



Civil Service Rules

**Amended and Adopted by the
Mendocino County Civil Service Commission on
January 18, 2017**

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RULE I - DEFINITIONS

The following words and terms used in these rules shall have the meaning indicated below unless the context clearly indicates otherwise.

Allocation of Class

The official determination that employees of a particular class shall be compensated at a specific salary or salary range.

Allocation of Position

The official authorization for a specific position to be utilized by a specific department.

Alternate Class

A class into which an alternate position is classified.

Alternate Position

A single position which may be filled alternatively by an employee in either of two (2) or more classes, at the discretion of the appointing authority. The highest alternate class shall be considered as the normal working level of such position, and each lower alternate class shall be constructed as a level suitable for recruitment and training.

Applicant

A person who, according to these rules, has made a formal application for employment.

Appointing Authority

The board, commission, group of persons, officer, or person having the power by lawfully delegated authority to make appointment to or removal from positions in the County service.

Appointment

The designation of an individual for employment in a specific position, and is effective on the date the individual begins work in the position.

Calendar Year

January 1 to, and including, December 31.

Candidate

An applicant for employment.

Certification

The official notification to an appointing authority of those qualified candidates who may be appointed to a vacant position in the classified service.

Class or Class of Positions

Includes all positions which possess similar duties, responsibilities, and qualifications.

Classification Plan

An orderly arrangement of all positions into classes.

Compensation

The salary, wage, allowances, and all other forms of valuable consideration earned by or paid to an employee by reason of service in any position, but does not include monetary reimbursement for necessary expenses incurred by employees.

Continuous Service

Continuous employment with the County in positions within the Civil Service system.

County

The County of Mendocino.

Cut-Off Point

The point in a ranking of examination scores which is determined by the Human Resources Director as equaling the minimum passing grade established for that examination.

Demotion

The reassignment of an employee from a position in one (1) class to a position in another class which is allocated to a lower salary or salary range.

Department

A branch of the County Government with one (1) or more employees under charge of a specific individual, who is known as the Department Head.

Dual Position

A position established to permit replacement of an employee who receives payment for unused leave or overtime credit upon separation; and for a period of time not greater than the amount of such leave or overtime. An employee in a dual position shall have either permanent, probationary, or provisional status, to be determined as provided in these rules for employees in a permanent positions.

Eligible Candidate or Eligibles

Candidates whose names are on the employment register for a given class.

Emergency Appointment

A temporary appointment made in an emergency situation under conditions specified in these rules.

Employee

Includes any person legally defined as an officer or employee of the County of Mendocino.

Employment List

A list of names, arranged in order or priority, of persons who have been found qualified for employment in a specific class.

Employment Register

A consolidated listing of the names of persons appearing on all employment lists for the same class of positions.

Examination

One (1) or more of the methods authorized by these rules to determine the qualifications of one (1) or more applicants.

Exempt

Exempt from these rules.

Final Filing Date

The last date on which a candidate may apply for a given examination or a given position.

Fiscal Year

July 1 to, and including, June 30.

Form Test

A written examination which is prepared for the purpose of repeated administration to different groups of candidates.

Full-Time

Forty (40) hours per week.

Hearing

A public meeting of the Civil Service Commission at which the adoption or amendment of these rules and/or other personnel matters may be considered.

Human Resources Department

The office of the Civil Service Commission of the County of Mendocino.

Layoff

The involuntary separation of an employee due to the abolition of a position, or due to lack of work or lack of funds. "TO BE LAID OFF" means to be separated or to layoff.

Notice of the Charge(s)

A statement of fact and the citation of the section in the Civil Service Rules which acts as the basis upon which the appointing authority intends to take disciplinary action.

Occupational Series

A closely related grouping of classifications through which an employee can generally be expected to move as experience and education increases one's ability to perform. An example of occupational series is General Clerical with the entry level being Clerk Trainee and progressing from Clerk I to Clerk II to Office Assistant I to Office Assistant II to Secretary I to Secretary II to Administrative Aide to Administrative Assistant I.

Open Examination

A competitive examination in which any qualified person may participate.

Part-Time Employee

An employee who is appointed to perform fewer hours of work than a full-time employee in the same class.

Permanent Employee

An employee who has permanent status.

Permanent Position

Any position in the classified service which has required, or which is likely to require, the services of an employee without interruption for more than six (6) months.

Permanent Status

The status of an employee who is lawfully retained in a position after the completion of the probationary period provided for in these rules.

Personnel Transaction

The appointment, separation, or reassignment of an employee.

Position

An assignment with duties and responsibilities calling for the full-time or part-time employment of one (1) person in the performance and exercise thereof.

Probationary Period

A period which is used for the adjustment and evaluation of a newly appointed or reassigned employee.

Proctor

A person designated by the Civil Service Commission or Human Resources Director to conduct an examination.

Promotion

The reassignment of an employee from a position in one class to a position in another class which is allocated to a higher salary or salary range.

Promotional Examination

A competitive examination in which any qualified County employee with at least six (6) months of continuous full-time employment may participate.

Provisional

An appointment made in the absence of an appropriate employment list, pending a competitive examination, as provided in these rules.

Reasonable Opportunity

Five (5) working days after service of the "notice of charge."

Reassignment

The separation of an employee from one (1) position and the concurrent appointment to another position.

Reclassification

A 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 substantial changes in the kind, difficulty, or responsibility of duties performed in such position. Reclassification shall not be construed as promotion or demotion.

Request for Certification

The official authorization for the Human Resources Director to certify candidates for appointment to a vacant position in the classified service.

Resignation

The voluntary termination by an employee from employment.

Seasonal Position

Any position which requires or is likely to require the services of an incumbent during certain parts of each year, recurring annually or at other intermittent periods.

Seniority

Privilege status attained by length of continuous service as a permanent employee.

Separation

The termination of employment of an individual.

Series

One (1) or more classes in the same occupational, professional, or functional field.

Skelly Hearing

A pre-disciplinary hearing.

Standing

The order of priority of each person on an employment register fixed in accordance with the final examination score, reemployment date, or reemployment status, as the case may be.

Temporary Position

Any position which is temporary, seasonal, or intermittent in nature. No such position shall provide for continuous employment longer than six (6) months, except that individuals appointed by the County Assessor-Clerk-Recorder to temporary positions in the Election Department may be employed continuously in excess of six (6) months, but not longer than eighteen (18) months.

Test

Examination.

Test Key

A copy of every item used in a specific written examination showing the correct answer to each.

Title or Class Title

The official nomenclature of each class of positions.

Transfer

The reassignment of an employee from one position to another position in the same class; or from a position in one class to a position in another class which is allocated to the same salary range.

Unclassified Service

Positions listed in the Mendocino County Code, Section 3.16.100 of the Civil Service Ordinance.

Waiver

The voluntary relinquishment by a candidate of standing on an employment register for one (1) or more certifications, or for a specified or unspecified period of time.

End of Rule I

RULE II - ORGANIZATION AND ADMINISTRATION

Section 1 – Civil Service System

- A. Administration of the Civil Service System of the County of Mendocino shall be based on the principal of employment and promotion on a merit basis for the purpose of obtaining the highest efficiency and assuring that the best qualified persons available shall be employed in the service of the County, keeping in mind the relationships with and obligation to: (1) The public at large; (2) The Human Resources Director and staff; (3) Management of the operating departments; (4) Elected Officials; and (5) Employees and their organizations.

Section 2 – Civil Service Commission

A. Chairperson

1. The Civil Service Commission shall, at its first meeting in July of each year, elect one (1) of its members to serve as Chairperson for that year, or until the election and qualification of a successor. In the event of the absence of the Chairperson at any meeting of the Commission, the members present shall elect an Acting Chairperson.

B. Meetings

1. Regular public meetings shall be held on the third Wednesday of each month. If the regular meeting falls on a holiday, the meeting shall be held on the first regular work day immediately following the holiday.
2. Special meetings shall be held on the call of the Chairperson or any of the five (5) members of the Civil Service Commission.
3. Three (3) members shall constitute a quorum for the transaction of business.
4. Written notice of each regular or special meeting of the Commission shall be posted at least forty-eight (48) hours in advance thereof on the bulletin board of the Human Resources Department, and shall be mailed or delivered at the same time of posting to each person entitled to such notice.
5. Each meeting shall be conducted in accordance with the most recent edition of Robert's Rules of Order.
6. Communications and requests to the Civil Service Commission shall be made in writing (c/o the Human Resources Director). The substance of such requests and the action taken thereon shall be incorporated in the meeting minutes.

Section 3 – Human Resources Director

A. The Human Resources Director shall:

1. Perform and discharge, under the direction and control of the Civil Service Commission, such authority and duties as are delegated.

2. Carry out all procedures in the administration of the classified personnel in conformity with the provisions of the Civil Service Ordinance (Title 3, Chapter 3.16 of the Mendocino County Code) and the rules of the Civil Service Commission.
3. Check payrolls for legality of appointment of persons named therein, and certify the names of candidates for employment.
4. Conduct examinations, prepare employment and reemployment lists, and certify the names of candidates for employment.
5. Maintain various personnel records and other records of the Civil Service Commission; prepare an agenda and record minutes of each meeting of the Commission.
6. Direct and supervise technical and clerical staff in performing their duties.
7. Administer, maintain, and adjust the Classification Plan and recommend rates of pay for each classification of position.
8. Maintain the central roster of employees and positions.

