

# FRESNO COUNTY



# PERSONNEL RULES

**PERSONNEL RULES  
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## **PERSONNEL RULES**

### **DEFINITIONS**

**Allocation:** The formal action by the Director of Human Resources assigning a position based on the nature of its duties, functions, and minimum qualifications to a class of position.

**Applicant:** A person who has filed an application for a position in accordance with the Personnel Rules.

**Application Form:** The official form designated by the Director of Human Resources for employment application purposes.

**Candidate:** A person whose application for examination has been accepted as meeting the stated minimum qualifications for the class of position and the general requirements for County employment.

**Certification:** The submission to a department head, in accordance with procedure established in Rule 4, of the names of eligibles from which the department head shall make a selection to fill permanent or extra help positions.

**Classified Service:** Includes all positions not specifically included as being in the unclassified service in County Ordinance Code, Section 3.08.010.

**Class or Class of Position:** A position or group of positions sufficiently similar with regard to duties and responsibilities that the same title may be used to designate each position allocated to the class; the same minimum qualifications for employment in the class would prevail; and the same schedule of pay would apply.

**Class Specification:** A written description identifying factors and conditions characteristic of a class; minimum qualifications for performing work in the class; and examples of common duties, responsibilities, and tasks associated with positions in the class. Class specifications do not set forth Essential Functions as defined by the Americans with Disabilities Act or other applicable laws.

**Combination of Positions:** Where positions may be filled in a department or division of a department at more than one level within the limits provided by the Board of Supervisors in the salary resolution, so that flexible staffing exists.

**Commission:** The legally appointed Fresno County Civil Service Commission.

**Continuous Service:** All periods of uninterrupted employment in the classified service.

**County:** County of Fresno government.

**County Administrative Officer:** The Chief Administrative Officer for the County of Fresno or his/her designee.

Demotion: Any reduction of an employee who has permanent status in a position in the classified service to another position in a class having a lower salary range allocation than the class previously occupied by the employee is a demotion. Demotions may occur either within a department or interdepartmentally.

Department: An administrative branch of the County organization headed by an elective or appointive official who acts as chief executive officer.

Department Head: The person or persons heading a department, institution, board, or commission of County government empowered by law to appoint personnel.

Director of Human Resources: The appointed department head over the Department of Human Resources or his/her designee.

Disciplinary Suspension: An involuntary absence without pay for disciplinary purposes for a period up to and including 30 working days.

Eligible: Any person whose name appears on an employment list for a class of position within the classified County service.

Employment List: A list, in order of descending final scores, of names of persons qualified through the competitive selection processes delineated in these rules for employment in permanent and extra help County positions.

Employee: A person legally holding a position with the County of Fresno.

Entry Level Class: A classification in which an individual so employed is being trained and gaining experience to perform at the experienced level in the class series.

Essential Functions: Those job duties and responsibilities that are determined by department management to be an integral part of a position.

Examination: A test or group of tests administered to determine employment eligibility.

Experienced Level Class: A classification for which the minimum qualifications require either appropriate specialized education or experience. The experience may be from employment in an entry level class in the same class series or from other equivalent employment either inside or outside the Fresno County service.

Extra-Help Appointment: Any appointment to fill a position which is temporary or seasonal in character and is not an appointment to a permanently allocated position. The incumbent of such extra-help position does not attain permanent civil service status and is subject to the terms and conditions applicable to extra-help appointments and usage as specified in the Board of Supervisors' Administrative Policies, Personnel Rules, Salary Resolution and applicable State/Federal laws.

Illness Leave: Leave for illness or injury beyond that covered by paid sick leave, including State Workers' Compensation cases.

Layoff: Termination of employee in a class of position, without prejudice and without fault on the employee's part, because of changes of duty or organization, lack of work or lack of funds, or return of another employee from leave of absence.

Leave: Authorization to be absent from duty which gives an employee the right to return to his position at the expiration of the period.

Marginal Functions: Those job duties and responsibilities that may be assigned to a position but which are ancillary to the position and their removal would not change the nature of the position.

Pay: Salary, wage, fee or allowance paid an employee for performing the duties of position.

Permanent Employee: An employee who has permanent civil service status.

Permanent Status: Status of an employee in the classified service who is legally retained in his position after completion of the probationary period.

Position: A group of current duties (essential and marginal) and responsibilities requiring full-time or part-time employment.

Position Description: A written description of a position prepared by department management that identifies the Essential Functions of the position with respect to the Americans with Disabilities Act or other applicable laws.

Pre-entry Level Class: A classification in which the individual may not meet the education, experience, licensure, or certification requirement for the entry level and is employed on a provisional basis to afford a limited opportunity to attain the requirements for the entry level.

Probationary Status: Status of an employee who has been certified and appointed to a permanent position, but who has not completed the probationary period.

Probationer: A legally appointed employee who has not yet attained permanent status.

Provisional Appointment: An appointment made to a permanent classified position under narrowly defined circumstances and in which appointment the incumbent does not attain permanent status.

Reasonable Accommodation: Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, consistent with State and Federal law.

Salary: Wage paid an employee for performing the duties of a position.

Series: Two or more classes with similar and related duties, and differing as to responsibilities and difficulties, arranged in a sequence of steps in a normal pattern of promotion.

Trainee Class: A classification whose positions are filled by examination but whose minimum qualifications require no prior work experience and in which an individual so employed is being trained or gaining experience to perform at the experienced level in the class series.



Transfer: Assignment of an employee to another position: (a) in the same class, in another department, (b) in a different class which has the same salary range, in the same or another department, (c) in a different class which has a different salary range, in the same or another department when, in the judgment of the Director of Human Resources, both classes are equivalent with respect to duties and responsibilities.

Unclassified Service: Includes all positions exempted from the classified service in County Ordinance Code, Section 3.08.010 or State law.

Voluntary Demotion: Voluntary reduction of an employee in a position in the classified service to another position in a class having a lower salary range.

Working Days: Days that the general public offices of the County are open for official business as provided in Section 3.04.010 of the Fresno County Ordinance Code.

## **PERSONNEL RULE 1 - CIVIL SERVICE COMMISSION**

The County Charter establishes the Civil Service Commission to oversee a merit system of selection and retention of County employees in the classified service. The County Ordinance Code provides that the Director of Human Resources shall administer the personnel program for both the classified and unclassified service.

- 1010 Commission Role: The Commission shall discharge duties as designated by the County Charter, Ordinance Code and these Rules.
- 1020 Organization: In accordance with provisions of the County Ordinance Code, the Commission consists of five (5) members appointed by the Board of Supervisors to serve four-year terms of office. A chairperson is elected, from among the Commission members, after the beginning of a regular term of office of any new member.
- 1030 Meetings: The chairperson shall call meetings as often as necessary but at least once a month. Notification of the meeting shall be given to department heads, employee groups, and other individuals who have indicated interest in being notified because of items affecting them on the Agenda. All meeting announcements, meetings, and related matters are carried out as specified in state law relating to public agency meetings, and Roberts Rules of Order as last revised except where inconsistent with state law, County Ordinance or these Rules.
- 1031 Quorum: Three commissioners shall constitute a quorum, provided that no action shall be taken without the affirmative vote of at least three members.
- 1032 Communications, Discussions, Appearances Before the Commission: Communications and request for discussion with or appearance before the Commission shall be made in writing and submitted sufficiently in advance of a meeting date to be included on the agenda.
- 1033 Minutes: A record of Commission decisions shall be maintained. The Minutes or a true copy thereof, certified by the Commission or a majority thereof, are open to public inspection.
- 1041 Hearings:
- 1041.1 General: The Commission will consider the legitimacy of, and hear where it deems appropriate, and appeal by an individual(s) from actions taken on classified service matters governed by the provisions of these rules unless either: 1) appeal is expressly forbidden; or 2) another authority is specified in these rules as final adjudicator; or 3) the employee has sought adjudication through the Fresno County Grievance Procedure. Conversely, matters appealed under this section may not also be grieved through the County's Grievance Procedure. A written petition for hearing must be submitted within ten working days from the date of the action being appealed except the Commission may, with good cause, consider an extended period. The Commission will consider the petition at its next regular meeting.

- 1041.2 Disciplinary: The Commission shall conduct disciplinary hearings relative to actions specified in Rule 10, in accordance with the provisions therein.
- 1041.3 Discrimination Complaint: The Commission will conduct hearings in accordance with its role specified in the County's Discrimination Complaint procedure. The Commission involvement shall be restricted to matters relating to rejections during probationary periods as authorized by Personnel Rule 5, Section 5024.
- 1042 Hearing Officer: The Commission may appoint or designate a Hearing Officer to hear actions before it. Final action rests with the Commission which will consider the Hearing Officer's findings. Nothing herein stated, however, implies that the Commission is bound by the Hearing Officer's findings. If the Commission does not agree with these findings, it will either hold a new hearing or consider the record taken before the Hearing Officer.
- 1043 Rehearings: Having conducted a hearing and made a decision on an appeal, the Commission may reopen and rehear an appeal as follows:
- 1043.1 A petition for rehearing may be made by a person or party directly affected by the Commission action.
- 1043.2 The grounds upon which a rehearing may be granted are:
- 1043.21 Newly discovered evidence which could not, with due diligence, have been presented at the original hearing and which appears to be material to the issue and not merely cumulative.
- 1043.22 Mistake or error in the proceedings which may have materially affected the result.
- 1043.3 The petition for rehearing must be in writing setting forth fully the grounds upon which a rehearing is requested and be filed with the Commission not later than ten days from the date of notice of the Commission decision on the initial appeal. A copy of the petition must be served upon the adverse party who may, within five working days, file and serve a written reply.
- 1043.4 The Commission shall, at its next meeting following receipt of the petition, and reply, if any, determine whether the grounds stated in the petition are sufficient to justify granting a rehearing, and, if so, will set a hearing date.
- 1043.5 If the rehearing is denied, notice is given to all interested parties and the action of the Commission is deemed final.
- 1043.6 If a rehearing is granted, all of the evidence introduced at the Initial hearing is in evidence and before the Commission and only the subject matter forming the basis upon which the rehearing was granted need be heard.
- 1043.7 Not more than one rehearing may be had on any one appeal.

1044 Judicial Review: Decisions of the Commission shall be subject to judicial review upon petition by the employee or the department head under the terms and conditions provided by law, except in cases of revocation or modifications of an order for dismissal of an employee, in which case, there shall be no judicial review upon petition by the department head. No petition for judicial review shall be taken unless the party seeking such review has made a timely request for a formal written Findings, Conclusions and Decision of the Commission pursuant to Rule 10, Section 10172.

In the event of appeal by the employee or the department head of a Commission decision, the petition to the court shall be filed within ninety (90) calendar days from the date the notice of the Commission's formal written Findings, Conclusions and Decision is served on the employee or his/her attorney and the department head or their representative. Where a timely request for a rehearing is filed pursuant to Section 1043 of these rules, the time for filing an action seeking judicial review shall expire ninety (90) calendar days after service of the Commission's decision denying the request for rehearing or the Commission's decision after the rehearing, or the formal written Findings, Conclusions and Decision, whichever date is the latest.

## **PERSONNEL RULE 2 - STATUS**

Positions are created and utilized to perform job functions and responsibilities in the County service. This rule deals with the kinds of positions established and the status of persons filling them.

2010 Classified Service: The classified service includes those positions which entitle incumbents to civil service status. Selection and retention for these positions are on the basis of merit principles. Once past the probation period, incumbents accrue the right of appeal from certain disciplinary actions including dismissal from the service.

2020 Unclassified Service: The unclassified service includes positions in which the incumbents are exempt from civil service status.

2030 Appointments to Positions in the Classified Service:

2031 Probationary Appointment: Probationary appointments are made to positions in the classified service upon original entry or subsequent promotion. Incumbents who are appointed on a probationary basis are evaluated, retained or terminated in accord with the provisions of Rule 5 - Probationary Periods.

2032 Permanent Appointment: Incumbents of positions in the classified service are awarded permanent appointment upon successful completion of a probationary period. Permanent appointment entitles the individual to civil service status which includes such things as the right of appeal from certain disciplinary actions, promotional preference in certain examinations and other prerequisites.

2033 Provisional Appointment: Provisional appointments are those made to permanent classified positions allocated as permanent (as opposed to extra help) in the following circumstances:

1. Pending competitive selection process and in the absence of an employment list. Appointment on this basis may be for a reasonable time to allow for examination and selection process, but in no event to exceed three months. Immediate prior consecutive time served in a provisional appointment in the same classification in the same department is credited toward completion of the probationary period if the incumbent is appointed on a probationary basis.
2. Pending action by the Director of Human Resources action under Rule 4310, Suspension of Competition, Paragraph 1. Appointments on this basis may not exceed three months. Immediate prior consecutive time served in a provisional appointment in the same classification in the same department is credited toward completion of the probationary period if the incumbent is appointed on a probationary basis.

3. Appointment to a pre-entry level class either from an employment list as a result of a competitive selection process or in some instances as a result of suspension of competition. Employment on this basis will require additional education, certification, licensure, or work experience in attempting to meet the minimum qualification to advance to the entry level of a class series. Appointments on this basis are limited to two years but extensions may be granted by the Director of Human Resources under extenuating circumstances.

In each of the circumstances above, individuals must meet the minimum qualifications for the job classification in which hired. Individuals while on a provisional appointment do not attain permanent status. Acceptance of provisional appointments by permanent employees does not constitute a break in continuous service.

2036 Rejection During Provisional Appointment: Employment may be terminated during a provisional appointment under the same rules governing rejection of an employee during probationary period.

2040 Appointments to Positions in the Unclassified Service:

2041 Extra-Help Appointment: (Ref. Salary Resolution, Section 1100 - Extra-Help) Extra-help appointments are made to meet seasonal or temporary work needs of departments, as authorized by the County Administrative Officer (CAO). Persons approved by the Director of Human Resources, pursuant to Personnel Rule 4 - Selection Process and Salary Resolution Section 1100 - Extra-Help, may be appointed for a limited period of time; they cannot attain civil service status and may be released without recourse at any time by the Department Head.

