appealed to the Civil Service Commission within ten working days after presentation to him/her of the removal, suspension or reduction as provided in Section 40 of the Charter. The original or a copy of such reply shall be filed with the Civil Service Commission as a part of the employee's record.

Amended 6/72

ADMINISTRATIVE APPEALS

2200 Provision for Appeal

Appeals to the Commission arising from its own determination or from an administrative decision of the director, may be made in accordance with these rules by any person who is adversely affected by such determination or decision.

Amended 9/29/72

2204 Form of Appeal

Each appeal shall be made in writing and shall be signed by the appellant. It shall clearly state the specific facts and reasons upon which it is based and the relief requested. Facts or reasons not specifically stated shall be deemed waived.

2208 Time for Filing Appeal

Appeals from administrative actions or Commission rulings, including classification actions, shall be made within ten days following the date of the action or ruling appealed from, and appeals from examination ratings shall be made within ten days after the date of such rating.

2212 Commission Action

Upon its receipt, the director shall present the appeal, together with any appropriate report or recommendation of the Commission's staff or of any affected County department, to the Commission. The Commission may then, in its discretion: (a) decide the matter forthwith; (b) defer action to allow for further investigation; or (c) set the matter for a personal interview of the appellant by the Commission. The appellant shall be notified in writing of any action taken by the Commission on his/her appeal.

Amended 9/29/72

2214 Statement of Position on Review Matters

No less than one week prior to a scheduled review by the Commission of an administrative action provided for under Rule 2200 the individual, or individual's representative, requesting review shall file in the Personnel Department a written statement setting forth a position relative to the matter scheduled for review. If a Personnel staff report is to be prepared it shall be sent to the Commissioners along with the statement and a copy of such report provided to the individual, or individual's representative, requesting review at the time their material is presented for forwarding to the Commission. The matter, thereafter, will be restricted to the issues presented in the material to the Civil Service Commission.

In the event material is not timely filed, the pending reviewing may be dropped from the Commission agenda.

Adopted 8/16/77

2216 Conduct of Appeal Interview

Interviews of appellants from determinations of the Commission or administrative decisions of the director shall be conducted in accordance with practice and procedures established by the Commission therefor. Any lack of formality in the conduct of such interviews shall not invalidate any order or decision of the Commission resulting from such interview.

Amended 9/29/72

Rules 2300, 2304 and 2308 governing political activity which formerly appeared on this page have been deleted following decisions of the California Supreme Court in the cases of Fort v Civil Service Commission (1964) and Bagley v Washington Township Hospital District (1966).

3/13/67

MISCELLANEOUS PERSONNEL TRANSACTIONS

2400 Training

The Commission shall devise plans for and cooperate with the Board of Supervisors, department heads, other supervising officials, and departmental training officers to foster and promote employee training programs for the purpose of improving the quality of service rendered to the County and of aiding in the development of employees to equip them for advancement in the service.

2404 Safety

The Commission shall interest itself in the promotion of industrial safety through the use of the best methods in the selection and training of County employees. The Director of Personnel shall be a member of the County Central Safety Committee, and the facilities of his/her office shall be made available for keeping of accident records and the performance of clerical and secretarial work required to help the Board of Supervisors and operating departments attain the best possible safety record.

2408 Salary Recommendations

The Commission shall recommend to the Board of Supervisors at least sixty days prior to the end of each fiscal year a rate of pay for each class in the classified service based upon a comparison of salaries being paid for like service and working conditions in other comparable places of public and private employment in order that all salaries shall be uniform for like service in each class of the classified service.

2412 Compensation Plan

Rules and regulations governing the County's "Five Step Compensation Plan", maintenance charges, mileage allowances, travel expenses, leaves with pay, overtime compensation, and hours of work are set forth in the Alameda County Code and Annual Salary Ordinance and amendments thereto.

2416 Certification of Payrolls

The payrolls of all employees in the classified service shall be examined by the Commission and the County Auditor shall not pay or approve any payment of salaries to such employees unless there appears on the payroll therefor, a certification by the Commission that the persons named thereon have been appointed to their respective positions in accordance with the provisions of the Charter and these rules.

2420 Resignation in Good Standing

An employee may resign from the classified service by submitting his/her resignation to his/her department head on the prescribed form. In order to resign in good standing an employee should give such advance notice of his/her intention to resign that will be acceptable to his/her department head. A copy of each resignation shall be filed in the office of the Commission.

2424 Automatic Resignation

Failure to return at the expiration of a leave of absence or being absent without leave shall be considered an automatic resignation. Such a resignation may be rescinded by the department head if the employee presents satisfactory reasons for his/her absence within three days of the date of actual or constructive receipt of notice that such automatic resignation has been effected.

Amended 2/25/74

2425 Appeals from Automatic Resignation

An employee, having tenure, who is deemed to have resigned pursuant to Rule 2424 and whose resignation has not been rescinded by the department head, may appeal in writing to the Commission within ten days of the notice of automatic resignation setting forth the facts supporting that appeal. Upon its receipt, the director shall present the appeal to the Commission which shall hear the appeal itself in accordance with Rule 2116 or refer the appeal for hearing by a hearing officer pursuant to Rule 2118. The issues to be decided as a result of such hearing are whether the employee was absent without leave or failed to return at the expiration of a leave of absence, and, if so, whether the department head acted unreasonably in declining to rescind the automatic resignation. The decision of the Commission shall be certified to the department head and shall forthwith be enforced and followed by him/her.

Adopted 9/29/72, amended
3/26/76

2428 Withdrawal of Tendered Resignations

An employee who has submitted a resignation may, with the approval of the department head, withdraw such resignation prior to the effective date thereof and continue in the position as though the resignation had not been tendered.

An employee who alleges that a resignation was obtained through fraud, duress or undue influence on the part of the department head or agents or representatives so as to render such resignation tantamount to a constructive dismissal may file an appeal with the Commission of the refusal of the department head to consent to the employee's aforesaid request to withdraw such resignation, provided that such appeal is filed within ten working days of the department's refusal to consent to such withdrawal but in no case later than ten working days after the effective date of the resignation.

Commission Intent: Any appeal request must be based upon the allegations described in the second paragraph above. This is to present appeals from resignation being based solely upon a "change of heart" or upon events beyond the control of a department head and submitted long after a position has been refilled by permanent appointment.

Amended 8/2/77

2432 Transfer of Functions

Whenever the functions of a department or a unit of County government are transferred to another County department, the employees performing such functions also shall be transferred. Such employees shall be entitled to the same tenure in the new department that they enjoyed in the department from which they were transferred, except that if the transfer of functions results in a reduction in force or reclassification action, the rules and procedures of the Commission governing reduction in force and reclassification shall apply in determining the status of such employees.

2432 Transfer of Functions (continued)

The provisions of the Charter and these rules governing regular transfer appointments from one department to another, shall not apply to transfers caused by transfer of functions.

2500 Reports to the Commission

Each department head shall report promptly to the Commission on its prescribed forms and in the manner provided in its procedures manual, all information required for the administration of the Commission's functions and for the maintenance of its records.

2504 Records of the Commission

The Commission shall maintain on a current basis whatever records are required to be maintained to properly conduct its business, including the following official records:

- A roster of employees in the classified service.
- A personnel file for each regularly appointed person in the classified service.
- A position classification plan.
- A complete set of current class specifications.
- A position identification system.

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