Section 4 – Roster of Employees and Positions

- A. A central roster of employees and positions shall be maintained in the Human Resources Department. It shall include the record of employment of each employee in the classified service, including dates of service, positions held, salaries received, vacation, sick leave, and such other information as may be deemed appropriate.

Section 5 – Reports by Appointing Authorities

- A. Each appointing authority shall promptly report in writing the following matters to the Human Resources Director:
 1. Requests for certifications.
 2. Appointments of any and all employees.
 3. Separations of any and all employees, together with reasons therefor.
 4. Promotions, demotions, and transfers of employees.
 5. Leaves of absence, whether with or without pay.
 6. Disciplinary actions, together with reasons therefor.
 7. Refusal or failure of certified candidates to accept employment.
 8. Other matters which the Civil Service Commission may direct.

End of Rule II

RULE III - CLASSIFICATION

Section 1 – Classification of Positions

- A. All positions established by the Board of Supervisors, except those specifically excluded by Mendocino County Code, Section 3.16.100 of the Civil Service Ordinance , shall be classified and given appropriate class titles by the Civil Service Commission. Each class established pursuant to these rules shall include all positions sufficiently similar in duties and responsibilities to meet the requirements as specified under the definition of “class.”

Section 2 – Changes in the Number of Positions Authorized

- A. Whenever a department head proposes that a new position be created or an existing position abolished, a report containing justification for the proposed change must be submitted in writing to the County Chief Executive Officer for recommendation to the Board of Supervisors. Copies of all such requests and reports shall be furnished to the Civil Service Commission.

Section 3 – Changes in Classification of Positions

- A. Whenever a department head finds that a significant change has occurred in the duties and responsibilities of an existing position, a written report containing the significant facts shall be submitted to the Civil Service Commission, with a copy to the County Chief Executive Officer. Thereupon, the Civil Service Commission shall review the duties and responsibilities of any such position and of the qualifications required for filling the same, and of the relationship of such positions to other classes of positions.
- B. The Civil Service Commission, upon the written request of a department head or any employee, or upon its own initiative, may review the classification of any existing position because of a significant change in the duties and responsibilities; because of the creation of a new class in which such position may more appropriately be classified; or because of the abolition or combination of any existing positions or classes.
- C. Following a review pursuant to this Section, the Commission shall hold a hearing at which the department head and the incumbent of each position reviewed shall be given the opportunity to be heard.
- D. When reviewing the classification of any position, each prospective class shall be considered in its entirety, with particular reference to its class specifications and to its relation to other classes in the County service. Likewise, the positions shall be considered in relation to other positions in each prospective class.
- E. Where the Commission finds that there are significant factors which justify a change in the classification of a position, and that such factors have been characteristic of the position over a period of time or throughout the service of the incumbent in the position, it shall reclassify the position.

- F. Where the Commission finds that there are significant factors which justify a change in the classification of a position, but which do not warrant reclassification, it shall recommend to the Board of Supervisors that the position be abolished and replaced with a new position in the appropriate class.

Section 4 – Status of Incumbent in Position After Change in Classification

- A. When a position is reclassified from one (1) class to another class, any incumbent in such position shall continue in the position in the new class with the same probationary status as held in the former classification. If the reclassification results in a monetary change, an incumbent shall be placed at the salary step nearest the incumbent's current salary without a monetary loss.
- B. When a position is reclassified from one (1) class to more than one (1) class as an alternate position, any incumbent in such position shall continue in the position, in the same class if the position is so classified, or in the classification in which the incumbent is currently performing based on the classification study. If the incumbent is performing at the journey level and is no longer on probation, a new probationary period is not required.
- C. When a position is abolished and replaced with a new position in a different class, any incumbent in such position may qualify for reassignment to the new position in the manner provided by these rules.

Section 5 – Class Specifications

- A. For each class, the Civil Service Commission shall adopt and maintain written class specifications, which shall include the following:
1. The definition of the class which shall be a general description of the kind of work performed by employees of the class. It shall not be construed as prescribing or limiting the duties of any employee.
 2. A resume of tasks typical of the class, which will illustrate examples of work typically performed. The resume need not include all tasks typical of the class. The presence or absence in the class specifications of tasks performed in a given position shall not be construed as conclusive evidence of the classification of the position.
 3. A statement of the minimum or desirable qualifications for the class.
 4. A list of duties that can be essential for the successful performance in the class.

Section 6 – Class Qualifications

- A. For each class, the Civil Service Commission shall establish minimum or desirable qualifications, which shall be met by each person thereafter newly appointed in the class. *(Continued on following page)*

Qualifications which are established as desirable may be waived by the Human Resources Director, and lesser qualifications substituted for them with the permission of the Civil Service Commission and the advice of an appointing authority who finds it necessary to fill a vacant position, whenever it is evident that there are not sufficient applicants who meet the desirable qualifications to afford reasonable competition for appointment, provided any person so appointed, shall be terminated within one (1) month after the date of certification of candidates to the appointing authority, pursuant to Rule VII, Section 2, who possess the desired qualifications and are available for employment.

- B. All qualifications which these rules specify shall be met by each applicant for employment with the County of Mendocino shall be considered to be among the qualifications specified for each class. They need not be repeated in individual class specifications.
- C. Wherever applicable, any qualifications which may be prescribed by law or by the State Merit Systems for any class shall be met or exceeded in the qualifications established by the Civil Service Commission, and shall govern in the absence of such establishment by the Commission.

Section 7 – Use of Class Title and Working Titles

- A. The official class title of each position shall be used in all official personnel and fiscal records, and all official personnel transactions. However, department heads may assign other appropriate working titles which do not conflict with official class titles.

End of Rule III

RULE IV - ANNOUNCEMENTS AND APPLICATIONS

Section 1 – Announcements

- A. The Human Resources Director shall make a public announcement of each class for which certification to fill a permanent, full-time position is approved. Such announcement shall be made at least two (2) weeks prior to the final filing date.
- B. For each such class, a written bulletin shall be prepared and distributed, which shall include the following information:
 - 1. The class title.
 - 2. The beginning salary and salary range.
 - 3. The final filing date.
 - 4. The place at which applications may be filed.
 - 5. The minimum or desirable qualifications.
 - 6. A summary of the definition and typical tasks of the class.
 - 7. The conditions of competition, including the minimum passing grade; and the relative weights assigned to different tests.
 - 8. Such other information which is believed to help prospective applicants to understand the nature of the employment and the procedure necessary to participate in the competition.

Section 2 – Applications

- A. Application Forms
 - 1. The Human Resources Director shall prescribe official application forms to be completed by each applicant for Mendocino County employment. Each completed application form shall be treated as a confidential record of the Civil Service Commission and shall not, under any circumstances, be returned to the applicant.
 - 2. An application form outlining employment history and relevant personal data shall be completed by each applicant for an oral, written, or unassembled examination; each applicant who qualifies for placement on an employment list; each person employed by the County of Mendocino; and by such other applicants as the Human Resources Director may specify.
- B. Filing Period
 - 1. All applications shall be submitted as described in the corresponding announcement to the Human Resources Department, or postmarked on or before the final filing date. Applications may be accepted on continuous filing basis when so announced, and shall be subject to appropriate periodic cut-off dates to be determined by the Human Resources Director.

C. General Qualifications

1. All applicants for employment with Mendocino County shall meet the following qualifications:
 - a) Be a citizen of the United States of America or a non-citizen who has been admitted to the United States and is employable under the immigration laws of the United States.
 - b) Meets or exceeds any minimum qualifications established and announced for the class.
 - c) Possesses the mental and physical ability to perform the duties essential to the class.

Section 3 – Disqualification

A. Reasons for Disqualification

1. The Human Resources Director, with the approval of the Civil Service Commission, may refuse to examine an applicant, remove an applicant's name from the employment list, or refuse to certify an applicant for any of the following reasons:
 - a) When found to lack any of the minimum qualifications established for the class.
 - b) When the applicant has made a false statement of material fact or has practiced or attempted any deception, fraud, or misconduct in connection with the application or any part of the examining process.
 - c) For any lawful reason, which in the judgment of the Civil Service Commission warrants such disqualifications.
2. An applicant disqualified for any of the above reasons shall promptly be issued a notification of disqualification

B. Appeal of Disqualification

1. An applicant disqualified in any of the manners provided in this Section may appeal in writing to the Human Resources Director. Any such appeal shall contain the specific reasons why the applicant believes the appeal should be granted. It shall be delivered or postmarked no later than seven (7) calendar days after the date of the notice of disqualification. Receipt of an appeal of disqualification does not delay the subsequent steps in the recruitment process, up to and including hiring. The Human Resources Director shall investigate the facts involved and shall grant or deny the appeal and inform the appellant in writing no later than fourteen (14) calendar days after the appeal was filed.
2. If the appeal is not granted by the Human Resources Director, the appellant may further appeal such decision by filing a written appeal to the Civil Service Commission. Such appeal must be submitted to the Commission (c/o the Human Resources Department) within seven (7) calendar days of the written notice of the Human Resources Director's denial. *(Continued on following page)*

Any such appeal shall contain the specific reasons why the applicant believes the appeal should be granted. The Commission shall hear the facts involved and shall grant or deny the appeal at its next regular meeting. Appeals received less than seven (7) calendar days prior to the next regular meeting may be held until such meeting that the appeal may be placed on the agenda.