2041.1 Employment Limitations: Usage of any individual on an extra-help basis is limited to the following maximum hours, except as provided in Salary Resolution Section 1114 – Exceptions to Employment Limitations:

2041.1.1 Maximum of twenty-eight (28) hours worked per week, including overtime hours; and

2041.1.2 Maximum of nine hundred sixty (960) hours worked per calendar year.

2041.2 Exceptions to Employment Limitations: The following are exceptions to the employment limitations as provided in Salary Resolution Section 1114:

2041.2.1 Seasonal Extra-Help Employees as specified in Salary Resolution Section 1114.1.1; and

2041.2.2 Pre-Authorized Extra-Help Classifications as specified in Salary Resolution Section 1114.2.1.

- 2041.3 Waiver Process for Employment Limitations – A Department Head may request a waiver of the employment limitations by the Board of Supervisors as specified in Salary Resolution Section 1115.
- 2041.4 Time worked on an extra-help basis in the same job classification and in the same department may receive credit for such extra-help time worked as follows:
  - 2041.4.1 Consideration for transition to a permanent position as specified in Personnel Rule 4, Section 4310 – Suspension of Competition; and
  - 2041.4.2 Establishment of an anniversary date for step advancement eligibility as specified in Salary Resolution, Section 410.22; and
  - 2041.4.3 Completion of an immediately subsequent probationary period as specified in Personnel Rule 5 - Probationary Periods, Section 5011 - Employment from Extra-Help; and
  - 2041.4.4 Computation of seniority credit for layoff as specified in Personnel Rule 12, Section 12044 – Seniority Computation for Layoff Purposes.

2042 Unclassified Appointments: Appointment to positions in the unclassified service may be made by selection of individuals who meet the qualifications established for the job classification and are subject to approval by the Director of Human Resources, as provided in Section 3.08 of the Fresno County Ordinance Code. Incumbents of positions in the unclassified service, while eligible for all of the other benefits normally associated with County employment, are not entitled to civil service status. Persons so employed continue at the option of the department head.

## **PERSONNEL RULE 3 - CLASSIFICATION**

The Director of Human Resources is responsible for the maintenance of the County Classification Plan: Job classification studies and special development are conducted in consultation with department heads. Studies are conducted, positions allocated, and class specifications developed for both classified and unclassified positions.

3010 Administration of the Classification Program: The Director of Human Resources or his/her designee, is responsible for making classification studies of proposed additional or presently authorized positions when:

3010.1 Upon written referral, authorization for a new position is indicated.

3010.2 A written request establishing need for a classification review of an existing position is made by a department head, the incumbent of the position, or his/her authorized representative.

3010.3 Periodically or when circumstances dictate, the Director of Human Resources identifies the need for a review of an existing position or group of positions.

3014 Department Head Responsibilities:

3014.1 Department heads shall work incumbents within their current designated classification.

3014.2 Department heads shall request a classification study immediately when a significant modification of a position's duties is made on a permanent basis. This written request will include the date on which the change took place and a specific description of the nature of the change in duties.

3014.3 Department heads are responsible for identifying and maintaining an essential function inventory for each position within their respective department utilizing a position description or other available departmental inventory mechanism(s) of individual positions. Class specifications do not establish essential functions.

3015 Class Specifications - New and Revised: When a position study determines the need for a new class of position(s), the Director of Human Resources or his/her designee develops and implements the new class title, salary range, and specification covering the proposed class.

3016 Procedure for Implementation of Class Changes: The Director of Human Resources approves allocation of positions and new or revised specifications, and takes appropriate action of salary matters.

3017 Reclassified (Reallocated) Positions - Status of Incumbent: (Ref. Effective Date of Changes, Salary Resolution, Section 400) The Director of Human Resources determines whether the reclassification of a position constitutes a downward, lateral, or upward movement of the level of the position relative to its former allocation. The following actions prevail with regard to each of the following kinds of changes.



- 3017.1 Downward: (Ref. Definitions, Salary Resolution, Section 400); (Ref. Other Salary Changes, Salary Resolution, Section 400) The incumbent is reassigned to a vacant position in the same class in that department. In lieu of reassignment, the incumbent may demote to an appropriate vacancy if one exists. If neither of these alternatives is utilized, layoff procedures will be invoked as described in Rule 12, Separations, Section 12040.
- 3017.2 Lateral: The status of the incumbent will remain unchanged in the class to which the position is reallocated.
- 3017.3 Upward: (Ref. Other Salary Changes, Salary Resolution, Section 400) The Director of Human Resources will grant status to the incumbent when either: 1) there has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or 2) there has been a gradual change in the duties and the incumbent has performed the higher level tasks for at least six months. If neither of these situations exists, the employee may be transferred, demoted, or laid off as specified elsewhere in these rules.
- 3019 Emergency Work Assignments: When the needs of the County require, individuals may be required to temporarily work out of job class either in the same department or another department during any period of emergency as declared by the Board of Supervisors.
- 3020 Job Analysis: Job Analysis may be conducted as an aid in meeting the County's Affirmative Action objectives. Analysis are undertaken as specified by the Director of Human Resources to provide a basis for the development of more valid selection processes and to restructure job classifications to eliminate artificial employment barriers if such exist and to ensure that any requirements are job related.
- 3030 Classification Records: The Director of Human Resources is responsible for maintaining a schematic and alphabetical listing of all classifications and a file of specifications for each classification.

## **PERSONNEL RULE 4 - SELECTION PROCESS**

The procedure used in filling County vacancies is founded on active recruitment to attract the most qualified individuals possible for employment consideration and is consistent with appropriate Equal Employment Opportunity guidelines. This process consists of searching out persons presently or potentially in the job market and making the attributes of County employment known to them. Where a competitive labor market does not exist, provisions of the rules permitting suspension of competition may be used; and when a position is promotional in nature, the recruitment and selection process may be limited to County or departmental employees only. The nature of recruitment undertaken depends upon the feasibility of process and ability to attract qualified applicants and is structured to take into consideration the needs of the department, the County and the community.

When competitive examinations are used, employment lists are established, which rank individuals in accordance with their final scores. This is followed by certification of the appropriate number of names to the department for employment consideration. Tentative selections are made, pre-employment examinations conducted, followed by the final step in the selection process, completion of the required probationary period.

4010 Recruitment and Examination Basis - Employment Lists: (Ref. Time Off to Compete in Examination, Personnel Rule 7) The Director of Human Resources has the responsibility for developing and disseminating recruitment publicity. Examinations are opened on either a Departmental Promotional, Promotional, or Open basis and recruitments are conducted on a Regular, Continuous, or Limited basis as explained below. Announcements generally include information regarding the job to be filled, the examination, minimum qualifications, relative test weights and filing dates, if any. Announcements shall also include reference that the County is an Equal Employment Opportunity Employer.

Departments are required to immediately post announcements at each work location. Failure to do so shall not invalidate either the test results or appointments which may result from the test.

4011 Recruitment Basis and Filing Conditions: Examinations are normally opened for a specified period of time shown on the announcement. Announcements shall be posted in the Department of Human Resources for the duration of the filing period. Applications cannot be accepted outside the established period as described below:

4011.1 Regular Recruitment: This is the basis upon which most examinations are announced. Regular examination announcements specify a filing period of 10 calendar days or more and clearly state a final filing date.

4011.2 Continuous Recruitment: In instances where staffing needs are frequent or continuing, or there is a labor market scarcity, the Director of Human Resources may announce examinations with no final filing date and conduct recruitment of sufficient duration to assure that the County's needs are met.

4011.3 Limited Recruitment: When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the Director of Human Resources may take steps to limit the size of the applicant group through: 1) A shorter filing period than that required for regular recruitment, or 2) Specifying a maximum number of applications which will be accepted, and the recruitment shall close immediately when that number is reached, or 3) Other means which are appropriate to the circumstances.

4012 Types of Recruitments - Employment Lists: The Department of Human Resources determines which type of recruitment will be conducted and employment lists created, based on the guidelines described below.

4012.1 Departmental Promotional Recruitment - Employment Lists: This type of recruitment may be conducted to fill vacancies in a classification which exists in only one department, or where a sufficient applicant pool exists within the hiring department as determined by the Department of Human Resources.

The applicant group is limited to employees in permanently allocated positions in the department requesting to fill a vacancy and who meet the minimum qualifications specified on the announcement.

The Departmental Promotional employment list resulting from the examination is a list in rank order of final scores.

Departmental Promotional employment lists are established for a duration of three months. They may be extended for a period not to exceed six months from the date of establishment.

4012.2 General Promotional Recruitment - Employment Lists: This type of recruitment may be conducted to fill vacancies in a classification where a sufficient applicant pool exists within the County as determined by the Department of Human Resources. The applicant group is limited to employees in permanently allocated positions who meet the minimum qualifications specified on the announcement.

The Promotional employment list resulting from the examination is a list in rank order of final scores.

Promotional employment lists are established for a duration of three months. They may be extended for a period not to exceed six months from the date of establishment.

4012.3 Open Recruitment - Employment Lists: This type of recruitment may be conducted to fill any County vacancy.

The Open employment list resulting from the examination is a list in rank order of final scores composed of persons both in and out of the County service. Such a list is established for a duration of three months, and under ordinary circumstances may be extended for a like period. However, an Open eligible list may be extended for a period not to exceed 12 months from the date of establishment as determined by the Department of Human Resources.

4013 Other Types of Employment Lists - Duration:

4013.1 Layoff Employment List: (Ref. Salary Placement On Rehire From Layoff List, Salary Resolution, Section 400) Layoff lists include the names of employees who have been laid off from County employment or who have demoted to a lower class as a result of a layoff procedure or who have been demoted through reclassification of their position to a lower classification. An individual's layoff eligibility extends for a period of two years from date of layoff. Names are placed on such lists in inverse order of layoff.

4013.11 General Layoff List: Includes the names of the individuals laid off from departments other than the department requesting certification.

4013.12 Departmental Layoff List: Includes the names of individuals laid off from the department requesting certification.

4013.2 Transfer Employment List: Transfer lists include the names of current employees who have requested that they be referred to departments for transfer consideration. An individual's name may remain on a transfer list for a period of six months from the date of application.

4013.3 Reinstatement: (Ref. Employment from Reinstatement List, Salary Resolution, Section 400) A list composed of persons who have either: 1 ) asked for and accepted voluntary demotion from a permanent position; or 2) separated from County service in good standing from a position in which they held permanent status in the classified service. Individuals must petition to be placed on a reinstatement list within a period of one year from demotion or separation. When considering such petitions, the Director of Human Resources seeks the recommendation of the appropriate department head. An individual may remain on such list for a period of one year from the date of which the Director of Human Resources approves the petition. No extension of this period shall be permitted.

The reinstatement privilege only provides for the individual to be placed on a reinstatement list for employment consideration. If an individual is selected for employment from these lists, all other requirements and procedures regarding employment shall be met, as provided for in the Personnel Rules and County Salary Resolution.

If request to be placed on a reinstatement list is denied, individual shall be notified of right and process of appeal.

4014 Applications for Employment or Promotion: Each individual interested in County employment or promotion must file an official application with the Department of Human Resources within the established filing period. Once submitted, applications become the property of the County.

Applicants must meet the stated minimum qualifications and general requirements for County employment. Those who do not qualify are notified.

4014.1 Appeal Procedure for Applications Rejected for Employment or Promotion: When an applicant has received notice from the Department of Human Resources confirming the rejection of an application due to not meeting the stated minimum qualifications and general requirements for County employment, the applicant may submit an appeal in writing as follows:

4014.1.1 Initial Appeal to Human Resources staff: The initial appeal must be addressed to the Human Resources Analyst identified in the notice not later than five (5) business days after the date of the rejection notice specifying the reasons which substantiate the applicant's appeal. In consultation with the Human Resources Manager or designee, the Human Resources Analyst may grant the appeal and accept the application or deny the appeal and sustain the rejection of the application.

4014.1.2 Final Appeal to the Director of Human Resources: If the initial appeal of the applicant is denied and the application rejection sustained, the applicant may submit a final appeal in writing to the Director of Human Resources not later than five (5) business days after the date of the initial appeal rejection notice further specifying the reasons which substantiate the applicant's appeal. The Director of Human Resources may grant the final appeal and accept the application or deny the final appeal and sustain the rejection of the application. The Director of Human Resources is the final adjudicator of appeals under this section and such appeals will not be subject to further appeal unless a complaint is filed under the provision of Personnel Rule 4014.2.

4014.2 Filing a Complaint due to Unlawful Discrimination: An applicant who believes their Application for Employment or Promotion was rejected due to unlawful employment practices, denial of reasonable accommodation requests, or discrimination based on race, color, medical condition, religion, sex (including sexual harassment), national origin, political affiliation, age, disability, sexual orientation, or other factors protected under federal or state law may complete and submit a Discrimination Complaint Form to:

Fresno County Human Resources  
Labor Relations Division  
2220 Tulare Street, 16th Floor  
Fresno, CA 93721  
(559) 600-1840

The above procedure applies in all instances of alleged employment discrimination, except those associated with the following:

External Complaint - An employee or job applicant may file a discrimination complaint simultaneously with the appropriate agency such as the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH) or other agencies which have jurisdiction over the complaint. EEOC and DFEH which enforce anti-discrimination laws have "work sharing agreements" in order to avoid duplication of efforts while at the same time ensuring that a charging party's rights are protected under both Federal and State law.

- 4015 Selective Recruitment: The Director of Human Resources may, within a class, when a specific position's duties require a unique or specialized background, restrict recruitment or selection processes to those individuals possessing the specialized background based on the Essential Functions of the position.
- 4020 Integrating Names of Eligibles on Employment Lists: In the event a new examination for a class is administered during the period of eligibility of an existing list, names of the eligibles resulting from the new examination will be integrated with the names on the existing employment list in the order of final scores. If an individual successfully retakes an examination administered as a result of a new recruitment, the new score will replace the previous one and the individual's eligibility on the employment list will extend to the new expiration date. If the individual fails the new examination, the score and expiration date from the previous test administration will be retained.
- 4030 Employment Lists - Confidential: Employment lists are confidential; the relative position of a person on a list or his score shall not be made available except to him or the appointing authority actively considering the individual for appointment.
- 4100 Certification Without Examination:
- 4100.1 In instances where the number of eligible candidates is less than or equal to the number of qualified applicants the Department is entitled to receive under Personnel Rule 4212, the competitive examination process will be waived and the names will be certified without an examination.
- 4100.2 Should a recruitment be open on a continuous basis, qualified candidates shall be referred in the order they are received not to exceed the maximum amount of names the Department is entitled to receive under Personnel Rule 4212 or until all requested vacancies are filled.
- 4110 Examinations: The Director of Human Resources is responsible for the structure, development, scheduling, administration and scoring of all examinations.
- 4111 Examination Content: Examinations will consist of a test or tests which appropriately measure candidates' relative abilities to perform the Essential Functions of the position. Tests may consist of written, oral, screening, performance, physical tests, background investigation, education and/or experience evaluations or a combination of these or any other processes which will impartially measure the qualifications of the candidates.
- 4112 Relative Weights of Tests: The relative weights of the tests, each to the other, will be determined in advance of the test and indicated on the examination announcement.
- Specific parts of an examination may be designated qualifying and have no percentage value.
- 4113 Examination Scoring and Review:
- 4113.1 Qualifying Score: Unless otherwise stated, a minimum score of 70% is required to pass each part of an examination.

- 4113.2 Final Score: In examinations composed of more than one part, a candidate's final score shall be the total of the weighted percentage scores for the various parts of the examination plus Veteran's preference credits when applicable.
- 4113.3 Veteran's Preference: To be entitled to Veteran's Preference, an applicant must claim such preference on his application form, and prior to the final filing date, submit to the Department of Human Resources adequate evidence of honorable discharge from active United States military service in time of war. Veteran's Preference is allowable only on initial entrance into County service. Veteran's Preference shall be determined by computing 5% of the total of the weighted qualifying percentage scores.
- 4113.4 Tie Scores: The names of two or more eligibles having final ratings which are identical shall be grouped on the certification as tie names with equal rank for certification and appointment purpose.
- 4113.5 Notice of Examination Results: The Director of Human Resources shall notify each candidate of his examination results.
- 4113.6 Review of Written Examination Materials: Written examination materials which are either not standardized or not used on a continuing basis by the County may be reviewed in the Department of Human Resources by the candidates who have participated in an examination. During the three working days succeeding the examination date, candidates may review a copy of the written examination with the correct answers indicated (keyed). Candidates wishing to appeal any item or portion of the written test may do so only during this period. To appeal, a candidate must submit written documentation supporting the appeal on a specified form. Appeals are restricted to candidate disagreement with the answers indicated as correct in the keyed examination materials.

For a period of the ten working days next succeeding the date that the notice of examination results is mailed, a candidate may review the keyed examination booklet and his answer sheet in the Department of Human Resources.

- 4113.7 Review of Oral Exam Material: Each candidate is entitled to know the score the candidate attained in the oral interview portion of an examination. However, records of the interview, particularly statements of the individual interviewers regarding the qualifications of the candidate upon which the ratings given are based, are confidential. In the event of appeal and hearing before the Civil Service Commission, the interview records could be reviewed by the Civil Service Commission in executive session.
- 4114 Examination Complaint Procedure: The Director of Human Resources shall review the complaint of a candidate relative to an examination, when it is alleged that procedures provided in Rule 4 were not followed or that bias, fraud or error occurred in any part of the examination process. The Director of Human Resources, having determined that the complaint has merit, has authority to invalidate any portion of, or the entire examination and if necessary order a reexamination.

To be considered by the Director of Human Resources, a candidate's complaint must be in writing, with substantiation for the allegations therein, and filed with the Department of Human Resources office. The filing must be accomplished as soon as possible after the alleged occurrence forming the basis for the complaint, to permit any necessary corrective action to be taken. However, a complaint may not be considered which is filed more than three (3) working days from the date of the alleged occurrence, except the Director of Human Resources may, with good cause, consider an extended period. This filing will not prohibit filing under Section 1041.1.

4210 Certification and Appointment: Certification is the process of referring the names of eligible candidates on the appropriate employment lists to fill vacant positions. Certification is made to specific departments in accordance with the provisions of these rules.

4210.1 Permanent Personnel Requests and Appointments: Requests for permanent personnel shall be made to the Department of Human Resources on a Requisition request and shall include an Essential Functions Inventory Form identifying the essential functions of all positions covered by the Requisition request.

Information required on the Requisition request shall be filled out in its entirety.

The appointing authority, or designee, shall approve the Requisition request and forward the request to the Department of Human Resources.

4211 Requisition Request Required to Fill Vacancies: When a position is vacant, or will become vacant, the department should send a Requisition request and Essential Functions Inventory Form(s) to the Department of Human Resources. Upon receipt of the request, the Department of Human Resources will verify the position exists and is vacant, or will become vacant. If an employment list exists, the Department of Human Resources will refer the names of the appropriate number of eligible candidates to the department based on certification levels explained in Section 4212 below. If an employment list does not exist, the Department of Human Resources will proceed to develop one as soon as possible.

4212 Number of Eligible Candidates to be Certified to Permanent Positions:

4212.1 To a One-Position Vacancy: Three (3) eligible candidates constitute a basic certification. If there are more candidates available for referral, they will be certified up to and including a maximum of ten (10).

4212.2 To Multiple Position Vacancies: Two (2) eligible candidates, in addition to the number of vacancies, constitute a basic certification. When certification is to be made to more than one (1) vacancy in a single classification of position on a single Requisition request, the maximum certification permissible shall be nine (9) plus the number of vacancies to be filled.

4212.3 Incomplete Certification: If there are only one (1) or two (2) eligible candidates available on an employment list, the Department of Human Resources will make a certification in response to the department's request. The department may, at its discretion, make an appointment from those certified or request additional eligible candidates to provide a complete certification. A request for additional eligible candidates shall be accompanied by a written statement of reasons why selection from the available eligible candidates is not possible.



4212.4 No Actual Vacancy in a Classification Series Combination: Where positions, in a classification series, are in total or partial combination in a given department and all positions are filled, i.e., no actual vacancy exists, only those eligible candidates from within the department requesting certification will be certified.

The department making the certification request has the responsibility for noting on the Requisition that no actual vacancy exists.

4212.5 Exceptions to Certification Maximum: Exceptions to the certification of a maximum of ten (10) eligible candidates for a position are:

1. When there is a tie score at the tenth (10<sup>th</sup>) ranked candidate, all eligible candidates at that tie score shall be included on the certification.
2. If a departmental layoff list exists, only the eligible candidate with the highest ranking on this list will be certified.

4213 Order of Precedence in Making a Certification: Following is the order of precedence in certifying, starting with level one and then from succeeding lower levels.

If a given level does not provide sufficient eligibles to complete a certification, additional names may be added from lower levels until the appropriate number has been included on the certification.

Level 1 - Departmental Lay-Off Eligibles: When a departmental lay-off list exists for the classification, the eligible last laid off is certified. This is the only eligible included in the certification and the department head must appoint the eligible to the vacant position.

Level 2 - Departmental Promotional Eligibles: The eligibles on the promotional list from the department having the vacancy, in final score order.

Level 3 - General Promotional Eligibles: The eligibles on the promotional list from departments other than that requesting certification, in final score order.

Order of certification from this list first shall be eligibles from department requesting certification in final score order irrespective of position on the general promotional list and then from all other departments in final score order.

Level 4 - General Lay-Off Eligibles: A general layoff list for a classification will be established by incorporating the names of every person laid off, in that classification, from various County departments. Eligibles will be certified from this list based on their layoff seniority, as provided in Rule 12, Section 12046.

Level 5 - Reinstatement Eligibles: The eligibles on this list are certified in order as their petitions were approved.

Level 6 - Open List: Eligibles on this list will be certified in final score order.

4220 Certification From List Designated Comparable: The Department of Human Resources may certify persons to a class other than that for which they have qualified by examination when: there are insufficient names on the list to provide a complete certification for the classification requested, and the comparable list is for a class having similar Essential Functions.

4221 Interviewing Eligibles Certified: The department upon receipt of the certification will conduct interviews and make selections as soon as possible and notify the Department of Human Resources immediately. To assure adequate documentation in the event of equal employment opportunity compliance action, County Department Heads are responsible for maintaining interview records from certifications. The manner and form of record keeping is left to departmental discretion, but must include the requisition number, who interviewed the selectee, who made the decision to hire, the Essential Functions Inventory Form(s), and appropriate and valid job related comments relative to the qualifications of each eligible candidate's interview including why a candidate was selected or not selected for a position. Records must be retained for three (3) years after the selection is made.

The department shall also in a timely manner notify persons interviewed and not selected, as a matter of courtesy and good public relations.

4221.1 Interviews - Certification Level 1: Only one eligible is certified and the department must interview and appoint eligible.

4221.2 Interviews - Certification Level 2 through 6: The department will interview each eligible certified. In the case of tie scores, the number of names certified may be greater than the number of names requested by the department; however, all eligibles certified are to be afforded an interview.

4230 Objection to Persons Certified: If an appointing authority wishes the name of a person who has been certified removed, he shall submit specific reasons in writing to the Director of Human Resources who may either remove or continue the name on the certification. If the name is removed, the Director of Human Resources will notify the individual immediately specifying the reasons given and indicating the appeal procedure.

4235 Filling Leave of Absence Positions: (Ref. Other Salary Changes, Salary Resolution, Section 400) The same certification procedures outlined to fill permanent positions are used in filling leave of absence positions.

An appointment to fill a leave of absence vacancy, made from an eligible list, shall be a permanent appointment subject only to the right of the original holder of the position to return to the position. In the latter event, layoff procedure will be invoked as prescribed in Rule 12, Separations, Section 12040.

4237 Backfilling Critically Needed Positions: (Ref. Other Salary Changes, Salary Resolution, Section 400) The same certification procedures outlined to fill permanent positions are used in backfilling critically needed positions.

An appointment to fill, for the purpose of cross training, a critically needed position, for which the incumbent has resigned or is retiring, shall be authorized, under limited circumstances, by the County Administrative Officer (CAO). Backfilling of a position will be subject to budgetary considerations, and would be authorized for a maximum of two (2) pay periods. The position for which a backfilled appointment is made must require uninterrupted staffing or intensive on-the-job training for the successor in order to maintain continuity in more complex County operations and contribute toward a smooth transition. The CAO will determine if the request for backfill meets this criteria. During the time in which the backfilling occurs, an incumbent and his/her successor will be paid to occupy the same position concurrently.

To qualify for approval under this Section, the requesting Department Head will be required to:

- Justify that a position requires uninterrupted staffing or intensive on-the-job training and best serves the needs of the Department;
- Identify financial resources required for the backfilled appointment; and
- Develop a learning plan to effectively facilitate the transfer of essential knowledge and skills from the incumbent to the successor.

If, at any time during this backfill period, the Department Head agrees to revoke the resignation or retirement, the original holder of the position retains the right to return to the position and a layoff procedure will be invoked as prescribed in Personnel Rule 12, Separations, Section 12040.

The duration of a backfilled appointment will count toward the completion of any probationary period for the successor and toward the completion of service for both the incumbent and the successor.

4240 Filling Extra-Help Positions: Extra-Help positions must be authorized by the County Administrative Officer (CAO) as specified in Salary Resolution Section 1100 - Extra-Help, and such appointments must be consistent with the Board of Supervisors' Administrative Policy Number 73, Personnel Rule 2, and the Salary Resolution. The same certification procedures outlined in Personnel Rule 4 - Selection Process to fill permanent positions are used in filling extra-help positions. When no employment list exists, the Department of Human Resources refers qualified persons from whatever sources it deems appropriate, as approved by the Director of Human Resources.

If three (3) names cannot be certified, the department shall work with the Department of Human Resources to identify alternative referrals who meet the minimum qualifications, subject to final approval of the Director of Human Resources.

Prior to a job offer being made, as specified in Board of Supervisors' Policy Number 73 - Rehire Procedures for Extra-Help Employees, Department Heads are responsible for contacting the Department of Human Resources to inquire about prospective extra-help employees to determine if the employee was a former County of Fresno employee who left in good standing. Appointments to extra-help positions shall be submitted to the Department of Human Resources on the forms designated by the Department of Human Resources.

All appointments to extra-help positions are subject to the usage and appointment limitations specified in Board of Supervisors' Administrative Policy Number 73; Personnel Rule 2, Section 2041 - Extra-Help Appointment; Salary Resolution Section 1100 - Extra-Help; and State/Federal law. The designated forms shall state the anticipated number of hours which may be worked and the beginning and anticipated termination date. When the assignment is for intermittent use, the designated forms shall so indicate.

In filling out the designated forms for extra-help appointments, the hourly rate for the employee shall be the hourly equivalent of the salary paid to permanent employees at the entry level of the pertinent job class as specified in the Salary Resolution, and shall be indicated in the section entitled "salary."

- 4250 Selective Certification: At the written request of the appointing authority, the Director of Human Resources may certify individuals with unique or special qualifications to fill a specific vacancy. In deciding upon this type of request, the Director of Human Resources will take into consideration: the needs of the department; legal implications; job relatedness; Essential Functions; and appropriate Equal Employment Opportunity guidelines.
- 4310 Suspension of Competition: In the event of the creation of a new position or in the case of a vacancy in any position meeting the criteria specified below, competitive examination may be suspended by the Director of Human Resources. No such suspension shall be general in its application. In addition, such suspensions shall be sensitive to the County's Equal Employment Opportunity commitments and in accordance with Personnel Rule 4221 where applicable.

The Director of Human Resources may only suspend competition when requested to do so in writing by the appropriate appointing authority and when one or more of the following criteria apply:

1. The vacancy to be filled requires peculiar and exceptional qualifications of a technical, scientific or expert character and there is evidence that labor market conditions will not permit recruitment of sufficient applicants to create a competitive process. Most frequently, this criterion would apply in instances requiring either a State license, certificate, professional registration or a master's degree.
2. The suspension of competition would permit promotion between classes in the same class series in a given department where the positions are in combination and where an equal or greater number of positions is authorized for the higher class involved in the promotion. A promotion may be made in this manner at the discretion of the department head when an employee attains the minimum qualifications for the next higher level and in the opinion of the department head the employee is capable of meeting the performance requirements and able to carry out the responsibilities required for the next higher level as indicated in the class specifications. Along with the request for suspension of competition, the department head must submit a written statement supporting the promotion.
3. The suspension would permit promotion of an individual whose position's duties and functions have been expanded by authority of the Board of Supervisors or County Administrative Officer so that a new and higher classification is required necessitating the elimination of the classification presently occupied by the individual to be promoted.

4. The suspension is being requested to fill a position which is either assistant department head level in nature or one which acts as personal secretary to the department head, and the nature of the position is such as to require a close personal and confidential relationship between the assistant or personal secretary and the department head.

Prior to making a final decision to request suspension of competition, among those being considered the department head shall interview those persons within his department who indicate an interest in being considered for the position and who meet the established minimum qualifications.