3. If an appeal is granted, the appellant will be invited to participate in the examination process. When granting of such appeal results in a change to a corresponding eligibility list, the list will be corrected in accordance with Rule VI, Section 10.

Section 4 – Qualifications for Veterans Preference

- A. Each person who is successful in an open examination and who has, on or before the examination date, submitted with the application a report of separation under honorable conditions or similar document showing honorable service of three (3) months or longer in one of the armed forces of the United States of America, including active duty during time of war or armed expedition, shall receive credit for Veterans Preference as provided in the Mendocino County Code, Section 3.16.120(H) of the Civil Service Ordinance.
- B. Under the provisions of the Mendocino County Code, Section 3.16.120(H) of the Civil Service Ordinance, an additional 5% of earned credits shall be given to any veteran who is currently rated by the State Department of Veterans Affairs at 10% or more of service connected disability.

End of Rule IV

RULE V - EXAMINATIONS

Section 1 – Scheduling of Examinations

- A. The Human Resources Director shall schedule competitive examinations as the needs of the service require. Examinations may be scheduled in anticipation of future vacancies.
- B. An examination may be scheduled and conducted as a promotional examination, as an open examination, or as both. Only a promotional examination need be conducted for any class whose qualifications are met by a sufficient number of County employees to provide reasonable competition among candidates and reasonable choice of candidates for appointment.

Section 2 – Types of Examinations

- A. Each examination may consist of any of the following types, or any other type which will fairly test the qualifications of candidates, in any combination. Each examination for a position for which salary reimbursement to the County is made by the State of California pursuant to the examination for a permanent Civil Defense position for which salary reimbursement to the County is made by the Federal Government shall include a written examination.
 - 1. WRITTEN examinations, to measure the knowledge, ability, judgement, aptitude, and/or alertness of candidates, insofar as such factors are related to performance of the duties of the particular class. They may be form tests, or may be different tests each time an examination is given for the class.
 - 2. ORAL examinations, to evaluate and measure the personal fitness, experience, training, knowledge, capacity, judgment, and personality of a candidate, by means of an oral interview. Individual ratings of candidates by this means shall not be available for review by candidates.
 - 3. UNASSEMBLED examinations, to evaluate and measure the extent, relevance, level, progression, and quality of experience and education of candidates; through reference to applications for employment, any license or other evidence of professional standing, and the results of any background examinations.
 - 4. BACKGROUND examinations, to investigate the employment, education, loyalty and/or personal fitness of candidates, and the presence or absence of records of arrests. This may include fingerprinting of candidates and/or reports from former employers, educational institutions, law enforcement agencies, or other suitable sources. Records of such examinations shall be confidential and shall not be available for review by candidates, but may be made available to appointing authorities and members of oral interview boards.
 - 5. PERFORMANCE examination, to determine the ability of candidates to perform sample tasks of the class, and to measure their speed and accuracy.
 - 6. PHYSICAL examinations, to determine and measure the physical agility, strength, coordination, and fitness of candidates.

7. MEDICAL examinations, to establish freedom from physical incapacity to perform the duties of the class. Such examination shall be performed under the direction of a licensed physician or other health care provider familiar with the requirements of occupational medicine. Failure to pass such examination shall be disqualifying. Records of such examinations shall be confidential and shall not be available for review by candidates, appointing authorities, or members of oral interview boards.

Section 3 – Conduct of Examinations

- A. The Human Resources Director shall designate the time, place, and type of each examination; the conditions under which it shall be conducted; and the proctor to conduct the examination.
- B. Each candidate who competes in a written examination shall be assigned an identification number which shall be used in lieu of a name or other identifying data on each answer sheet.
- C. For each oral examination, the Human Resources Director shall appoint one (1) or more oral interview boards, as needed. Such boards shall consist of persons known to be interested in the advancement of public service and in the selection of efficient personnel. At least one (1) member of each board shall be technically familiar with the work of the class.
- D. Each candidate in an examination which includes physical exertion or other activity which may result in injury or damage to the candidate or the candidate's property may be required to execute a document releasing the County from any and all liability in connection with the examination. Failure to execute such document when requested to do so shall result in disqualification of the candidate.

Section 4 – Scoring of Examinations

- A. The Human Resources Director shall determine a procedure for scoring each examination which will give due weight to each portion of the examination, and which will afford each qualified candidate with an equal opportunity to compete.
- B. The Human Resources Director shall establish for each written, oral, and unassembled examination a minimum passing grade, which shall be set forth in the examination bulletin. Failure by any candidate to attain the minimum passing grade in any portion of an examination shall eliminate the candidate from competition in any further portion of the examination. Any candidate so eliminated shall be notified promptly in writing.
- C. Each written examination shall be scored and the cut-off point established before the name of any candidate is revealed to the person scoring the examination.
- D. Each performance, physical, and medical examination shall be scored in a manner which will determine:
 1. The successful candidates, if any, with their rankings, if any, who may compete further.

2. The unsuccessful candidates, if any, who shall be eliminated from further competition and so notified promptly in writing.
- E. The Human Resources Director may accept the request of an employee to use a passing score for future written examinations when: a) the examination has not changed, and b) when the score being used is from an exam folder that is currently being maintained by the Human Resources Department.

Section 5 – Appeal and Review of Examinations

A. Review of Test Keys

1. A copy of the test key for each written examination (other than form tests) shall be made available in the Human Resources Department during the test review period, for review during business hours by candidates competing in the test. The test review period shall begin on the first business day following the giving of the test, and continue until five (5) calendar days after the date of notice of examination results.
2. During the first five (5) calendar days only of the test review period, any candidate may request in writing the correction or elimination of any item of a written examination. Such requests may be made only on the basis of typographical error, incorrect keying, or the inclusion of ambiguous or incorrect items; the request shall include specific references in the appropriate field. Each such request shall be investigated and acted upon in the manner specified in Rule V, Section 5.D.
3. Copies of the test keys for form tests shall not be made available for review by candidates.

B. Review of Answer Sheets

1. Each candidate may review the answer sheet to an exam in the Human Resources Department during business hours at any time within five (5) calendar days after the date of notice of examination results.

C. Review of Other Examination Records

1. Each candidate may review those records which were used to determine the candidate's score in any examination, unless otherwise specified by these rules. They may be reviewed in the Human Resources Department during business hours at any time within five (5) calendar days after the date of notice of examination results.

D. Appeals

1. Unless otherwise provided herein, any candidate who competes in an examination may appeal the examination results to the Human Resources Director on any of the following grounds:
 - a) Erroneous scoring of examination, defined as a computational error in calculating a candidate's final score in an examination process, or the erroneous assignment of a candidate's standing on an employment list.

- b) Unfair or improper conduct of examination, defined as a departure from the announced selection process for the position or any deviation from the Conduct of Examinations, as prescribed in Rule V, Section 3, which has adversely affected the final score and standing of any candidate or group of candidates.
 - c) Fraud, bias, or error in rating resulting from oral, unassembled, performance, physical or medical examination.
2. Any such appeal shall be made in writing and shall state the specific nature of the appeal, as prescribed in Rule V, Section 5.D.1; the item or incident to which it refers, and the reasons why the candidate believes the appeal should be granted. The appeal shall be delivered or postmarked no later than seven (7) calendar days after the date of notice of examination results to candidates by the Human Resources Director. Incomplete or late appeals will not be accepted. Receipt of an examination appeal does not delay the establishment of an eligibility list or the subsequent steps in the selection process, up to and including hiring.
 3. The Human Resources Director shall investigate each appeal and shall grant or deny the appeal and inform the appellant in writing no later than fourteen (14) calendar days after the appeal was filed.
 4. If the appeal is not granted by the Human Resources Director, the appellant may further appeal such decision by filing a written appeal to the Civil Service Commission. Such appeal must be submitted to the Commission (c/o the Human Resources Department) within seven (7) calendar days of the written notice of the Human Resources Director's denial. The appeal must cite the specific basis for the appeal, as prescribed in Rule V, Section 5.D.1. The Commission shall hear the facts involved and shall grant or deny the appeal at its next regular meeting. When appropriate, the Commission may also receive or request a recommendation from the author of the examination. Appeals received less than seven (7) calendar days prior to the next regular meeting may be held until such meeting that the appeal may be placed on the agenda.
 5. If an appeal is granted, all records resulting from the examination shall show each candidate as having the same standing that the candidate would have if the appeal had been granted at the time the examination was scored. When granting of such appeal results in a change to a corresponding eligibility list, the list will be corrected in accordance with Rule VI, Section 10.

Section 6 – Copying of Examination Records

- A. No candidate may copy any portion of any examination records or materials made available for review without authorization from the Human Resources Director. Unauthorized copying may result in removal from the employment lists, dismissal from Mendocino County employment, and/or from future employment.

Section 7 – Retention of Examination Records

- A. Applications of candidates shall be retained for the duration of the employment lists, and shall be made available for inspection by appointing authorities to whom the candidates are certified. Applications of those candidates appointed shall be filed with the reports of their appointment. Applications for those candidates not appointed may be destroyed after three (3) years from the date of exam.
- B. Answer sheets, test keys, and other examination records shall be retained for the duration of the employment list, and thereafter for a period of time to be determined by the Human Resources Director.
- C. All examination records and related papers are the property of the Civil Service Commission. They shall be confidential records which may be inspected or copied only under such conditions as may be specified by the Civil Service Commission, the Human Resources Director, or competent judicial authority.