5. The suspension would permit an employee in a pre-entry class to promote to the entry level in the same class series and in the same department based on attainment of the necessary education, certification, licensure or work experience.
6. The suspension of competition would permit promotion in a given department between classes where the positions are in partial combination as determined by the Fresno County Salary Resolution. The employee selected for promotion in these instances would be determined by the department head after first interviewing and considering the performance and qualifications of all lower level employees who have both indicated an interest in promoting and who possess the legal minimum qualifications.
7. The suspension of competition would permit an employee occupying an extra-help position to be hired into a vacant permanently allocated position providing the following conditions are met:
  - a. The employee was hired into said extra-help position as a result of a competitive examination process and the recruitment flyer stated that the extra-help employee may be transitioned to a permanent position at a later date.
  - b. The extra-help employee has worked at least an average of twenty (20) hours per week, not including overtime hours, for the 90 days immediately prior to the final filing date of the suspension of competition process within the same job classification and in the same Department for which the vacancy exists.
  - c. The employee possesses the legal minimum qualifications for the position.

In this instance, the employee selected for hire into a vacant permanently allocated position would be determined by the department head after first interviewing and considering the performance and qualifications of all extra-help employees, who meet the aforementioned conditions, and who have indicated an interest in a permanently allocated position appointment.

4400 General Requirements for Entry or Re-Entry Into County Service: The Director of Human Resources may reject an application, refuse to certify, or remove from an employment list, anyone who does not meet the general requirements for County employment. This provision applies to those persons (applicants, candidates, or employees) who either do not meet the minimum qualifications; medical standards; have been dismissed for cause from public or private employment; have misstated or omitted material facts from a Fresno County employment application; or whose employment history or personal conduct is inappropriate for employment with the County of Fresno.

4410 Removal of Names From Employment Lists:

- 4411 Upon Probationary Appointment to Permanent Position: When an eligible is selected for probationary appointment to a permanent position, his name is removed from the employment list. An eligible filling a leave of absence position and terminated from that position by the return of the person on leave prior to attaining permanent status shall have his name placed on a layoff list as provided for in Rule 12, Separations, Section 12040.
- 4412 Upon Appointment to an Extra-Help Position: When an eligible is appointed to an extra-help position, his name remains on the employment list for certification to permanent positions if his interest in permanent certification has been indicated in writing. When offering an extra-help position to an eligible, an appointing authority may require as a condition of employment that the eligible waive certification to permanent positions in other departments for the total period of anticipated extra-help usage or a reasonable portion thereof.
- 4413 Upon Appointment to Permanent Position From Layoff List: (Ref. Salary Placement On Rehire From Layoff List, Salary Resolution, Section 400) When an eligible is selected for appointment to a permanent position in the same class as that from which eligible was laid off, the eligible's name will be removed from the layoff list. In addition, a refusal to accept reemployment from a departmental layoff list will remove eligible's name from that list as specified in Rule 12, Section 12050.

In the event an eligible is appointed to a class other than that from which an eligible was laid off, the eligible's name shall remain on the layoff list.

- 4414 Other Bases for Name Removal: The name of an eligible may be removed from an employment list by the Director of Human Resources.
- 4414.1 For any of the causes set forth in these rules as basis for disqualification of application.
- 4414.2 For evidence that the eligible cannot be located by the postal authority or if an eligible does not respond to certification notifications or other correspondence related to availability.
- 4414.3 On receipt of a statement from the eligible declining appointment and stating that he no longer desires consideration for County positions.
- 4414.4 If three offers of probationary appointment have been declined by the eligible.
- 4414.5 If the eligible has accepted appointment to an extra-help or permanent position and subsequently either refuses the appointment or does not appear for duty on the effective date of appointment.
- 4414.6 An eligible who separates from the classified service shall be removed from promotional eligible list.

- 4415 Notice of Removal: The reasons therefore shall be mailed to the eligible at his last known address with notice of appeal rights.
- 4416 Restoration to Employment List: Any person whose name has been removed from an employment list shall receive consideration for restoration of his name to a list by submitting his request in writing to the Director of Human Resources specifying reasons which he feels substantiates his request. Restoration may be requested only during the original period of eligibility or extension.
- 4500 Offer of Employment: Persons who have been made a conditional offer of employment may be required to successfully complete a medical examination for the appropriate medical group description prior to beginning work. Therefore, an offer of employment to such an individual is not binding until after the individual has successfully passed the medical examination, submitted necessary documents required by the Immigration and Control Act of 1986, signed the oath of allegiance and actually reported for work, except as provided in Section 8021.
- 4600 Offer of Employment Procedure: (Ref. Normal Hiring Rate and Salary Advancement, Salary Resolution, Section 400) When the appointing authority notifies an applicant he/she has been selected, the applicant should be cautioned to consider such as a contingent offer for employment, subject to successful completion of medical examinations, if applicable. The Personnel Request Form, indicating who was selected, shall be returned to the Department of Human Resources. The departments should then phone the Certification Clerk at extension 600-1830 and, if medical examinations are required for the position, the Medical Clerk at extension 600-1830, with notification of the name of the successful applicant.
- 4601 Medical Examination Process: When the Medical Clerk receives the name of a person selected for a position requiring medical examinations, a pre-employment medical examination appointment will be made for that individual on the earliest available examining day following receipt of the information. Individuals scheduled for medical examinations should be cautioned not to give notice to their present employer until they have passed the medical examinations and the contingency has been removed from the County's offer of employment. County employees promoting or transferring to a classification in a higher medical group description which requires medical examinations must be scheduled for a medical examination. Upon receiving the findings of the medical examinations results, the Department of Human Resources will notify the department which has made the applicant an offer of employment. At this point, the department is authorized to contact the selectee and establish a beginning employment date.
- 4602 Immigration and Naturalization Form I-9: Prior to the first day of employment the department must schedule the selectee for an appointment to provide the department with proof of his/her right to work in the United States and to complete the I-9 (Immigration and Naturalization) form. To ensure compliance with the Immigration Reform and Control Act of 1986, it is extremely important that departments adhere to the following timelines:
- 4602.1 Selection One of the Form I-9 must be signed by the employee no sooner than when an offer of employment has been accepted and no later than the first day of employment (even if the employee has not yet provided genuine, acceptable documents for inspection);

- 4602.2 acceptable documents or receipts must be presented by the employee no later than the third business day of employment;
- 4602.3 Section Two of the Form I-9 must be signed and dated by the department and acceptable documents inspected no later than the third business day of employment (NOTE: Departments MAY NOT direct employees to present specific documents, they may only provide them with the list of acceptable documents and allow employees to select the documents they prefer to provide);
- 4602.4 Form I-9 must be completed in full before employment begins if an employee is hired for three days or less.

Additionally, department must:

- 4602.5 provide the employee with a copy of the Instructions for completion of the Form I-9;
- 4602.6 complete Section Two in its entirety specifying document title, issuing authority, document number, and expiration date, in addition to attaching copies of documents. (NOTE: The Certificate of Naturalization, INS Forms N-550 and N-570, indicated on their face that they are not to be copied. The INS has ruled that copying these forms is permissible for the purpose of documenting the Form I-9.);
- 4602.7 suspend or terminate employment of an individual who fails to present acceptable documents or receipts within the required time lines;
- 4602.8 reverify employment eligibility of an employee who has a time-limited employment authorization (as indicated in Section One only) prior to expiration date;
- 4602.9 reverify the employment eligibility of an employee who has been rehired and who has on file a Form I-9 completed within the last three years.

The department shall also at that time submit a PAN Form to the Department of Human Resources. The PAN Form shall give the required information concerning the candidate selected. The appointing authority, or designee, must sign this form. The yellow copy of the PAN Form shall be kept by the department for its files.

- 4603 Basic Forms: After the employee is hired, the department is responsible for the employee completing the required basic forms:

Form I-9 Immigration and Naturalization;

tax withholding forms, including the IRS' W4 Form and the State Franchise Tax Board's DE4 Form, listing the employee's name, address, social security number, and the number of income tax deductions claimed;

forms enlisting the new employee in the County Retirement Program;

payroll authorization address cards, listing employee's name, address, social security number, etc;



bank authorization cards;

loyalty oath;

health benefit enrollment forms;

Authorization for Payroll Deduction cards for employees in classifications covered by "Union Security" clauses.

- 4604 Departments Shall Release Employees For Processing: The department shall release the employee at designated times for further processing by the Department of Human Resources. The Department of Human Resources will notify the department of the times and places for specific steps of this processing.
- 4605 Fingerprinting and Background Investigations: Prior to employment, the prospective employee may be required to be fingerprinted and/or authorize a background investigation by the department. The department will check fingerprints against police records and other appropriate files. During a full background investigation, many sources of information may be called upon. The department considers the information gained through the background investigation, including fingerprinting, against the responsibilities and authority inherent in the position being filled, to determine if the prospective employee's history and background are appropriate for service with the County in that position. Should the investigation reveal information indicating that the prospective employee materially misrepresented him/herself or his/her credentials on the employment application, the department shall notify the Department of Human Resources so that the appropriate action may be taken.
- 4606 New Employee Orientation: The Department of Human Resources conducts new employee orientations, during which basic County policy is explained. Also during orientation the benefits provided by or made available to employees by the County, including the County health insurance plan, optional life insurance, FLEX, disability insurance, Deferred Compensation and the Employee Assistance Plan are presented. In addition to policy and benefits, such as issues as workplace safety, substance free workplace and sexual harassment policies, and Civil Service and Family and Medical Leave Act rights are discussed. Departments should make every effort to provide employees with scheduled paid time to attend orientation.
- 4607 Department Orientation: The department should have its own orientation procedure for the new employee to acquaint him/her with the specific organization and the general rules he/she will be expected to observe.
- 4608 Employee Address and Telephone Numbers: Every department shall have on file the home telephone and mailing address of each of its employees. It is the responsibility of every employee to provide this information to the department head and promptly notify the department head of any changes. The information is confidential and is only used for County business.

The department head shall provide the Department of Human Resources with the current mailing address of each employee.

## **PERSONNEL RULE 5 - PROBATIONARY PERIODS**

A formal required probationary period applies only to incumbents of positions in the classified service. It is the final phase of the selection process. The probationary period provides a basis for the employing department to observe new personnel, and those who have been promoted, in order to determine whether they satisfactorily meet department standards. Conversely, probationary periods also provide employees an opportunity to evaluate their interests and capabilities relative to the position and department standards.

5010 Nature and Duration: Individuals entering or re-entering, promoting or reinstating within the classified service in any class to which appointed or promoted serve a one-year probationary period.

5011 Employment from Extra-Help: (Ref. Definitions, Salary Resolution, Section 400) This section applies only to extra-help appointments which have been continuous, full-time immediately prior to permanent appointment.

For purpose only of calculating the duration of the probationary period, persons who are working on a full-time extra-help appointment when selected to fill a permanent position in the same job classification in the same department shall be given credit toward completion of their probationary period up to a maximum of three months. Those employees who have worked less than three months shall have their probationary period calculated from the date on which their current extra-help appointment began. The hiring department shall forward to the Department of Human Resources the date (up to the three-month maximum) when the individual began continuous full-time employment immediately prior to permanent appointment in the same job classification.

5012 Selection From Departmental Layoff List: (Ref. Salary Placement on Rehire From Layoff List, Salary Resolution, Section 400) Individuals selected from departmental layoff lists resume the status they enjoyed at the time of layoff.

5013 Probationary Period: (Ref. Alphabetical Position Listing, Salary Resolution, Section 100, "PROB PERD" Column)

5013.1 Employment at Entry/Experienced Level: When designated classes are in a series having both an entry and experienced level, persons either initially employed or promoted from outside the series are required to serve a one-year probationary period when appointed at either level. However, individuals hired at the entry level and advanced to the experienced level prior to the completion of the one-year probationary period are required to complete only the balance of the one-year probationary period. A person who completes a one-year probationary period at the entry level is not required to serve a new probationary period at the experienced level.

In the event an employee who has not completed the required initial one-year probationary period is promoted or demoted to any level within the class series, such employee is required to complete the remainder of the original one-year probationary period or complete a new six-month probationary period, whichever is the longer.

- 5020 Responsibilities of Department Heads: It is the department head's responsibility to assess the probationer's performance and other pertinent factors. Based on such assessment, the department head shall determine, prior to the end of the probationary period, which of the following actions will be taken with respect to a given employee.
- 5021 Granting Permanent Status: When a department head finds an employee's service satisfactory, permanent status is granted to the employee at the conclusion of the probationary period. Permanent status can be granted only at the end of the probationary period, or any extension thereof.
- 5022 Probationary Extension - Leave of Absence During Probationary Period: A leave of absence during a probationary period in excess of 15 working days will automatically extend the probationary period by a number of working days equivalent to the number of working days on leave.
- 5023 Rejection During Probationary Period: When, during an original or extended probationary period, a department head determines that the services of an employee are unsatisfactory, he/she shall immediately reject the employee. Probationary rejections are reported on the form specified by the Director of Human Resources and must include a statement in writing of the reasons for the rejection. Advance notice will be given an employee to be rejected if possible. If such notification is not received, the new employee automatically gains permanent status at the end of the probationary period.
- Return to Position of Permanency: If an employee is either rejected or laid off during probation, and if his/her appointment to the probationary period has been from a position in a lower classification in which he/she had permanent status, he/she has the right to return to that position.
- 5024 Appeal to Rejection During Probationary Period: Rejection during probationary period is not subject to appeal to the Civil Service Commission except at the discretion of the Commission when an employee submits a written request for a hearing. Such written request must state that the employee believes that his or her rejection was due to unlawful discrimination and provide the basis for that belief. "Unlawful discrimination" means discrimination based on race, color, medical condition, religion, sex (including sexual harassment), national origin, political affiliation, age, disability, sexual orientation, or other factors protected under federal or state law. The procedures for such appeals are set forth in Rule 1, Section 1041. Rejection during probationary period is not grievable through the Fresno County Employee Grievance Procedure.