End of Rule V

RULE VI - EMPLOYMENT LISTS

Section 1 – Employment Register

- A. An employment register shall be established for each class. The register shall contain the names of all persons eligible for employment in permanent, full-time positions. It shall be composed of all names appearing on lists provided for in these rules, and of all persons requesting transfer.

Section 2 – Order of Priority Lists

- A. Certification will be made from the Employment Register in the following order of priority:
1. Layoff Reemployment Lists (refer to Section 3 below).
 2. Reemployment Lists (refer to Section 5 below).
 3. Promotional Employment Lists (refer to Section 6 below).
 4. Open Employment Lists (refer to Section 7 below).
 5. Reemployment Lists (refer to Section 8 below).

Section 3 – Layoff Reemployment Lists

- A. An employee who is laid-off from a position in which permanent status in the classified service is held shall be placed on a Layoff Reemployment List for the laid-off classification. Position on this list shall be determined by the employee's length of service in the classification, as computed pursuant to Rule XI, Section 6.A.4. Status on this list shall expire one (1) year after the date of layoff. An employee who is reemployed under this Rule shall be returned to work in the classification of layoff with continuous service, except for the period of layoff which shall be shown as "without pay status," and shall not count towards those benefits that are based on time within the classified service.
- B. An employee who is laid-off from a position in the classified service in which probationary status is held shall be placed on the Layoff Reemployment List for the laid-off classification as computed pursuant to Rule XI, Section 3.D. Status on this list shall expire one (1) year after the date of layoff. An employee who is reemployed under this Rule shall be returned to work in the classification of layoff with continuous service, except for the period of layoff which shall be shown as "without pay status," and shall not count towards those benefits that are based on time within the classified service. An employee reinstated shall serve a new probationary period if reinstated to any position other than that in which the layoff occurred.
- C. A former employee wishing to return to County service under the provisions of Rule XII, Section 2.B.2, shall be added to the Layoff Reemployment List. However, in no case will such former employee be added to this list by operation of Rule VI, Section 3.A. Otherwise, the position of former employees being added to this list by operation of this subsection shall be determined by seniority computed pursuant to Rule XI, Section 6.

- D. Status on this list shall expire one (1) year after the former employee's name is placed on this list, unless the list is extended by the Civil Service Commission in accordance with these rules. An employee who is re-employed under this subsection shall be returned to work in the classification from which separated with continuous service, except for the period of disability retirement.

Section 4 – Probationary Layoff Reemployment Lists

- A. A probationary employee who is laid-off shall, in addition to being placed on the Probationary Layoff Reemployment List for the class of layoff, be placed on the Layoff Reemployment List for any class in which permanent status was held immediately prior to appointment to the probationary position from which laid-off. In such cases, the employee's length of service in the former classification will determine position on the Layoff Reemployment List. Status on such list will expire six (6) months after the date of lay-off from the probationary position.

Section 5 – Reemployment Lists

- A. An employee who resigns from a position in which permanent status in the classified service has been held, or who wishes to return to County service under the provisions of Rule XII, Section 2.B.3, may be placed on a Reemployment List after so requesting in writing to the Human Resources Director, within one (1) year after the date of separation. Prior to approval, each such request shall be referred to the proper appointing authority for recommendation. Employees returning to work under the provisions of Rule XII, Section 2.B.3 shall be returned to work in the classification from which separated with continuous service except for the period of disability retirement.
- B. An employee who resigns in good standing during the probationary period may request in writing to be replaced on the employment list from which they were hired. Prior to approval each such request shall be referred to the proper appointing authority for a statement whether or not it is desired to re-employ the person.

Section 6 – Promotional Employment Lists

- A. The names of employees who have six (6) months of continuous full-time County service, or its equivalent in permanent part-time County service, as computed in Rule XI, Section 6.A.4, and are successful competitors in an examination may request, in writing, to be placed on Promotional Employment Lists in order of their final examination scores, as determined in the manner provided herein for Open Employment Lists.
- B. Upon request of the appointing authority and approval by the Human Resources Director, the Promotional Employment List may also include the name of County employees whose names appear on the Open Employment List for a class in which a vacancy exists in the department in which they are employed.

Section 7 – Open Employment Lists

A. The names of competitors successful in open examinations shall be placed on Open Employment Lists in the order of their final examination scores, beginning with the highest score, as determined in the following manner:

1. For each candidate who attains the announced minimum passing grade on each portion of the examination, the grades on all portions shall be combined in accordance with the announced weights.
2. For each candidate who qualified for Veterans Preference 5% of the passing score earned shall be added to the combined grade, with an additional 5% of the passing score for service connected disability.
3. A candidate having permanent status in the classified service shall receive promotional points added to their passing score. The promotional points shall be based on percentage of passing score:

1 - 3 years	4%
4 - 6 years	5%
7 - 10 years	6%
11 - 15 years	7%
16 + years	8%

An employee having less than one (1) year of completed service will not receive any promotional points.

4. The final examination score for each candidate shall be a whole number of points, not to exceed one hundred (100) points. For this purpose, each score which is greater than a whole number by .445 or more shall be counted as the next greater whole number. Each score which is greater than a whole number by less than .445 shall be counted as the nearest whole number.
 5. A candidate whose name appears on a layoff reemployment list may, when testing for another classification, request certification in accordance with Rule VII, Section 2, if the applicants raw test score is 80% or more.
- B. If two (2) or more candidates attain the same final score in the same examination, their names shall be placed in the same standing on the employment list.
- C. A successful candidate may, in writing, request placement on an Open Employment List for a closely related class which requires the same or lesser qualifications as the class for which the candidate's name already appears on the employment list.

Section 8 – Reemployment Lists

A. When the name of a qualified candidate has been removed from the Employment Register in accordance with Rule VI, Section 11, and the candidate informs the Human Resources Director in writing that the candidate is available and willing to accept employment, the candidate's name may be placed on a Reemployment List. A list so prepared shall expire on the same date as the Employment List from which the name of the candidate was removed.

Section 9 – Approval of Lists

- A. Each list shall be approved and signed by the Human Resources Director.
- B. The Civil Service Commission may suspend or cancel the approval of any list, should it discover error or irregularity.

Section 10 – Correction of Lists

- A. When it becomes evident that an omission or other error has occurred in the preparation of a list, a corrected list shall be prepared and approved, and the erroneous list shall be canceled.
- B. The cancellation of an erroneous list shall not invalidate any appointment made there from, if the name of the person appointed appears on the corrected list. Should such person's name not appear on the corrected list, the candidate shall be treated as a provisional employee.

Section 11 – Removal of Names from Employment Register

- A. The name of a candidate shall be removed from the Employment Register by the Human Resources Director, for any of the following reasons: A person so removed shall be notified in writing.
 - 1. For any of the reasons for disqualification set forth in Rule IV, Section 3.
 - 2. On evidence that the candidate cannot be located by mail at the last known address.
 - 3. Upon failure of the candidate to respond to certification or to proper correspondence from the Human Resources Department.
 - 4. Upon receipt of a written request from the candidate to be removed from an employment list.
 - 5. Upon receipt of three (3) unconditional waivers of particular certifications for the same class.
 - 6. Upon appointment or failure to accept appointment in the same class or in a related class at the same or higher salary.
 - 7. Upon separation from County service for any reason other than layoff, an individual shall not be considered for promotional certification but shall retain standing on any open list.

Section 12 – Expiration of Lists

- A. Status on the Layoff Reemployment List shall expire one (1) year after placement on that list. Any individual whose status is expiring may request that the Human Resources Director grant an additional year, or less, on this list. In no case shall a name be carried for more than two (2) years on this list.

- B. Each Open Employment List shall expire six (6) months after its approval.
- C. The Human Resources Director may extend or reinstate a list for any period of time, except that no list shall be in force longer than two (2) years after its initial approval.

End of Rule VI

RULE VII - CERTIFICATIONS AND WAIVERS

Section 1 – Request for Certification

- A. Whenever an appointing authority wishes to fill a vacant permanent full-time position, other than through intra-departmental transfer or demotion, notification shall be given to the Human Resources Director as far in advance as possible. The request shall specify the type of certification, Departmental Promotional, County Promotional, or Open. In the event that there are employees on the Layoff Reemployment List for the classification being requested, the Human Resources Director shall certify the highest ranking individual, based on seniority, from the Layoff Reemployment List.
- B. Such notification shall be treated by the Human Resources Director as a request for certification, until such time as it may be withdrawn by the appointing authority. The employment of a provisional employee in a permanent full-time position shall constitute a request for certification until such employment is terminated.

Section 2 – Certification of Candidates

- A. Upon receipt of a request for certification, the Human Resources Director shall, as soon as practicable, certify to the appointing authority a list of the names and addresses of the candidates having the highest scores on the Employment Register for the class. The number of candidates shall be governed by whether the appropriate list is the Layoff Reemployment List (Rule of 1), or the Open/Promotional List. The Human Resources Director shall also furnish the appointing authority with the application and other pertinent examination records of each candidate.
- B. For each open/promotional certification, the Human Resources Director shall, unless otherwise provided by these rules, certify no less than three (3) and no more than ten (10) of the top-ranked candidates from the associated eligibility list, as requested by the appointing authority at the time the request is submitted.
- C. Whenever the number of available eligible candidates is not sufficient to permit certification of such number of candidates as requested by the appointing authority, the names of all eligible candidates shall be certified.
- D. All candidates having the same score shall be certified in accordance with the requirements of Rule VII, Section 2.B.
- E. Whenever the number of available eligible candidates is not sufficient to permit certification of such number of candidates, the Human Resources Director may, upon request by the appointing authority, include the names of candidates appearing on the Employment Register for closely related classes which require the same or greater qualification.
- F. Any candidate who waives a certification or who does not respond to a certification shall be deemed not available. Whenever all candidates with the same standing are not available, all candidates with the next highest uncertified standing shall be certified if a supplementary certification is desired by the appointing authority.

G. The Human Resources Director shall provide to each certified candidate a written notification which shall include:

1. The fact of certification.
2. The class title.
3. The name and address of the appointing authority.
4. The place of work.
5. The starting rate of pay.
6. A statement that the candidate is to contact the appointing authority within five (5) calendar days after the date appearing on the notification to schedule an interview.
7. A form upon which the candidate may enter a waiver of certification.
8. A statement that failure either to report or to waive may result in removal from all Employment Lists for the class being certified.

Section 3 – Special Certifications

A. Whenever a vacant position requires an employee of a particular sex; with residence in a certain locality; willing and able to work certain unusual hours or at a certain location; or with other appropriate special qualifications, the Human Resources Director may, upon request by the appointing authority, certify only those candidates who meet the conditions requested.

Section 4 – Promotional Certifications

A. When the incumbent of an alternate position qualifies for promotion to a different alternate class to which the position is allocated, the incumbent may be certified for promotion, at the request of the appointing authority, without regard to standing on the Employment Register.

B. When one (1) or more County employees qualify for promotion within the same department in which they are employed, a certification which includes their names may be limited to such employees, at the request of the appointing authority.

Section 5 – Waivers of Certifications

A. An eligible candidate may enter a waiver of any of the following types, by so notifying the Human Resources Director in writing.

1. Unconditional Waiver
 - a) A candidate may waive consideration for one (1) or more specific certifications to a maximum of three (3) certifications for the same class.
 - b) A candidate may waive consideration for any and all certifications for a specified or unspecified period of time.

2. Conditional Waiver

- a) A candidate may waive consideration for any and all certifications to positions which do not afford employment under specified conditions which the candidate is willing to accept.

Section 6 – Report of Certification

- A. Upon appointment of a candidate from a certification, or upon exhaustion of a certification without appointment, and in no event later than one (1) month after the date appearing on the certification, the appointing authority shall promptly return a copy of the certification to the Human Resources Director indicating thereon the action taken with regard to each candidate certified. The Human Resources Director shall inform the candidates, other than the appointee, that they have not been selected but may be considered for any future openings.

End of Rule VII

RULE VIII - APPOINTMENTS

Section 1 – Appointments After Certification

- A. Upon receipt of a certification of eligible candidates, the appointing authority shall discuss employment with each such candidate who is reasonably available.
- B. The appointing authority shall be provided with the applications of each candidate certified, and with such additional examination records, other than confidential records, relating to the certification. The appointing authority may proceed with any investigation of certified candidates deemed necessary.
- C. Upon determination of selection, the appointing authority shall so notify each candidate selected, then shall arrange with the Human Resources Director for the candidate to undergo any medical examination or any other type of lawful examination that may be required by specific occupational series.

Section 2 – Provisional Appointments

- A. Whenever it is necessary to fill a vacancy in a position in a class for which fewer than three (3) candidates are eligible for certification and available for employment, the appointing authority may, with the approval of the Civil Service Commission, appoint to the position any person who has filed an application and who meets the minimum qualifications for the class.
- B. A provisional appointment shall be terminated at the end of six (6) months or within one (1) month after the date of certification to the appointing authority of a minimum of three (3) candidates who are available for employment, whichever occurs first.
- C. The Civil Service Commission shall make every reasonable effort to so schedule examinations so that provisional appointments do not exceed six (6) months.
- D. A provisional employee is subject to dismissal at the pleasure of the appointing authority.

Section 3 – Temporary Appointments

- A. In emergency situations when appointments are found necessary to prevent stoppage of public business, loss of life, or damage to persons or property, the appointing authority may appoint any qualified person to a vacant position without reference to employment lists. The appointing authority shall immediately notify the Human Resources Director of such action by submitting a standard report of appointment. No person so appointed shall be employed longer than fifteen (15) calendar days.
- B. An appointment to a temporary position, as defined in Rule I, shall be considered to be a temporary appointment.

- C. An employee while on leave without pay may request and, with approval of the appropriate department head, be transferred or demoted to a permanent or temporary position in a closely related class in the same or a lower salary range for a period not to exceed six (6) months. Such transfer or demotion shall be considered to be a temporary appointment, and shall not act to terminate the employee's status in the original position.
- D. Vacation, sick leave, and reemployment privileges shall not accrue through service in a temporary status, unless such service is followed immediately by service in a permanent or probationary status.

Section 4 – Referrals for Appointments

- A. Whenever a provisional, temporary, or part-time appointment is planned, the Human Resources Director shall, upon request from the appointing authority, provide the names and other available data of those persons who appear to meet the qualifications for the class and who have made known their interest in such employment, whether or not qualified by examination.

Section 5 – Reports of Appointments

- A. All appointments to employment with the County of Mendocino shall be promptly reported by the appointing authority to the Human Resources Director on standard forms prescribed by the Human Resources Director.

End of Rule VIII

RULE IX - PROBATIONARY PERIOD

Section 1 – Purpose of Probationary Period

- A. The probationary period shall be the final phase of the examination process. It shall be used by the appointing authority for the effective adjustment of new employees, and for the elimination of any probationary employee whose performance does not meet the required standard of work.

Section 2 – Duration and Status of Probationary Period

- A. Each appointment, promotion, demotion, or transfer to a permanent position shall be subject to a probationary period of not less than six (6) months of work, except as otherwise provided in these rules.
- B. The Civil Service Commission may extend the probationary period for any position to a period not to exceed one (1) year.
- C. The probationary period shall date from the time of appointment to a permanent position, but shall not include time served as a provisional employee, except as provided in this Section.
- D. In the event that a provisional employee is certified from an employment list promulgated next after the original application for employment in that class, the probationary period shall include the time served as a provisional employee. Wherever an employee may have failed to qualify by an examination from which was promulgated the employment list next the original application, the probationary period shall not include the time served as a provisional employee.
- E. An employee who is laid-off during the probationary period shall, if re-employed in the same position, be required to complete only the balance of the probationary period.
- F. Those classifications that exercise the powers of a peace officer, in either a full or limited capacity, as defined in Sections 830 - 832.17 of the California Penal Code, shall serve a probationary period of one (1) year.
- G. An employee who is rejected during the probationary period shall be reinstated to the eligible list from which the appointment was made providing the list is still in existence.

Section 3 – Expiration of Probationary Period

- A. The Human Resources Director shall, in writing, notify the appointing authority of the date on which each employee's probationary period will expire. *(Continued on following page)*

When an appointing authority finds it necessary to extend an employee's probationary period, and the employee's probation would have expired prior to a regularly scheduled Civil Service Commission meeting, an appointing authority and an employee may agree to extend probation until the next scheduled Civil Service Commission meeting. The agreement to extend must be in writing and signed by both parties. The original agreement shall be sent to the Civil Service Commission, to be calendared for the next meeting. Copies of the agreement shall be sent to the Union and the Human Resources Department for placement in the employee's personnel file.

- B. The appointing authority shall, in writing, reply to such notification not less than two (2) weeks prior to the date of expiration, and shall inform the employee of the nature of the reply. The reply shall specify on request one (1) of the following actions:
1. The employee shall assume permanent status.
 2. The probationary period should be extended for a specified period.
 3. The employee will be separated or demoted.
- C. The permanent status of a probationary employee shall begin on the day following the end of the probationary period, provided the Human Resources Director has received from the appointing authority a statement in writing that the services of the employee is recommended for permanent appointment.

Section 4 – When Probationary Period is Not Required

- A. An employee shall not be required to serve a probationary period when:
1. Restored to a position in which previous permanent status was held, following dismissal as a probationary or exempt employee.
 2. Displacing a junior employee in the manner prescribed by these rules in case of a layoff.
 3. Reemployed in a position in which permanent status was held immediately prior to the layoff or the abolition of the position.
 4. Returning to work in a position in which permanent status was held immediately prior to the suspension or leave of absence.
 5. Demoted voluntarily, in accordance with these rules, from a position in which permanent status was held; or to a position where previous permanent status was held without an intervening break in continuous employment with the County of Mendocino.
 6. Reclassified in accordance with these rules and the incumbent found to be performing at a satisfactory level as a result of the required desk audit.

Section 5 – Assumption of Function from Other Employer

- A. In the event that a new position is created to perform duties of a function which is assumed by the County from another employer, the Civil Service Commission may, by majority vote, provide that the total time of consecutive employment in comparable positions of an employee who is employed consecutively by the other employer and by the County be added together to determine the probationary or permanent status of the employee.