5025 Appeal to Rejection During Probationary Period or Denial of Promotion: (Peace Officer - California Penal Code Section 830.1) (Ref. Discrimination Complaint Procedure, Management Directives, Section 100) Notwithstanding the provisions of Section 5024 of these Rules, a probationary employee who is a peace officer as defined in California Penal Code Section 830.1 may appeal to the County Administrative Officer any punitive action, or denial of promotion on grounds other than merit, when state law requires an opportunity for an administrative appeal to be provided to that employee. The County Administrative Officer shall sustain the punitive action or denial of the department head if he/she finds that the grounds for such action or denial are true and constitute a reasonable basis thereof. The County Administrative Officer shall be the final adjudicator of all appeals pursuant to this section. Procedural rules and regulations shall be promulgated and adopted by the County Administrative Officer to carry out the provisions herein.

5026 Procedural Rules for Appeal from Rejection During Probationary Period or Denial of Promotion Pursuant to Personnel Rule Section 5025: Employees may obtain a hearing under Personnel Rule Section 5025 by delivering a written request for a hearing to the County Administrative Officer and serving a copy of that request on the department head who has taken the action within 90 days from the date of the rejection or denial.

Upon receipt of the request for a hearing and proof of service of the request on the department head, the County Administrative Officer shall set a date for the hearing and notify the parties.

The department head shall within 10 days of the receipt of a request for a hearing provide the employee with a statement of the basis for the rejection or denial.

At the hearing the County Administrative Officer may receive oral and physical evidence. The County Administrative Officer shall not be bound by any rules of evidence governing trial procedure.

The County Administrative Officer shall sustain the rejection or denial if he finds that the grounds for such action or denial are true and constitute a reasonable basis thereof.

The action of the County Administrative Officer shall be final and binding on the employee and the department head.

## **PERSONNEL RULE 6 - CAREER DEVELOPMENT**

The Director of Human Resources is responsible for developing and administering training programs. Objectives include training for all levels of personnel within the organizational structure with emphasis on upgrading management, supervisory and employee skills.

Programs include the development of courses which permit or require employee participation, the identification and/or development of career ladders and personnel exchanges between departments and agencies.

### 6010 Training Program Structures:

6011 New Employee Orientation: This is a basic orientation program required of all persons new to County employment. It includes an introduction to the objectives of County service and employee responsibilities, benefits and privileges.

6012 Tuition Reimbursement: Training covered by tuition reimbursement is ordinarily accomplished by the individual employee at his request outside the normal working hours. Reimbursable courses may be taken to either increase effectiveness in a current job assignment or to advance within the County service.

6013 In-service Training: In-service training is normally conducted during regular working hours. It is oriented to develop skills in management or supervisory functions or to enhance an employee's ability to perform. In-service training is frequently compulsory. Courses may be provided by Valley Regional Training Center, County staff or other resources, and generally, a certificate or completion is awarded each successful participant.

6014 Training Assignments: This type of training is accomplished by the temporary assignment of an employee to a different function for developmental purposes. Ordinarily, training assignments are made to develop employee skills in supervisory, managerial, technical or professional career fields.

6015 Personnel Exchange: The Director of Human Resources acts as the County Coordinator in arranging and facilitating personnel exchanges between Fresno County and other governmental agencies as provided for in such programs as the Intergovernmental Personnel Act.

### 6020 Career Advancement:

6021 Experienced Level Class: A classification the minimum qualifications for which require either appropriate specialized education or experience. The experience may be from employment in an entry level class in the same class series or from other equivalent employment either inside or outside the Fresno County service.

6022 Entry Level Class: A classification in which an individual so employed is being trained and gaining experience to perform at the experienced level in the class.

6023 Pre-Entry Level Class: A classification in which the individual may not meet the education, experience, licensure, or certification requirements for the entry level and is employed on a provisional basis to afford a limited opportunity to attain the requirements for the entry level.

## **PERSONNEL RULE 7 - LEAVES**

Leave provisions exist for the convenience of employees who must, or wish to, absent themselves from work for various reasons.

Employees who are absent from work must be on either an approved leave, sick leave, annual leave or compulsory leave. Other absences are treated as absences without leave and are subject to disciplinary action as explained elsewhere in these rules.

Leave provisions apply equally to incumbents of classified and unclassified positions.

### 7010 Paid Leaves:

7011 Annual Leave: Annual Leave is governed by provisions contained in the County Salary Resolution and shall be administered as specified therein.

7012 Sick Leave: Sick Leave is governed by provisions contained in the County Salary Resolution and shall be administered as specified therein.

### 7020 Unpaid Leaves:

#### 7021 Administrative Leave:

7021.1 A leave of absence for a period not to exceed thirty (30) calendar days may be granted by the department head to an employee occupying a permanent position for reasons acceptable to the department head. The department head shall immediately notify the Department of Human Resources, by the use of the appropriate form, of the effective date of the employee's absence and also the effective date of employee's return to duty.

Successive administrative leaves are not permissible. A request for a leave of absence in excess of thirty (30) days must be approved by the Director of Human Resources.

7021.2 A leave of absence for a period not to exceed five consecutive working days may be treated as dock time and recorded on time-card as such. This type of approved leave would not require notification to the Department of Human Resources.

7022 Medical/Family Leaves: This type of leave may be requested for any bona fide medical or psychiatric problem, including any of the reasons falling under either the Family and Medical Leave Act of 1993 (FMLA) or the California Family Rights Act (CFRA) as amended in October 1993 (see Section 7095 - Family Care Leaves). This leave is ordinarily only used when an employee has exhausted annual leave or sick leave balance, and the employee is still disabled.

Requests for Medical/Family Leaves must be accompanied by a statement from the employee's physician (or qualifying health care provider under FMLA or CFRA) certifying that the employee is "unable to perform the functions of his/her position" because of his/her serious health condition and specifying the anticipated time of release or return to active duty. The employee may opt not to have his/her physician or health care provider offer a diagnosis under FMLA/CFRA.

An initial Medical/Family Leave of Absence, for a period not to exceed thirty (30) calendar days, may be approved by the department head. The department head shall immediately notify the Department of Human Resources by the use of the appropriate form of the effective date of the employee's absence, and also the anticipated date of the employee's return to duty. If the employee is unable to return to work at the end of the initial leave, the employee may request an additional leave of absence and provide substantiation of the need for the request. Any extension of leave of absence must be approved by the Director of Human Resources.

Immediately prior to, or at the time of, return to active duty from a Medical/Family leave of absence for the employee's own serious health condition, the employee must provide a statement from his/her health care provider certifying to the employee's ability to resume the specific duties of the position. The department head or Director of Human Resources may require the employee to submit to an examination, at County expense, by a physician chosen by the Director of Human Resources.

Pregnancy and childbirth-related disability is covered under California Pregnancy Disability Leave Law, Government Code Section 12945. Employees are entitled to up to four months leave for pregnancy or childbirth-related disability. After the end of such disability, any leave request would be considered under the California Family Rights Act.

- 7023 Education or Training: This type of leave is generally granted when the kind of education or training undertaken is likely to enhance the County's capabilities to provide service to the public. Consequently the training should have as its objective either: an increase in the effectiveness of the employee in a current job assignment; or an enhancement of the employee's advancement possibilities within the County service.
- 7024 Personnel Exchange: This type of leave may be granted to facilitate personnel exchanges as a part of career development efforts explained in Rule 6, Career Development.
- 7025 Leave to Seek Office: An employee holding a position in the classified Civil Service, who in a manner prescribed by law declares himself as a candidate for elective office will be granted a leave of absence without pay. The procedure and length of time shall be as provided in the County Ordinance Code, Section 3.08.120.



7026 Military Leave: Military leave is governed by the provisions of the California Military and Veterans Code. The request of an employee who has permanent status for military leave of absence can be honored by the department head only if the employee includes with his request a copy of his military orders. This request is submitted not less than 15 days prior to the effective leave date unless an emergency arises preventing this. A copy of the leave papers and the appropriate notification documents is submitted to the Director of Human Resources prior to the effective date of leave. The granting of leave and payment therefor are not inseparable matters, but are mandatory under certain specific conditions specified by the Military and Veterans Code. The Director of Humans Resources will abide by the Military and Veterans Code in determining the appropriateness of leave and payment therefor.

7027 Compulsory Leave: If, in the opinion of the department, an employee is unable to properly perform the duties of his position because of physical or mental reasons, such employee may be required to submit to an examination by a physician designated or approved by the Director of Human Resources, as specified in Rule 8, Medical Examinations, Section 8024. If the report of the physician shows the employee to be in an unfit condition to perform his duties, the department head may, subject to the approval of the Director of Human Resources, compel such employee to take sufficient leave of absence to fit him to perform his duties; however, the employee shall be entitled to use accumulated sick leave and annual leave before being placed on compulsory leave without pay.

This section applies to all types of mental or physical conditions including pregnancy.

7028 Personal Leave: This type of leave may be granted to an employee when it does not cause inconvenience to the department or the County.

7029 Voluntary Furlough Leave: This type of leave is solely available, with department head approval, to full-time and part-time unrepresented and management employees, and employees in classifications represented by Representation Units 38 and 40 occupying permanent positions. Voluntary furlough leave provides a temporary voluntary means to maximize county funding resources, and may be used as an alternative or adjunct to layoff, or other cost saving measures.

7029.1 Any unrepresented or management employee, or employees in classifications represented by Representation Units 38 and 40 shall have the right to indicate to their department head that they wish to participate in voluntary furlough leave. The department head shall have sole discretion over the approval or denial of voluntary furlough leave requests. Denials of voluntary furlough leave requests shall not be appealable or grievable.

7029.2 A furlough day shall consist of eight (8) hours (or nine (9), ten (10) etc., hours depending on work schedule) during a twenty-four (24) hour period. The minimum hours of voluntary furlough leave that can be requested shall be one (1) hour. The maximum days of voluntary furlough leave that can be requested shall not exceed fifty-two (52) days.

within a given fiscal year. Voluntary furlough leave requests shall be limited to no more than five (5) consecutive leave days within any given pay period.

- 7029.3 Voluntary furlough leave shall not be authorized for any pay period wherein an employee has other types of unpaid leave within the pay period for which voluntary furlough leave is requested.
- 7029.4 Employees participating in voluntary furlough leave shall remain county employees during the period(s) of furlough, and such time shall be considered productive time for the following purposes: computing annual leave accrual pursuant to Salary Resolution Section 600; computing overtime pursuant to Salary Resolution Section 800; holiday pay pursuant to Salary Resolution Section 900; completion of probationary period pursuant to Personnel Rule 5; promotion eligibility pursuant to Personnel Rule 11; computing seniority pursuant to Personnel Rule 12; health plan benefit eligibility; step increase eligibility; retirement.
- 7029.5 Voluntary furlough leave requests shall be submitted sufficiently in advance of the effective date, on the appropriate form, to permit review by the department head. (Personnel Rule Sections 7030, 7040, 7050, and 7060 do not apply to Section 7029.)

7030 Leave Duration: All leaves are to be for the minimum time period necessary to accomplish the objective of the leave. An original leave may be approved for a maximum time period of one year and may only be extended with approval of the Director of Human Resources as specified below.

7040 Leave Procedures: Except for compulsory leave, leave requests may only be initiated by an employee. A department head may not require an employee to take a leave other than a compulsory leave and then only in accordance with compulsory leave provisions specified in Rule 8, Section 8024.

Leave requests must be submitted by an employee sufficiently in advance of the proposed effective date to permit review by his department head and the Director of Human Resources. Leave requests shall include reasons, substantiating and supporting information, beginning dates and ending dates which relate specifically to the reason for the request and the employee's signature. The department head will review the request recommending approval or disapproval and forward it to the Department of Human Resources. If his action is one of disapproval, reasons will be specified in writing and a copy will be given to the employee.

7050 Approval Actions: Each request for an initial leave (with the exception of Administrative Leaves or initial Medical Leave) or an extension must be approved by the Director of Human Resources prior to the effective date. When reviewing requests for unpaid leave, the Director of Human Resources will take into consideration their conformance with the provisions set forth above for each type of request and the impact which the leave may have on the employee, the department, and others who may be required to replace or fill in for the employee while on leave.

The Director of Human Resources may extend a leave for an additional period. The form and considerations for an extension shall be the same as for the original leave.

If an initial leave or extended leave request is denied, applicant shall be notified of right of appeal.

- 7060 Leaves - Early Return and Revocation: When an employee desires to return before the expiration of a leave, the department head may require that a reasonable notice, not in excess of 15 calendar days, be given prior to resuming work.

A leave of absence may be revoked by the department head upon evidence that the cause for granting leave was misrepresented or ceased to exist.

- 7070 Failure to Return at Scheduled Time: Failure to report for duty after a leave of absence has expired or has been disapproved or revoked may, at the option of the department head, be considered as absence without leave subject to the disciplinary provisions of Rule 10, Disciplinary Actions, unless such failure to report is for reasons beyond the employee's physical control.

- 7090 Time Off to Compete in Examination: (Ref. Personnel Rule 4 - Selection Process.) Permanent and probationary employees shall be entitled to necessary time off with pay, not chargeable to annual leave, to take Fresno County examinations, if such examinations are scheduled during their working hours. Such time off must be approved in advance by their department head.

- 7095 Family Care Leaves: The paid and unpaid leave provisions herein and in the Salary Resolution shall be applied so as to be consistent with California Government Code Section 12945 (pregnancy leave, which provides in part for no more than six weeks of leave on account of normal pregnancy, childbirth, or related medical condition, or four months disability leave on account of pregnancy, childbirth, or related medical condition); Section 12945.2 (family care leave, also known elsewhere as CFRA leave, which provides in part for a total of twelve weeks in a twelve month period for family care or medical leave); and Public Law 103-3 (federal Family and Medical Leave Act of 1993, also referred to as FMLA, which provides for up to twelve (12) weeks leave in a twelve month period for family and medical reasons). Reasons for leave under both CFRA and FMLA include the employee's own serious medical condition, the need for the employee to care for a child, spouse or parent with a serious medical condition, or the wish of the employee to stay home with a child either newly born or newly placed with the employee for adoption or foster care. Leaves may fall into this category for no more than 12 weeks in any 12 month period. Leaves due to pregnancy and childbirth-related disability will be granted under California Government Code Section 12945. Following the pregnancy or childbirth-related disability, employees are entitled to an additional twelve weeks of family leave to stay home with a new baby. Requests for extensions (beyond the twelve weeks) of leaves granted to stay home with a new, or newly placed, child, or to provide care for a seriously ill relative should be submitted under Section 7028 - Personal Leave.

## **PERSONNEL RULE 8 - MEDICAL EXAMINATIONS**

The County's medical examination program is under the overall administrative direction of the Director of Human Resources who makes decisions and takes actions based upon individual medical evaluations, findings, and opinions of California licensed physicians, health care providers or mental health professionals as consulted.

### 8010 Medical Examinations (Physical and/or Psychological):

8011 Purpose: Examinations are administered to ensure insofar as possible that: 1) An individual is medically qualified to perform effectively the essential functions of a position in a specific job classification; and 2) An individual, in performing a position's duties, does not present a hazard to the health and safety of self, co-workers, or the public.

8012 Classified and Unclassified Permanent Positions Covered: The medical examination program applies to all permanent positions in both the classified and unclassified service. Additionally, under certain specific situations, medical examinations may also be administered for extra-help positions.

### 8020 Medical Examination Required - Scheduling:

8021 New Employee (Ref: Personnel Rule 4): All persons selected for prospective employment within certain job classifications will be required to complete a pre-employment medical history form, as well as undergo a medical examination for the appropriate medical group description prior to beginning work.

In cases of emergency, the Director of Human Resources may authorize employment prior to the medical examination. In these instances, continued employment is conditioned upon Department of Human Resources approval after review of the medical examination results.

8022 Present Employees: Employees moving to positions in Medical Group III, IV, or V descriptions will be required to successfully complete a medical examination for the higher group description.

8023 Periodic - Safety Officer: Employees in Safety Officer positions are required to be medically examined periodically: Employees 45 years of age and older, annually; under 45, each third year after employment.

The employee and the employee's department head shall be notified in writing as to whether the employee is medically qualified for continued duty. Any physical deficiencies which are correctable, must be remedied within a reasonable period of time. Failure to complete the medical exam or to take corrective action as indicated subjects the employee to disciplinary action consideration as specified in Section 10077 of Rule 10.

8024 Special Compulsory:

8024.1 If a Department Head believes that an employee has difficulty performing effectively in the assigned duties and functions of the job due to physical or mental reasons, he or she may submit a written request for a special compulsory medical examination to the Director of Human Resources. The written request shall set forth specific reasons explaining the Department Head's belief that the examination is necessary.

8024.2 If the Director of Human Resources approves the request, the employee shall be served with a proposed order compelling the employee to undergo a medical examination. This proposed order shall contain a statement in ordinary and concise language of the basis for the conclusion that a medical examination is warranted; this statement may be made by reference to the written request provided by the Department Head.

8024.3 The proposed Order for Compulsory Exam shall be served on the employee with a notice informing the employee that the Director of Human Resources intends to impose the Order on the employee. The employee shall be provided with copies of all documents on which the Director relied in determining the appropriateness of a compulsory medical exam. The notice shall also provide the employee with a date and time to meet with the Director regarding the intended Order. This meeting shall be held not less than five business days after service of the notice and proposed order. The purpose of this meeting shall be to give the employee an opportunity to refute the factual basis for concluding an examination is warranted.

If an employee is served with an order for compulsory exam and fails to comply with such order, the employee may be subject to disciplinary action by the Department Head.

8024.4 Where a compulsory medical examination is ordered, and the Department Head has provided information that the employee's physical or mental condition presents a hazard to the employee or others, the employee may be reassigned or placed on administrative leave with pay pending the results of the compulsory medical exam. In such case, the Order for Compulsory Medical Exam shall also state that the employee is being reassigned or placed on administrative leave with pay and provide the factual basis for this action. The employee shall have the opportunity to refute this factual basis at the meeting referenced in 8024.3.

8024.5 If, after the compulsory medical exam, it is determined that the employee does not meet the medical standards for the position, the employee may be reassigned, placed on compulsory leave (the employee shall not be paid his or her regular salary but shall be entitled to use accumulated vacation, sick or annual leave before being placed on leave without pay), dismissed or be subject to other appropriate action such as submission of an application for retirement on behalf of the employee. If the employee is placed on compulsory leave, the employee shall be first provided with a proposed order for compulsory leave and a notice informing the employee of the date and time of a meeting with the Director of Human Resources. The proposed order shall contain a statement in simple and concise language setting forth the basis for the Director's conclusion that the employee is unfit for duty. The employee shall be provided with copies of all documents on which the Director relied in making this determination. The meeting with the Director shall be held not less than five business days after service of the notice, proposed order and supporting documentation.

8024.6 An employee ordered to undergo a compulsory medical examination shall be entitled to appeal such order to the Civil Service Commission pursuant to Personnel Rule 1041.1. The purpose of such a hearing is to determine whether the Department Head and the Director of Human Resources complied with the procedural requirements for such an order and whether there was a reasonable basis for concluding that the employee is unfit for duty.

8030 Medical Group Descriptions and Medical Standards and their Application: Each class of position is assigned by the Director of Human Resources to one of five medical group descriptions based upon the usual working conditions and duties of positions in the class of position. The medical examinations shall utilize the appropriate medical group description information in applying the medical standards to an individual examinee. The written medical standards and elements of the examination are established by the County taking into consideration the recommendations of the County Health Officer, and may include, among other things, use of other State or Federal medical standards (e.g., Peace Office Training Standards, Board of Corrections, etc.). Specific medical examinations are not restricted to the established written standards; but in all instances are expected to take into consideration the usual or known physical and mental demands of the position class.

Following are the medical group descriptions and the general distinguishing criteria:

8031 MEDICAL GROUP I - Light Physical Activity: This group includes positions which require only light physical effort and may include lifting of small, light objects and some bending, stooping, squatting, twisting, and reaching. Considerable walking or standing may be involved.

8032 MEDICAL GROUP II - Moderate Physical Activity: This group includes positions which require moderate physical effort using arms, legs, back, and trunk in frequent lifting, pushing or pulling of objects weighing (or offering resistance equivalent to) 10-25 pounds, and occasionally over 25 pounds. Generally, bending, stooping, squatting, twisting, reaching, as well as standing and walking are involved.

- 8033 MEDICAL GROUP III - Heavy Physical Activity: This group includes positions which require heavy physical effort using arms, legs, back and trunk in frequent lifting, pushing, or pulling objects weighing (or offering resistance equivalent to) over 25 pounds. Generally, considerable bending, stooping, squatting, twisting, reaching, as well as standing and walking are involved. Physical stamina is usually required and explosive strength using bursts of energy may be required, depending upon specific position assignments.
- 8034 MEDICAL GROUP IV - Safety Officer: This group includes law enforcement positions which are covered by the Safety Officer provisions of the County's retirement plan. Sound physical condition in all respects is required because of exposure to and need to counteract and control, violent action or behavior. Heavy physical activity as described in Medical Group III may be encountered occasionally to frequently depending upon specific assignments and emergency situations.
- 8035 MEDICAL GROUP V - Safety Officer (Sworn): This group includes law enforcement positions which are covered by the Safety Officer provisions of the County's retirement plan. The same physical fitness requirements exist as for Group IV. However, positions in Group V are exposed more frequently to hostile environments in which heavy physical demands such as running, jumping, and climbing occur. Also, positions in Group V more frequently are involved in situations in which the incumbent must be able to handle specific physical actions individually without immediate assistance.
- 8040 Reasonable Accommodation: When, in the opinion of the Director of Human Resources, it would not impose an undue hardship on the County, every effort shall be made to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability. The terms "reasonable accommodation" and "qualified individual with a disability" are used herein as defined in compliance regulations pertaining to the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA).
- 8050 Appeals (Medical Examinations Other Than Special Compulsory):
- 8051 Only Basis for Appeal: An individual who is disqualified in the County's medical examination may appeal only on a supported claim that the individual does in fact meet the medical standards for the class of position in which employment was being considered, and is, therefore, medically qualified. The claim must be supported by presentation of medical evidence supplied by a California licensed physician, health care provider or mental health professional.
- 8052 Appeal Procedure: A medically disqualified person in order to file an appeal, must submit it to the Director of Human Resources in writing within ten (10) working days after the date the disqualification notice was mailed. The appeal must specify the reasons why the individual feels he or she meets the County's medical standards for the class of position. Medical evidence as noted in 8051 must accompany the appeal or a date specified, by which, in the reasonably near future the individual will supply the supportive medical evidence.

- 8053 Appeal Resolution: After reviewing the appeal along with the individual's medical examination records, the Director of Human Resources may:
- 8053.1 Reject the Appeal: The Director of Human Resources will notify the appellant in writing as to the reasons for upholding the rejection.
  - 8053.2 Re-examination: Require re-examination by an independent California licensed physician, health care provider or mental health professional. The findings of these licensed professionals will be submitted to the Director of Human Resources who after considering them, will render a written decision and the reasons therefore to the appellant.
  - 8053.2 Refer to a Medical Review Board for Evaluation: A medical review board ordinarily consists of three (3) licensed physicians, health care providers or mental health professionals, as selected by the Director of Human Resources for a specific appeal situation. Information about the duties, responsibilities, physical demands and working conditions of the position in question will be supplied the review board. In addition, the board will have access to the properly released medical records of the appellant and may conduct its own medical examinations if deemed necessary. The medical review board will submit its findings to the Director of Human Resources who, after considering them, will render a written decision and reasons therefore to the appellant.



## **PERSONNEL RULE 9 - PERSONNEL RECORDS**

The Director of Human Resources is responsible to develop and maintain a complete repository for personnel records of employees in both classified and unclassified positions. These records provide the background necessary in such instances as: employment verifications; system audits by various agencies; development of affirmative action status reports; payroll verification; and are source documentation for reports to the Commission, Affirmative Action Committee, and others.

### 9010 Personnel Records:

9011 Contents: The Director of Human Resources will maintain in his office an official roster and supporting documents containing the names and complete employment records of all employees holding positions in either the classified or unclassified service. The employee roster will set forth: name, department, job classification, salary, records of leaves of absence, disciplinary actions, a historical record of all information pertinent to the status of the individual employee and salary paid for services during employment.

A personnel jacket is also maintained for each classified and unclassified employee. All documents relating to each employee are filed therein. These include, but are not limited to, appointment papers, all personnel transaction forms, medical examinations, safety, training, background information records, disciplinary records.

9012 Security: Personnel records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization by the Director of Human Resources. Insofar as may be known to him, he will take into account, in granting access to these documents, the potential impact access will have on both the employee and the County. With the exception of letters of reference, employees may review their own personnel files at times specified by the Director of Human Resources. Employees may respond in writing to the contents of their personnel file. Such responses become a permanent part of their file.

9013 Certification Before Salary Payment: Except as otherwise provided by state law, the Auditor shall not approve any salary or compensation for services for any person holding or performing the duties of any position in the classified or unclassified service unless he has in his possession a document certified by the Director of Human Resources to the effect that the name, title, and rate of pay of the person to be paid are in accordance with the provisions of Section 3.08.170, of the County Ordinance Code, these Rules, and the County Salary Resolution.

9020 Payroll Review: The Auditor will provide the Director of Human Resources with a copy of the County payroll, covering one pay period, at least once during each calendar quarter for the purpose of spot-checking payroll data relating to classification numbers, position numbers, salary ranges and steps and related information covering payments to employees.

## **PERSONNEL RULE 10 - DISCIPLINARY ACTIONS**

This rule relates to disciplinary actions against employees having permanent status in the classified service. A department head may not adversely affect the status or pay of an employee by any other means or procedures than those provided herein. Severity of an action taken should be appropriate to the cause.

10010 Definition and Content of Order: An order is a written document directed to the employee being disciplined by dismissal, demotion, suspension, or administrative salary reduction.

The order will state one or more causes in Section 10060 for a type of disciplinary action provided in Section 10030 of Rule 10 of the County Personnel Rules.

The order will contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based.

The order will inform the employee of his/her right, if he/she chooses, to appeal the action to the Commission and will also inform him/her of the timing and procedure for appealing and answering the charges as set forth in Section 10110.

It will also inform him/her that failure to file an appeal or answer within the time allowed or failure to appear at the subsequent hearing will result in the order of the department head becoming final.

10020 Alternate Procedure: In lieu of making any disciplinary action effective at the time that the formal order is signed and served upon the employee, the department head in his discretion may provide in the order that the disciplinary action will be immediately effective upon the expiration of the time for appeal, or in the event of an appeal, when the Commission's decision, if any, upholding the order, is served on the employee. If such an order is served and filed with the Commission, the time and procedure for appeal will be the same as is provided in Sections 10110 through 10130 of Rule 10 of the County Personnel Rules, except that the employee will continue to perform the duties of his position during the pendency of the disciplinary proceedings.

If the disciplinary action is not made effective at the time the formal order is signed and served upon the employee, and the department head later desires to summarily make effective the disciplinary action during the pendency of the dismissal proceedings, the notice of intended order for disciplinary action will be served on the employee pursuant to Section 10090 herein. The disciplinary action may not become effective until after the employee has been afforded the right to reply to the proposed disciplinary action orally or in writing.

10030 Types of Disciplinary Action:

10031 Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by the department head with a notation in the employee's departmental personnel jacket and a copy to the employee.

An oral reprimand is not subject to appeal to the Civil Service Commission.

10032 Written Reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy filed in the employee's departmental personnel jacket. Within five (5) working days following receipt of written reprimand, the employee shall be permitted to file a written response, the original being directed to the department head and a copy filed in the employee's departmental personnel jacket.

A written reprimand is not subject to appeal to the Civil Service Commission.

10033 Disciplinary Suspension: An involuntary absence without pay for a period up to and including 30 working days (240 hours), prorated for part-time employees.

10034 Administrative Salary Reduction: (Ref. Administrative Salary Reduction, Salary Resolution, Section 400) A reduction in pay from the employee's current step within a pay range to any lower step within that same range as provided in the County Salary Resolution.

10035 Disciplinary Demotion: (Ref. Other Salary Changes, Salary Resolution, Section 400) Reduction from a position in one class to a position in another class having a lower salary range allocation.

10036 Dismissal: Discharge or removal from the County service.

10040 Prohibited Disciplinary Actions: Other actions which adversely affect an employee's status such as required voluntary work, reduction of either vacation, or compensatory time, are all prohibited.

10050 Department Head Responsibilities: A department head who has knowledge of an employee's performance, conduct, or behavior constituting grounds for disciplinary action as described in Section 10060 shall take such action or himself/herself be subject to censure or disciplinary action.