End of Rule IX

RULE X - REASSIGNMENTS

Section 1 – Transfers

- A. An employee may be transferred to a position in the same class and within the same department at the discretion of the department head.
- B. An employee may, in writing, request transfer to a position in the same class in a different department, to the Human Resources Director. If selected, the employee may be transferred two (2) weeks after notice is given to the employee's present department head. With concurrence of the employee, both department heads, and the Human Resources Director, an employee may be transferred at any time.
- C. An employee having permanent or probationary status may request placement on the employment register as a transfer for an appropriate class. The name of all employees requesting transfer shall be distinguished from other names appearing on the employment list. Placement as a transfer shall be retained on the employment list until removal is requested in writing by the employee.
- D. A permanent or probationary employee may, in writing, request transfer to a position in a closely related class with the same salary allocation when possessing the required minimum qualifications, or in which previous permanent or probationary status was held. The Human Resources Director may approve an employment list containing the names of such employees. Such employment list shall follow on the employment register any employment list of the same category which may be in force for the same class.
- E. Whenever a certification is requested from an employment register upon which there appear the names of one (1) or more employees requesting transfer, the Human Resources Director shall include with such certification the names of all employees requesting transfer in the class. The employees' names shall be in addition to the names of other candidates included in the same or subsequent certifications in the class, and shall not be construed as part of any certification. In the event that an appointment is made from among those employees requesting transfer, the Human Resources Director shall enter "Certification Canceled" upon all records pertaining to such certification.
- F. An employee who is transferred shall serve the probationary period prescribed by Rule IX. However, the Civil Service Commission may earlier, upon the request of the appointing authority of the department to which an employee is transferred, authorize permanent status of an employee who has permanent status immediately prior to transfer, or of an employee who has served at least six (6) consecutive months in probationary status.
- G. A transferred employee separated by dismissal during the probationary period shall be placed on the reemployment list for any class in which permanent status was held immediately prior to transfer.

Section 2 – Demotions

A. Voluntary Demotions

1. Any employee may be demoted voluntarily to a position in a closely related class with a lower salary allocation when possessing the required minimum qualifications, or in which previous permanent or probationary status was held. The demotion requires the written request or concurrence of the employee to be demoted and the approval of each appointing authority concerned.

B. Involuntary Demotions

1. A permanent employee may be demoted without written request or concurrence, for any of the reasons and by the procedures provided by these rules for dismissal.
2. A probationary employee may be demoted, without written request or concurrence, to a closely related class when the required minimum qualifications are met, upon written request by the appointing authority and approval by the Human Resources Director.
3. Upon demotion, an employee shall assume the same status as a permanent employee or as a probationary employee which was held prior to demotion. A probationary employee who is demoted shall be required to complete only the balance of the probationary period.

Section 3 – Promotions

- A. Vacant positions in the classified service shall be filled by promotion, whenever the qualifications are met by a sufficient number of County employees to provide reasonable competition among candidates and reasonable choice of candidates for appointment.

End of Rule X

RULE XI - SEPARATIONS AND SUSPENSIONS

Section 1 – Separations

- A. An appointing authority may separate any employee in accordance with these rules. All separations shall be promptly reported to the Human Resources Director on standard forms.

Section 2 – Resignations

A. Resignation in Good Standing

- 1. In order to resign in good standing, an employee shall give written notice of resignation to the appointing authority not less than two (2) weeks prior thereto, unless the appointing authority consents to shorter notice.

B. Job Abandonment

- 1. An employee who is absent from duty for three (3) consecutive working days without obtaining approval from the department head may, with the concurrence of the Human Resources Director, be separated as having abandoned the job.

Section 3 – Dismissals

A. Dismissal of a Permanent Employee

- 1. To initiate disciplinary action against a permanent Civil Service employee, the appointing authority must submit to the employee a written notice of intent to take disciplinary action and file a copy with the Human Resources Director. The notice must state specifically the reason(s) for the action, with accompanying documentation and explanation of the employee's Skelly rights of appeal. Should the disciplinary action be imposed, the employee will be notified by a written Order of Discipline, including notification of their right to appeal the action.

B. Cause for Dismissal of a Permanent Employee

- 1. Any employee who has attained permanent status may be disciplined, up to and including dismissal, for reasonable cause, including but not limited to:
 - a) Unauthorized absence.
 - b) Conviction of a felony or of any criminal act involving moral turpitude which has a nexus to employment.
 - c) Conduct which brings discredit to the County.
 - d) Disorderly conduct.
 - e) Incapacity due to mental or physical disability to the extent permitted by law.
 - f) Willful concealment or misrepresentation of material facts in applying for or securing employment.
 - g) Incompetence or inefficiency.

- h) Willful disregard of a lawful order from a duly constituted authority (insubordination).
- i) Willful disregard of a departmental policy and/or laws regarding the confidentiality of records.
- j) Using, being in possession of, or being under the influence of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents while on County property, in a vehicle during working hours, or reporting to work under such conditions; or abuse of alcohol or drugs while in County uniform. Possession and proper use of drugs prescribed by a licensed physician and appropriate possession of unopened alcoholic beverages are not prohibited by this Section.
- k) Neglect of duty.
- l) Negligence or willful damage to public property or waste or theft of public supplies or equipment.
- m) Willful violation of the Civil Service Ordinance (Chapter 3.16 of the Mendocino County Code) or of these rules.
- n) Failure to meet reasonable work performance standards and requirements.
- o) Refusal to comply with a proper directive to undergo a medical examination as issued by an appointing authority.
- p) Hostile or discourteous treatment of the public or other employees.
- q) Falsification of any records, such as medical forms, time cards, or employment applications.
- r) Making material dishonest work-related statements to other employees at work or committing perjury.
- s) Unauthorized use of County vehicles and equipment.
- t) Conviction of driving under the influence, reckless driving, or hit-and-run driving, whether on or off the job, in a County vehicle.
- u) Unauthorized possession of weapons or explosives on County premises.
- v) Willful carelessness or violation of safety rules and regulations which jeopardize the safety of others and/or which could result in bodily injury to others or damage to County property.
- w) Sexual harassment of, or unlawful discrimination against, another employee, an applicant for employment, or the public.

C. Dismissal or Layoff of Probationary Employee

1. A probationary employee may be dismissed or laid-off at any time during the probationary period. Such dismissal or layoff shall be without right of appeal or hearing.
2. If it is alleged that said dismissal occurred because of discrimination, as prohibited in the Mendocino County Code (Section 3.16.180 of the Civil Service Ordinance), County Policy 10 – Equal Employment Opportunity, and state and federal law, the dismissed employee may file a complaint with the Human Resources Director, or with outside administrative agencies such as Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC).
3. An employee so dismissed or laid-off during the probationary period shall be restored to any position in another class in which permanent or probationary status was held immediately prior to the probationary period in which the layoff or dismissal occurred. *(Continued on following page)*

Should the position be occupied by another employee, the other employee shall be treated as provided by these rules in cases of layoff. Service in the probationary status from which dismissed or laid-off shall be counted as service in the class to which the employee is restored.

4. An employee so dismissed or laid-off shall be reinstated to the eligible list from which the appointment was made providing said list is still in existence.

D. Dismissal of Exempt Employee

1. An exempt employee may be dismissed or rejected at any time without right of appeal or hearing, except as may otherwise be provided by law or ordinance.
2. An employee so dismissed shall be restored to any position in which permanent status was held and from which reassignment to the exempt position occurred within six (6) months prior to the dismissal. Should the position be occupied by another employee, the other employee shall be treated as provided by these rules in cases of layoff.

Section 4 – Suspensions

- A. Any employee may be suspended without pay for any of the reasons provided in these rules for dismissal. No such suspension shall exceed thirty (30) consecutive working days and must be in accord with the procedure set forth in Rule XI, Section 5.

Section 5 – Procedures for Dismissal, Suspension, or Involuntary Demotions

- A. Attention is directed to the Mendocino County Code, Civil Service Ordinance, Sections 3.16.130 Dismissal, Suspension or Reduction, and 3.16.140 Appeals and 3.16.70 Hearing of the Civil Service Ordinance, for the procedures to be followed in case of dismissal, suspension, or involuntary demotion of a permanent employee, and for the procedures for appeal therefrom.

B. Subpoenas

1. In accordance with Mendocino County Code Section 3.16.150, the Commission shall have the power of subpoena. The appellant or the appointing authority may request subpoenas from the Commission Chair (or Vice-Chair in the Chair's absence), who may issue subpoenas on behalf of the Commission, subject to the following: (1) a written request for subpoena is submitted to the Civil Service Commission Secretary for transmittal to the Chair or Vice-Chair; (2) the request for the subpoena(s) shows that the parties to the appeal have been notified of the request, for subpoena, by email, fax or overnight delivery not less than four (4) business days before the request is submitted to the Commission; and (3) no written objection to the issuance of the subpoena is submitted to the Commission Secretary by email, fax or overnight delivery within four (4) business days after having been notified of the subpoena request. In the case of objections, the Commission shall conduct a hearing to consider the objections and decide whether the subpoenas will be issued.

2. Any person served with a subpoena may object to the subpoena in writing prior to the hearing or may appear and object to the subpoena at the hearing. At the hearing, the Commission shall consider and decide whether the subpoena will be enforced before hearing the evidence offered by the parties.
3. The Commission may continue the hearing to a later date if it overrules objections to a subpoena and additional time is required to serve the subpoena, or to produce evidence sought by the subpoena.

C. Prehearing Conference

1. Each party appearing in any appeal shall attend prehearing conferences with their respective counsel, if any, and shall have a thorough knowledge of the action and resulting appeal; be prepared to discuss it to make stipulations or admissions where appropriate; and attempt to resolve the appeal if possible.
2. The parties, or their respective representatives, are encouraged to confer in person or by correspondence before the date assigned for the prehearing conference to reach agreement upon as many matters as possible.
3. Each party shall make reasonable efforts to complete discovery proceedings before the conference.
4. At the conference, each party shall identify to the other and to the Secretary of the Commission the documents which they will seek to introduce at the time of the hearing, as well as a tentative witness list.
5. At the time of the conference, the parties will try to simplify the actual and legal issues involved in the appeal. The parties shall also use their best efforts to stipulate to admissions of fact and of documents as will avoid unnecessary proof. At the time of the conference, the parties shall also be prepared to give their best estimation of the time necessary for the hearing of the appeal.
6. The failure of any person to prepare reasonably for, appear at, or participate in good faith, in a prehearing conference as required by these rules, unless good cause is shown for that failure, is in interference with the proceedings of the Commission. Upon such failure, the Commission may order an appropriate change in the calendar status of the action.

Section 6 – Layoffs

- A. Employees shall be subject to layoff whenever their positions are abolished, or whenever necessary because of lack of work or lack of funds.

1. Order of Layoffs

- a) Whenever it is necessary to layoff one (1) or more employees in a department in which there is more than one (1) employee in the class in which the layoff is necessary, employees shall be laid-off in the following order:
 - i. Temporary, provisional, and extra-help employees.
 - ii. Probationary employees.

- iii. Permanent part-time employees, permanent full-time employees, and permanent part-time employees who are part-time because of the operation of Subsection E of this Section.
- b) Within the categories set forth in paragraph 1.a, above, no employee shall be laid-off until those employees in the same class, or in classes in the same occupational series in the same department with less total County service, have been laid-off. If an employee has terminated from County employment, periods of service prior to such termination shall not be counted towards determining total service.
- c) If the calculation of service between two (2) or more employees produces a tie in the length of service, the order of layoff shall be determined as follows:
 - i. The employee with the least amount of total service in the department will be laid-off or displaced first.)
 - ii. If a tie still exists, the employee with the least amount of total service in the county will be laid-off or displaced.
 - iii. If a tie still exists, the involved employees shall compete in an examination to be conducted in the same manner as would be used to fill the position if it were vacant, except that if a written exam is used there shall be no oral exam unless it is necessary to break a tie on the written exam.

2. Displacement

- a) If an employee who is laid-off has greater total service in the County than another employee in an occupational series, or class previously held with the same or lower salary allocation the employee with the least total service shall be displaced by the senior employee and shall be laid-off.
- b) An employee who is displaced because of layoff may in the same manner displace an employee who has less seniority in accordance with these rules.
- c) Should an employee have the right to displace in more than one (1) class, displacement shall occur first in the class with the highest salary allocation.
- d) After all displacement procedures have been utilized within the department, an employee shall be placed on the Layoff Reemployment list in accordance with these rules.

3. Restoration

- a) Each person who has been laid-off or displaced from a position in which permanent status was held shall, in writing, be offered restoration to the next position in the same classification to be filled in the County. Should a position in the same classification in the same department become available, or should the necessity for layoff or displacement cease to exist within one (1) year after the date of layoff or displacement, an employee shall have the right to be restored to the position within the department of layoff. A candidate for restoration must be available to begin work within three (3) weeks after receipt of the offer, or within any longer period set forth in the offer.
(Continued on following page)

Should the offer not be accepted, the rights to restoration for this position shall be forfeited. An individual shall have the right to waive the offer of restoration twice. Upon the waiver of a third offer, the name of the individual shall be removed from the Restoration List.

- b) Whenever more than one (1) person has been laid-off and/or displaced in the same class in the same department, the order of restoration shall be in the reverse order of layoff.
- c) Whenever a person is unavailable for restoration, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position may be filled as otherwise provided by these rules for appointment to a vacant position.
- d) A person who is unavailable for restoration may, within two (2) weeks after being declared unavailable, request in writing to the Civil Service Commission that consideration be given for further offer of restoration, should such occur within one (1) year after layoff or displacement. The request shall contain a full explanation of the reason for unavailability. At the next meeting of the Commission, the Commission shall either grant or deny further offer to restoration. The Commission may specify conditions under which further offer to restoration may be granted.

4. Calculating Service

- a) Service means employment by the County, whether with or without pay status. The length of service shall be calculated by counting calendar days except for:
 - i. Permanent part-time employees, whose service shall be counted in calendar days in proportion to the fixed percentage of full-time work to which the position is budgeted and allocated.
 - ii. Extra-help, whose service shall be counted in actual hours worked.
- b) Calculation of length of service in a particular status or classification shall be counted from the first working day of that employee.
- c) Length of service shall be calculated in order to ascertain the following:
 - i. Service in a class.
 - ii. Service in a department.
 - iii. Service in a class in a department.
 - iv. Service in a status.
 - v. Service with the County.
 - vi. Service for reasons of displacement (under Rule XI Section 6.A.2).
 - vii. Such other purpose as may be required by these rules.

- d) If an employee has terminated from County employment, periods of service prior to the termination shall not be counted towards calculating length of service; however, interruptions of service in a class as a result of layoff, promotion, demotion, probationary status, temporary or provisional assignment in another class, or retirement for service connected or non-service connected disability for which the retirement allowance is subsequently canceled by the Retirement Board, shall not constitute a break in service in calculating length of service.

5. Reduction in Hours

- a) Whenever a layoff due to financial restraints should otherwise be necessary in a department, any regular full-time or part-time employee may, with the approval of the department head, voluntarily consent to a reduction in hours in place of such layoff. Under such circumstances the following shall apply:
 - i. For the purposes of layoff and displacement, a full-time employee shall retain length of service in the classification just as if employment had continued on a full-time basis.
 - ii. A regular part-time employee shall have length of service calculated at the same fixed percentage of full-time work as actually worked prior to the reduction in hours.
- b) Such schedule of reduced hours shall be for a minimum period of time set by the department head. Should it be determined that department operations so require, an employee may be recalled to former status, even should the action result in layoffs. The employee may not unilaterally return to former status in the former position until the end of the minimum period.
- c) At the conclusion of the minimum period, the employee and the department head shall either agree to extend the period, or the employee voluntarily working reduced hours shall be restored to former regular full-time or part-time employment. The employee must be available to resume restored hours within two (2) weeks of a written notice of restoration or shall be declared unavailable and shall be terminated.
- d) If, while assigned to a schedule of reduced hours, an employee is requested to work additional hours for temporary periods, such time worked will not be seen as full or partial restoration to former regular employment.

End of Rule XI

RULE XII - LEAVE OF ABSENCE

Section 1 – Leave Without Pay

A. General Provisions

1. Department Heads may grant leaves without pay not to exceed five (5) working days to employees of their department.
2. Department Heads may grant leaves without pay for periods in excess of five (5) working days, and not to exceed three (3) months, to employees of their department at employee's request, due to illness, disability, pregnancy, or for other reasons when approved by the Human Resources Director.
3. Requests for leaves without pay for periods in excess of three (3) months shall be submitted to the Civil Service Commission for approval or disapproval.
4. Requests for leaves without pay for periods in excess of one (1) year for reasons other than military service shall be further submitted, together with recommendations by the Health Officer in cases involving illness or disability, to the Board of Supervisors for approval or disapproval.

B. Leave without Pay for Job-Incurred Disability

1. Requests for leaves without pay for disabilities which are determined to be work-incurred as the result of Mendocino County employment shall be approved by department heads for the period following expiration of paid sick leave and vacation until discontinuation of disability compensation payments. Requests for such leaves in excess of one (1) year shall be further submitted with a recommendation by the Health Officer to the Board of Supervisors for approval or disapproval.

C. Leave without Pay for Military Service

1. Requests for leaves without pay for military service shall be approved by Department Heads and the Civil Service Commission in accordance with applicable law.

D. Accruals During Leave without Pay

1. No employee who is granted a leave without pay, who is absent without leave, or who is suspended without pay shall accrue any paid vacation or sick leave during any period of such leave, absence, or suspension.

E. Family Medical Leave

1. An employee may request Family Medical Leave (up to twelve [12] weeks of unpaid leave per year) for:
 - a) Birth or adoption of a child, or receiving a child for foster care.

- b) The employee's own serious health condition that makes it impossible to perform essential job functions.
 - c) The caring of the employee's child, spouse or parent with a serious health condition.
2. Family Medical Leave shall be granted to requesting, qualified employees in accordance with County policy, State and Federal laws.
 3. During Family Medical Leave the County shall continue to pay the County share for health insurance premiums and the employee shall be responsible for the continued payment of their share.
 4. Should an employee use the full twelve (12) weeks of continuous Family Medical Leave and need additional leave without pay, the employee must request additional leave from the Civil Service Commission as the ninety (90) days allowable under Rule XII, Section 1.A have been utilized; except leave without pay beyond Family Medical Leave protected under State or Federal law and not subject to Commission approval, shall be submitted to the Human Resources Director for review and appropriate action.

Section 2 – Leave With Pay

A. General Provisions

1. Attention is directed to the Mendocino County Code, Chapter 3.04, Personnel and Salary Ordinance, or applicable MOU, for details concerning the accrual, accumulation, and use of leave with pay.