10060 Causes for Disciplinary Action:

10061 Incompetency.

10062 Inefficiency.

10063 Physical or mental disability.

10064 Insubordination.

10065 Neglect of duty.

10066 Absence without leave.

10067 Dishonesty.

- 10068 Fraud in securing employment.
- 10069 Discourteous treatment of the public or other employees.
- 10070 Drinking alcoholic beverages on the job, or reporting for work while under the influence of alcohol or intoxicants.
- 10071 Addiction to narcotics or other habit forming drugs.
- 10072 Conviction of a felony or misdemeanor involving moral turpitude.
- 10073 Failure to pay just debts as reflected by multiple or repeated salary executions, court judgments, and/or repeated contacts by creditors during working hours.
- 10074 Willful violation of any County Code or lawful departmental or County regulation or order.
- 10075 Improper political activity as specified in the County Ordinance Code.
- 10076 Any conduct which bears some rational relationship to the employment and is of a character that can reasonably result in the impairment or disruption of County service.
- 10077 Persistent failure by a safety member to take treatment or corrective measures for a disqualifying physical or mental condition identified in a periodic or special medical examination.
- 10078 Abuse of sick or Annual Leave.

10080 Provision for Immediate Administrative Leave With Pay Pending Investigation: (Ref. Administrative Pay Pending Disciplinary Action, Salary Resolution, Section 400)  
 Notwithstanding the procedure described in Sections 10090 and 10010 herein, if there is good cause to believe that the employee is guilty of extreme conduct which, if true, would warrant disciplinary action, and which in the option of the department head, imminently threatens to seriously disrupt the County service either because of the nature of the conduct itself or because of its anticipated effect on others in the department, the department head may immediately place the employee on administrative leave with pay pending investigation. In such event, the department head will comply with the procedures described in Sections 10090 and 10010 herein at the earliest time practicable.

During the time from commencement of administrative leave with pay pending investigation pursuant to this rule, until such time as the employee may be served with an order for disciplinary action, he will receive his full salary notwithstanding his absence from the job.

10090 Notice of Intended Order for Disciplinary Action:

10091 Prior to the effective time of any disciplinary action described in Sections 10033, 10034, 10035, or 10036 of Rule 10 of the County Personnel Rules, a written notice of intended order for disciplinary action will ordinarily be prepared and served on the employee.

The notice will have appended thereto an unsigned copy of the proposed order for disciplinary action described in Section 10010 herein, and if applicable, copies of materials supporting the charges against the employee.

The notice will inform the employee of the type of disciplinary action intended to be taken against him and will notify him of his right, if he chooses, to deny the charges or explain his conduct orally or in writing, or both, within five days from the date of service of the notice upon him.

The notice will also advise the employee that if he fails to reply to the department head within the five-day period, or if his denial is deemed by the department head to be untrue, or if the reasons advanced by him why the order should not be served upon him are deemed by the department head to be insufficient excuse for his conduct as set forth in the proposed order, the formal order for disciplinary action will be signed and served upon him.

10092 Except as provided in Section 10080 herein, the employee will continue to perform the duties of his position during the five-day period and until such time as the formal order for disciplinary action may be signed and served upon him, at which time the disciplinary action will become effective.

10100 Order for Disciplinary Action; Employee and Commission Notification: If an employee is disciplined by dismissal, demotion, suspension, or administrative salary reduction, a written order for disciplinary action will be prepared by the department head (See Section 10010). The order will immediately be filed with the secretary to the Commission and a copy served on the employee and the Director of Human Resources. Service of an order for disciplinary action or any notice required to be given to an employee will be deemed sufficient and complete when delivered in person to the employee to whom it is directed or when it is deposited in the United States mail, postage prepaid, and addressed to the last known address of the employee.

10110 Time of Appeal and Answer to Order: Within fifteen (15) working days of service of the order, the employee may appeal the action to the Commission by a signed statement asking for a hearing. The statement must include a written answer to the Disciplinary Order with the Commission. In the answer, the employee shall refer to the allegations of the Order by paragraph number and state whether or not he/she denies such allegations. The employee shall provide his/her reasons for denying any allegations and shall provide an explanation of any mitigating factors that he/she believes excuses his/her conduct. A copy of the answer shall be filed with the Commission along with a proof of service of the answer on the County Counsel's office.

- 10130 Failure to Respond or Appear: In the event of failure to file an appeal and answer within the time allowed or to appear at the subsequent hearing, the order of the department head becomes final. The Commission shall have discretion to grant extensions of time to file an appeal and answer, but no extension shall be granted except upon notice to the department head and upon an affirmative showing of good cause therefor.
- 10140 Date of Hearing: Upon receipt from the employee of the appeal and answer, the Secretary to the Commission will place the request for appeal on the agenda for the next regularly scheduled meeting of the Commission, at which time a date for the hearing on the appeal shall be set. In order to provide sufficient notice and an opportunity for preparation, the hearing shall not be set less than fifteen (15) days after receipt of the request for appeal absent contrary agreement of the parties. Notwithstanding this fifteen (15) day period, the Commission will seek to set the hearing at the earliest practicable date.
- 10150 Continuances: Notwithstanding the policy of establishing a hearing date at the earliest time practicable, the Commission shall have discretion to grant a continuance on motion of either party, or on its own motion. No continuance before or during the hearing shall be granted except upon notice to the non-moving party and upon an affirmative showing of good cause therefor. Unless otherwise stipulated by the parties, the Commission may impose the condition of payment of costs occasioned by the continuance on the party moving for the continuance, including any fee charged by the court reporter for failure to give sufficient notice of the continuance.
- 10160 Hearings: In the Commission's discretion and with the employee's consent, hearings on disciplinary actions may be in private or closed session. Otherwise, all hearings are public. The Commission shall conduct its deliberation in closed session.

Except as provided in Fresno County Ordinance 3.12.070, the employee and the department head have the right to be represented by the person of their choice.

The employee and the department head shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against them. If the employee or the department head does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

Oral evidence shall be taken only on oath or affirmation. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions: Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by status to be recognized at the hearing and irrelevant and unduly repetitious evidence shall be excluded.

10170 Commission Findings and Decision:

- 10171 Time Limits: The Commission shall deliberate and make a decision based on findings of fact and conclusions of law upon the conclusion of the hearing and shall announce its decision within thirty calendar days after the hearing unless the Commission determines that good cause exists for a reasonable delay (such delay shall not exceed fifteen (15) days. The decision shall either affirm, modify, or revoke the order of the department head. The findings and conclusions of the Commission shall not be recorded in formal, written form except upon the timely request of either party.
- 10172 Publishing Decision: The secretary to the Commission will submit a written record of the Commission's decision to the employee and the department head. The decision is also made a part of the minutes of the hearing. Upon request of either party within five business days of service of a written notice of the Commission's decision, formal written findings of the Commission shall be prepared.
- 10173 Enforcement of Decision: All decisions of the Commission will be immediately complied with by the appropriate party.
- 10174 Award of Lost Salary: If the Commission revokes the discipline ordered by the department head, it shall order the restoration of salary and other benefits to the employee in such amount and to such extent as is necessary to return to the employee all salary and benefits due him/her for such period of time as the disciplinary action was improperly in effect. In the event of the revocation of an order for dismissal, the Commission shall also order the restoration by the employee of any termination benefits conferred on him/her during such period of time as the disciplinary action was improperly in effect.

If the Commission modifies the discipline ordered by the department head, it shall order the restoration of salary and other benefits in such amount and to such extent as is necessary to return to the employee the amount of salary loss or the deprivation of benefits which was inconsistent with the discipline authorized by the Commission.

In cases of both revocation and modification of the discipline ordered, the amount of salary due to the employee shall be reduced by any amount which the department head affirmatively proves the employee has earned from any other employment, or collected from unemployment insurance, or with reasonable diligence might have earned from other comparable or substantially similar employment. Within ten working days after service of a Commission decision revoking or modifying the discipline ordered, if the department head maintains that the amount of salary due to the employee should be reduced pursuant to this section, the employee shall petition the Commission for a hearing on the issue. Copies of such petition will be served on the employee, the Director of Human Resources, and the secretary to the Commission.

- 10180 Failure of Petitioner to Appear: The failure of a petitioner to appear either in person or by counsel at the time and place set for hearing is deemed withdrawal of his/her petition and considered consent to the action or ruling from which the appeal was made unless good cause for not appearing has been given to and accepted by the Commission prior to the established hearing date.
- 10190 Proof of Service: Service of any documents required under Rule 10 may be personal, by hand delivery to the Commission or party on whom the service is required to be made, or his/her attorney, by U.S. Mail, postage pre-paid or by FAX with original to follow. If service is by mail and a declaration of service is prepared and signed at the time of mailing, service will be considered complete at the time of deposit with the U.S. Postal Service. If no such declaration of service is prepared, service will be considered complete at the time of receipt.



## **PERSONNEL RULE 11 - PROMOTION, TRANSFER AND DEMOTION**

This rule deals with the requirements for promotion, transfer and demotion of incumbents of positions in the classified service and the promotion of individuals into positions in the unclassified service.

11010 Promotion: (Ref. Effective Date of Changes, Salary Resolution, Section 400); (Ref. Other Salary Changes, Salary Resolution, Section 400) This section provides for career advancement either within a classification series or into other classifications based on merit and demonstrated abilities.

11011 Definition: A promotion shall be defined as an advancement of an employee to a class allocated to a higher salary range.

An employee in the classified service who has attained permanent status prior to the date of the first test in the selection process for a given position shall be eligible to compete in departmental promotional and general promotional examinations, as stipulated by the Personnel Rules.

11012 Classified Service:

11012.1 Definition: (Ref. Other Salary Changes, Salary Resolution, Section 400) Promotions to positions in the classified service are accomplished by either certification from an employment list, department head certification from trainee to experienced level class, or suspension of competition.

11012.2 Promotional Employee-Waiver of Education Qualifications: If, after employment in a classification series, the minimum education requirements for higher positions in the series are changed to become more restrictive, prohibiting the employee from advancement through lack of presently required educational background, the employee may petition the Director of Human Resources for a waiver of said qualifications providing the employee meets the other minimum qualifications. If granted, the waiver of said qualifications would allow the employee to become a candidate in a specific selection process.

11012.3 Promotion from Entry to Experienced Level Class - Department Head Certification: Promotion from an entry class to a position at the experienced level in a series is made at the option of the department head for positions within his/her department.

Such promotions may be made when the employee has met the minimum qualifications established for the experienced level class and the department head has certified that the employee's performance has been satisfactory at the entry level and he/she is therefore qualified for advancement to the experienced level. This type of promotion can only become effective upon approval by the Director of Human Resources.

- 11013 Unclassified Service: Promotion to a position in the unclassified service requires that the person interested meet the established minimum qualifications for the class. Such promotions can only become effective upon approval by the Director of Human Resources.
- 11014 Special Salary Upgrading: (Ref. Other Salary Changes, Salary Resolution, Section 400) Special salary upgrading may be made on a limited term basis under circumstances and procedures prescribed by the Board of Supervisors by resolution or ordinance.
- 11015 Salary Range: Salary range placement of an employee who promotes as explained in this rule is governed by Fresno County Salary Resolution Section 413.2.

11020 Transfer: (Ref. Other Salary Changes, Salary Resolution, Section 400); (Ref. Effective Date of Changes, Salary Resolution, Section 400) This section permits employees to move laterally either within or between classifications. Transfer may be made for a variety of reasons including, but not limited to, the desire to change to a classification which might offer better career advancement opportunities, reasonable accommodation pursuant to federal and state requirements, or because of personal reasons.

11021 Definition: Assignment of an employee to another position: (a) in the same class, in another department; (b) in a different class which has the same salary range, in the same or another department; (c) in a different class which has a different salary range, in the same or another department when, in the judgment of the Director of Human Resources, both classes are equivalent with respect to duties and responsibilities.

Application for Transfer: Any employee occupying a permanent position desiring to initiate a transfer may inform the Director of Human Resources of this desire in writing by filing a completed transfer application with the Department of Human Resources.

Upon receipt and approval of the transfer application, the Department of Human Resources will keep the application on file for six months. As vacancies occur the Department of Human Resources will inform departments of transfer applications. The Department may choose to interview transfer applicants or decline to consider transfers. After filing a transfer application, employees are encouraged to contact departments regarding transfer opportunities.

11022 Requirements for Transfer:

11022.1 From One Class to Another: An employee, at his/her request, and with the approval of the department head(s), may be transferred from a position in one class to that in another class provided there is satisfactory evidence of the employee's ability, as demonstrated by meeting minimum qualifications, to perform the essential functions of the new class. This type of transfer is effective only with the approval of the Director of Human Resources.

Employees who transfer from one classification to a different classification may be required by the department head to begin a new probationary period. If unsuccessful in the new probationary period, the employee is terminated from County service forfeiting all employment rights. If a new probationary period is a condition for transfer, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the transfer.

11022.2 From One Department to Another:

11022.21 An employee, at his/her request, and with approval of the department head(s) involved, may be transferred within the same class from one department to another. This type of transfer is effective only with the approval of the Director of Human Resources.

11022.22 Employees who transfer from one department to another may be required by the department head to begin a new probationary period. If unsuccessful in the new probationary period, the employee is terminated from County service forfeiting all employment rights. If a new probationary period is a condition for transfer, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the transfer.

11022.23 Salary range of an employee who transfers is governed by Section 413.7 of the Fresno County Salary Resolution.

11022.24 Deleted 10/16/23 (SR 23-031)

11022.3 Reassignment: A department head may at any time reassign an employee from one position to another in the same class within his/her department.

11023 Transfer of Functions: Whenever the functions of a department will transfer to another department, employees performing such functions will also be transferred. Such employees retain the same status and seniority in the new department as they enjoyed in the department from which transferred. The department head(s) must notify the Director of Human Resources a minimum of 60 days in advance of the proposed effective date. This written notice will set forth all the specifics of the transfer.

Should a transfer of functions result in layoff or reclassification action, the Personnel Rules governing layoff and reclassification shall apply in determining the status of the employees concerned.

11030 Voluntary Demotion: (Ref. Other Salary Changes, Salary Resolution, Section 400); (Ref. Effective Date of Changes, Salary Resolution, Section 400) This section permits employees to move downward either within or between classification series. Demotions may be made for a variety of reasons including, but not limited to, the desire to change to a classification which might offer better career advancement opportunities, reasonable accommodation pursuant to federal and state requirements, or because of personal reasons.

11031 Definition: Voluntary movement of an employee in a position in the classified service to another position in a class having a lower salary range.