B. Returning to Work After Illness or Disability

1. When an employee is absent due to illness or disability, the appointing authority may require that the employee pass a medical examination prior to return to work. Failure to pass such examination shall result, after expiration of the employee's accumulated sick leave, in further leave with pay; leave without pay; and/or separation of the employee, as may be authorized in accordance with these rules.
2. An employee who has been separated due to a service-connected injury and has been granted a service-connected disability retirement shall, if the Retirement Board thereafter determines that such person is no longer so incapacitated and cancels the retirement allowance, and if the affected former employee so requests, in writing, be placed on the Reemployment List for reemployment in previously held classification, in accordance with the rules that apply to this list. The Human Resources Director shall inform such employee, in writing, of this option as soon as possible after the ruling of the Retirement Board. The affected former employee shall have ten days from the date of receipt of this written notice to request placement on the Layoff Reemployment List.

3. An employee who has been separated due to a non-service-connected injury and has been granted a non-service-connected disability retirement shall, if the Retirement Board thereafter determines that such person is no longer so incapacitated and cancels the retirement allowance and if the former employee so requests, in writing, be placed on the Reemployment List for reemployment in the former classification, in accordance with the rules that apply to that list. The Human Resources Director shall inform such former employee, in writing, of this option as soon as possible after the ruling of the Retirement Board.
4. The date that the Human Resources Director sends the affected former employee written notice of this option shall be deemed the date of layoff or separation for purposes of implementation of the rules that apply to the Layoff Reemployment Lists.
5. Should the returning former employee not meet the current minimum qualifications for the position formerly held, the returning employee shall work towards the meeting of such requirements as soon as is possible. Efforts to obtain minimum qualifications shall be on a continuous basis until the qualifications are met. The employee and the department head shall establish a timetable for meeting such qualifications. Refusal and/or inability to meet such qualifications within the required period, or any mutually agreed upon extension thereof, may constitute grounds for dismissal or other appropriate disciplinary action.

Section 3 – Absence Reporting and Recording

- A. Every absence of each employee shall be reported and recorded as prescribed in Rule II, Section 5.A.

Section 4 – Appeals

- A. Appeals for denial of sick leave, or other requests for leave with or without pay will follow the procedure for appeals specified in the Mendocino County Code, Sections 3.16.130 - 3.16.150 of the Civil Service Ordinance.

End of Rule XII

RULE XIII - POLITICS

Section 1 – Political Activity

- A. Refer to the Mendocino County Code, Section 3.16.170 of the Civil Service Ordinance.

End of Rule XIII

RULE XIV - PAYMENT OF EMPLOYEES

Section 1 – Time and Manner of Payment

- A. Each employee shall be paid at such time and in such manner as shall be prescribed by the County Auditor-Controller in accordance with applicable law.

Section 2 – Approval of Payroll

- A. The Human Resources Director shall cause each payroll to be compared with the central roster of employees and positions to confirm the following data:
1. Each employee's name, class, and rate of pay.
 2. The proper appointment of each employee in the position in which the employee is to receive pay.
- B. The Director shall promptly report any discrepancy to the County Auditor-Controller, who shall withhold payment to the employee concerned until a correct payroll which includes the employee has been approved by the Human Resources Director.
- C. The Human Resources Director shall approve each payroll in writing thereon, thereby approving payment to each employee included thereon for whom confirmation has been made of the data enumerated in this Section.
- D. Whenever, after approval of any payroll, the Human Resources Director learns of an unreported discrepancy, a separation, an absence, or other information which would reduce the amount to be paid any employee, the Human Resources Director shall immediately so inform the Auditor-Controller. The Auditor-Controller will, wherever possible, withhold payment to the employee concerned until a correct payroll which includes the employee has been approved by the Human Resources Director.

End of Rule XIV

RULE XV - EMPLOYEE REPORTS

Section 1 – Performance Reports

- A. The purposes of employee performance reports are to assist in the development of County employees. The report helps supervisors evaluate strengths and weaknesses of the individual employee. The report will be a key tool in determining whether or not an employee has passed the probationary period.
- B. All employees of the County shall be evaluated annually by their immediate superior. Employees serving a probationary period of six (6) months shall be evaluated after the completion of three (3) months and on the completion of five (5) months of their probationary period. Employees serving a regular probationary period of twelve (12) months (i.e., Sheriff's Department employees) shall be evaluated on the completion of three (3), six (6), and eleven (11) months. An evaluation of an employee may be required at such other times as deemed appropriate by the appointing authority.
- C. Department Heads shall arrange for an explanation and discussion of the evaluation with the employee concerned. The original of the report shall be filed with the Human Resources Director; a copy will be retained for departmental files; and a copy will be furnished to the employee. Employee may make written comments regarding the evaluation which shall be placed with the evaluation in the files.
- D. The Civil Service Commission shall approve the form of the "Employees Performance Report." Each employee performance report should reflect the employee's efficiency, productivity, ability, the quality of work, personal traits, and any other factors which contribute to successful job performance.

Section 2 – Medical Reports

- A. An appointing authority may direct any employee to undergo a medical examination to determine mental and physical capacity to perform the duties of the position. Each determination that an employee is or is not capable of performing the duties of the position may be made available to the appointing authority and to the employee concerned. All other records pertaining to such examinations shall be retained in the same place and under the same circumstances as other employee medical records.

End of Rule XV

RULE XVI - ADOPTION AND AMENDMENT OF RULES

Section 1 – Adoption and Effective Date

- A. These rules, having been adopted by majority vote of the Civil Service Commission of the County of Mendocino on October 29, 1962, and shall be in force and effect from and after October 29, 1962, and shall supersede all rules previously in effect.

Section 2 – Amendments

- A. Rules shall be amended by a majority vote of the Commission at a regular or special meeting noticed in accordance with these rules.
- B. The proposed amendment shall first be submitted to the Commission for consideration at a regular or special meeting of the Commission; the proposed amendment shall thereafter be posted upon a public bulletin board maintained in the Human Resources Department for at least ten (10) calendar days, and shall be acted upon by the Commission at the next regular or special meeting following the posting of the proposed amendment.
- C. If approved, the amendment shall become effective immediately unless another effective date is fixed by the Commission.

End of Rule XVI

APPENDIX - HISTORY

The Civil Service Rules were last amended and adopted in September of 1997. All subsequent amendments shall be identified within this appendix.

May 20, 2015 Adopted Modifications:

- Addition of title page, table of contents, and appendix.
- All formatting and outlining updated for consistency.
- Minor grammatical and spelling corrections made throughout.
- All references to past Civil Service Rules revisions or amendments removed.
- All references to codes or rules verified and corrected if necessary.
- All references to “Personnel Department” or “Central Personnel Office” changed to “Human Resources Department.”
- All references to “Personnel Director” or “Director of Personnel” changed to “Human Resources Director.”
- All references to “Civil Service Ordinance” clarified as to their specific sections of the Mendocino County Code.
- Reference to “County Clerk” changed to “County Assessor-Clerk-Recorder.” (*Rule I, definition of “Temporary Position”*)
- References to “County Administrator” changed to “County Chief Executive Officer.” (*Rule III, Sections 2.A and 3.A*)
- Appeal process modified to extend appeal submission deadline, condense HR response deadline, amend the hearing process, and elaborate on grounds for appeal. (*Rule IV, Sections 3.B.1 - 2; and Rule V, Sections 5.D.1 - 4 [now 5.D.1 - 5.D.5]*)
- Examination scoring process modified to eliminate outdated performance examinations. (*Rule V, Section 4.E - G [now 4.E]*)
- Expiration of employment lists modified to condense the expiration period. (*Rule VI, Section 12.B - C*)
- Family Medical Leave applicability clarified. (*Rule XII, Section 1.E.4*)
- References to “Mendocino County Auditor” changed to “County Auditor-Controller.” (*Rule XIV, Sections 1.A, 2.B, and 2.D*)

June 17, 2015 Adopted Modifications:

- References to “Chairman” changed to “Chairperson.” (*Rule II, Section 2.A.1 and 2.B.2*)
- Election of Commission Chairperson changed to the first meeting in July. (*Rule II, Section 2.A.1*)
- Meeting cycle updated to reflect monthly meeting schedule. (*Rule II, Section 2.B.1*)
- References to the “Rule of 5” modified to allow for the certification of no less than three (3) and no more than ten (10) of top-ranked candidates to appointing authorities. (*Rule III, Section 6.A; Rule VI, Section 7.A.5; Rule VII, Section 2.A - C; Rule VIII, and Section 2.A - B*)
- References to the “mailing” of notices changed to the “issuance” of notices (or similar verbiage), and also reference to the timeframe of said notices clarified throughout.

September 16, 2015 Adopted Modifications:

- Appeal process related to applicant disqualification clarified. (*Rule IV, Sections 3.B.1 and 3.B.3*)
- Appeal process related to examination results clarified. (*Rule V, Sections 5.D.2 and 5.D.5*)

January 18, 2017 Adopted Modifications:

- Sentence added to clarify that discipline imposed after Notice of Intent and Skelly process is implemented by a written Order of Discipline to the employee that will include notification of their right to appeal the action. (*Rule XI, Section 3*)
- Modified to reflect no appeal process for dismissal or layoff during probationary period. (*Rule XI, Section 3.D.1*)
- Modified to include County Policy 10, DFEH, and EEOC as complaint avenues for release during probation when discrimination is alleged. (*Rule XI, Section 3.D.2*)
- Modified to add clarifying citation of Civil Service Ordinance. (*Rule XI, Section 5.A*)
- Section added to address subpoena process. (*Rule XI, Section 5.B*)
- Rule XI, formerly Section 3.C Pre-Hearing Conference moved to Section 5.C and clarifying language added. (*Rule XI, Section 5.C*)