11031.1 Requirements for Demotion: An employee, at his/her request, and with the approval of the department head(s), may demote to a vacant position in another class for which he/she possesses the ability, as demonstrated by meeting the minimum qualifications, to perform the essential functions of the new class. An employee occupying a permanent position desiring to initiate a demotion may inform the Director of Human Resources of this desire by filing a completed transfer application with the Department of Human Resources.

Upon receipt and approval of the transfer application, the Department of Human Resources will keep the application on file for six months. As vacancies occur the Department of Human Resources will inform departments of transfer applications. The Department may choose to interview transfer applicants or decline to consider transfers. After filing a transfer application, employees are encouraged to contact departments regarding transfer opportunities.

Employees who demote to a class in another series may be required by the department head to begin a new probationary period. If unsuccessful in the new probationary period, the employee is terminated from County service forfeiting all employment rights. If a new probationary period is a condition for demotion, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the demotion.

- 11031.2 Reinstatement Privileges: An employee who is voluntarily demoted may, within one year, request reinstatement privileges as explained in Rule 4 - Selection Processes, Section 4013.3.
- 11031.3 Displacing in a Lower Class: Displacing in a lower class is explained in Rule 12 - Separations, Section 12049.2
- 11031.4 Salary Range: Salary Range placement of an employee who voluntarily demotes or demotes in lieu of layoff is governed by Fresno County Salary Resolution Section 413.4.

## **PERSONNEL RULE 12 - SEPARATIONS**

Sections of this rule referring to resignation apply equally to persons in the classified and unclassified service. Remaining sections which treat layoff, dismissal and rejection during probation primarily apply only to incumbents of the classified service. At the option of the department head, the same procedures may be used within the unclassified service in determining layoff for the unclassified service; however, persons in the unclassified service may not enter or re-enter the classified service through layoff procedures.

Mandatory furlough provisions apply equally to incumbents of classified and unclassified positions.

12010 Resignation: An employee wishing to leave County service in good standing must provide his department head with a written resignation, a minimum of two weeks in advance of the separation date. When a department head is in agreement, less than two weeks notice of separation may be accepted. The department head forwards an employee's resignation to the Department of Human Resources immediately. If less than a two weeks notice is involved, the department head shall in forwarding the resignation to the Department of Human Resources, state in writing whether or not the notice given by the employee is satisfactory.

A resignation is final upon receipt in the employee's department, and may not be withdrawn without the written consent of the department head or his designee. The department head or his designee may accept withdrawal of the resignation where the department's interests are served by accepting the withdrawal.

A resignation shall be effective on the date designated therein, and if no date is designated, it shall be effective immediately.

12020 Rejection During Probation: An employee rejected during probation will be informed and the processing occur as described in Rule 5 - Probationary Periods.

12030 Dismissal: An employee who has permanent status and is dismissed will be informed and the processing occur as described in Rule 10 - Disciplinary Actions.

12040 Layoff: (Ref. Layoff, Salary Resolution, Section 400) Layoff is termination of employee from position in a class without prejudice and without fault on the employee's part for any or all of the following reasons: abolition of position; curtailment in work funds; it is advisable in the interest of economy to reduce staff; reduction in force due to modification of service requirements; displacement of an employee by another employee with greater seniority under the provisions of these rules.

This rule provides for orderly and equitable reduction in force when a layoff is necessary. Layoffs are based on either a combination of employee performance and seniority or seniority alone.

12041 Layoffs to be Departmental: Layoffs shall be within a department rather than service-wide.

- 12042 Department Head Responsibility and Layoff Process: Whenever it becomes necessary to invoke layoff procedure, the department head determines the classifications and number of positions affected and the date reduction is to take effect. The department head then submits this information in writing to the Director of Human Resources, together with an explanation of the reasons therefore, in advance of the date on which layoffs are to occur.
- 12043 Director of Human Resources Responsibilities in Layoff: The Director of Human Resources determines the individuals to be laid off for the initial class in which layoff is to occur and for succeeding lower levels if displacement is anticipated in accordance with Sections 12046 or 12047 and 12049 of this rule.
- 12044 Seniority Computation for Layoff Purposes: Computation of seniority for layoff purposes includes all periods of full-time and less than full-time employment in the classified service at or above the classification level where layoff is to occur. It does not include service prior to employment interruptions caused by resignation, dismissal, or transfer to extra-help status. It does include periods covered by authorized leaves of absence and such service accrued before a previous layoff. Persons who have worked on a continuous full-time, extra-help appointment when selected to fill a permanent position in the same job classification in the same department, shall be given credit for seniority computation purposes for the time employed on the extra-help basis up to a maximum of three months. No other extra-help time shall be counted.
- 12044.1 Status of Employees Transitioned From Federally Funded Manpower Positions: Any person who was selected by a competitive process and appointed to a federally funded manpower position in which status was attainable, and subsequently transitioned into regular County service, shall have all time spent in such position counted for seniority purpose in accordance with provisions of these rules.
- 12044.2 Status of Employees in Federally Funded Manpower Positions: Any person who was selected by a competitive process and appointed to a federally funded manpower position in which status was attainable, but never transitioned into regular County service, shall have all time spent in such position counted for seniority purposes only as against other persons similarly selected and appointed but never transitioned into regular County service. Under no circumstances may such persons have time spent in such positions counted for seniority purposes as against persons in the regular County service.
- 12045 Seniority Retention When Functions Transferred: As noted in Rule 11, Section 11023, governing transfer of functions, employees involved in a transfer of functions from one department to another shall retain their seniority and status in the new department. For purposes of determining layoff and displacing in a lower class, the service of such employees shall be treated as though their service in the former department were in the new department.

- 12046 Order of Layoff Seniority: Layoffs will be determined based on the inverse order of seniority as provided by this section. An employee receives layoff seniority credit for the length of service in the class in which layoff will occur and in all equivalent or higher classes regardless of department; such service only includes employee's last continuous employment in a permanent County position(s) except as provided in Section 12044.
- 12046.1 Date of seniority credit in a class or equivalent or higher class shall be determined by the date of entry into those classes. Class level determinations are based on salary level for classes at time of layoff. If the former class no longer exists, the relationship of the former class to the current class at the time the former class was abolished shall control. In the event the current class and a former class never existed simultaneously, the Director of Human Resources shall make the decision relating to class level relationship.
- 12046.2 Provisional and probationary employees will be laid off in the order of seniority prior to the layoff of any employee with permanent status. Uninterrupted provisional status in the same job classification immediately prior to obtaining permanent status in the County will be credited for seniority purposes only if hours worked during this period of time are never less than 50% of full-time.
- 12046.3 A class series subject to combination for promotion or demotion within the first two levels of the class series, including the trainee class if one exists, shall be considered as the same class.
- 12046.4 Service in positions designated as less than full-time shall be computed as covering the full period of employment in the affected class, and shall not be prorated as a fractional portion of full-time employment.
- 12046.5 In the event of identical seniority in the class being considered for layoff, the employee with the lesser total continuous County service shall be subject to layoff first.
- 12046.6 In the event none of the above establishes the order of layoff, the order of layoff shall be determined by drawing of lot under the supervision of the Director of Human Resources or his designee. This process, including witnesses, shall be documented and made a part of the record.
- 12046.7 All layoffs shall be accomplished based on the provisions of this Section 12046 unless the department head requests, and the Director of Human Resources approves, the alternative provided in Section 12047 of this rule.



- 12047 Order of Layoff - Seniority and Employee Performance: A department head may request that the Director of Human Resources determine the order of layoff taking into consideration employee performance as well as seniority. This may be done as follows:
- 12047.1 All provisional and probationary employees must first be separated.
  - 12047.2 Employees with less than one year of continuous service shall be laid off based on seniority alone.
  - 12047.3 The department head must submit a signed statement specifying that he has had an employee evaluation plan in effect for all positions in his department for at least one year prior to the proposed layoff. The statement must include evidence that there have been at least two written evaluations of each employee who has worked within the department for at least one year. Such evaluations must have been given at approximately six month intervals, discussed with the employee at the time and evidenced by the employee's signature.
  - 12047.4 The department must submit employee evaluation forms covering the period of one year prior to the layoff date for those employees to be affected. If any employee to be affected by layoff has not had a periodic evaluation within one month preceding the layoff date, the department shall submit an updated evaluation covering the period since last rated.
  - 12047.5 The department head must submit a written proposal for combining performance evaluations and seniority.
  - 12047.6 The employees in the class or classes to be affected by layoff will be invited in writing by the Director of Human Resources to submit suggestions in writing regarding the method of combining seniority and performance. The Director of Human Resources will decide whether layoff is to be made based on seniority alone or a combination of seniority and performance. The Director of Human Resources will then determine the order of layoff based up on this decision.
- 12048 Notice of Layoff: Incumbents of permanent positions with either probationary or permanent status will, insofar as possible, be given a minimum of 15 calendar days notice prior to layoff.
- 12048.1 A written notice of intended notice of layoff will be prepared and served upon the affected employee by the Department of Human Resources. The notice will inform the employee of reason(s) for layoff and will notify the employee of his/her right, if the employee chooses, to respond to the Department of Human Resources, regarding the layoff orally or in writing, or both, within five (5) working days from the date of service of the notice upon the employee. In the event consultation with Department

of Human Resources occurs during employee's regular work hours, it shall be considered as County time. The employee will continue to perform the duties of his/her position during the five-day period and until effective date of the intended order of layoff. The notice of intended order of layoff will also direct the employee's attention to the County Personnel Rules relating to layoff, layoff options, and re-employment rights. The intended order of layoff will be final if there is no withdrawal of the order as a result of employee's petition.

- 12048.2 Any written notice relating either to layoff or reemployment from a layoff list shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States certified mail, return receipt requested and receipt is signed at destination of mail. If notice returned by post office as undeliverable, the County will proceed to separate the employee as prescribed.
- 12048.3 It shall be the responsibility of the employee subject to layoff to identify his/her options, if any, under these rules and to give written notice of his/her choice of option to the Department of Human Resources within five working days of receipt of notice of layoff, unless within that time the Department of Human Resources grants the employee a written extension to choose an option. The Department of Human Resources will also assist employees by providing basic information relating to any available options. An employee who fails to give timely written notice of his/her choice of options, if any, will be separated from County service and placed on appropriate layoff lists.
- 12048.4 In the interest of the public service and the common good of all affected employees, time is of the essence in the exercise of employee rights and privileges relating to layoff under these rules.

12049 Layoff Options: Following are the options which may be applicable to employees affected by layoff:

- 12049.1 Transfer Prior to Layoff: Employees subject to layoff may request a transfer to a funded vacant position in another department in accordance with procedures set forth in Rule 11 - Section 11020, et seq. However, transfer will not be permitted to a position in another County department if a departmental layoff list exists for the class involved in the department to which transfer is requested.

If an employee transfers as provided above, the employee's name will not be placed on any layoff list.

When an employee transfers in accordance with provisions of this section and is required by the department head to complete a new probationary period which results in his rejection during probation, the employee is terminated from County service forfeiting all employment rights, as provided in Rule 11 - Section 11022.2.

12049.2 Displacing in a Lower Class:

- 12049.21 An employee affected by layoff may displace an employee in the same department who has less seniority in a lower classification in which the affected employee once had permanent status during the course of his/her last continuous service. Additionally, an employee with permanent status affected by layoff in a classification which is in combination with other classifications within his/her department, as designated in the Fresno County Salary Resolution at the time of layoff, may displace an employee in that department with less seniority in a lower classification within that combination.
- 12049.22 Should an employee subject to layoff qualify to exercise displacement rights in more than one class, displacement shall be in the available class with the highest salary.
- 12049.23 Full-time employees shall have displacement rights for either full-time or positions designated as less than full-time and, for the exercise of displacement rights, positions designated as less than full-time shall be considered as a different and a lesser class even though the class title and salary rate are identical.
- 12049.24 Employees designated as less than full-time shall have displacement rights only for positions designated as less than full-time, and employees designated as less than full-time with greater total continuous service credit in a class shall have displacement rights for any position designated as less than full-time in the same class regardless of its fractional portion of full-time employment.
- 12049.25 Employees who are notified to be laid off have the option of leaving County service and being placed on the appropriate layoff lists rather than displacing in a lower class, transferring or demoting.
- 12049.26 Employees who voluntarily transfer from permanent full-time to permanent part-time positions in lieu of layoff, as part of an approved job sharing arrangement, shall be placed on appropriate full-time layoff lists.

12049.3 Demotion in Lieu of Layoff: (Ref. Other Salary Changes, Salary Resolution, Section 400); (Ref. Effective Date of Changes, Salary Resolution, Section 400) An employee subject to layoff may demote to a funded vacant position being filled by the County in a lower classification, if in the judgment of the department head(s) and the

Director of Human Resources, the employee is capable of performing such duties. Within any department, such demotion may only be accomplished if the employee requesting demotion has greater total seniority credit than the highest standing employee on the department layoff list for the class to which demotion is sought computed on the basis of service in classes either equivalent to or higher than that class.

The names of employees demoting under this section will be placed on appropriate layoff lists.

When an employee demotes in accordance with the provisions of this sub-section and is required by the department head to complete a new probationary period, which results in his/her rejection during probation, he/she shall not be required to forfeit his/her status on any layoff list.

12049.4 Separation Because of Layoff: Employees subject to layoff who cannot or elect not to transfer, displace, or demote in lieu of layoff in accordance with these rules shall be separated from County service and shall be placed on the appropriate layoff lists.

12049.5 Extra-Help Appointments: A department in which layoff actions occur shall offer to employees subject to separation due to layoff, the opportunity to accept extra-help appointments in existence in the department at the time of layoff for which the employees meet the minimum qualifications.

Any such appointments shall be considered as extra-help status, only, and time spent under such appointments shall not accrue benefits or service credits beyond those which accrue to any extra-help appointee.

Any employee who has been separated due to a layoff, and refuses an available extra-help position, shall have the option of being placed on an extra-help employment list for future available positions.

12050 Re-Employment from Departmental Layoff List: (Ref. Salary Placement on Rehire from Layoff List, Salary Resolution, Section 400) A refusal to accept re-employment from a departmental layoff list will remove eligible's name from that list unless the offer of re-employment is in excess of twenty-five (25) miles from the geographical location of position from which the employee was laid off.

12050.1 In the interest of the public service and the common good of all affected employees, time is of the essence in the exercise of employee rights and privileges relating to re-employment under these rules.

In order to expedite rehiring, an employee on a departmental re-employment list who is selected for re-employment may be notified orally or in writing of his/her selection and of the date he/she is to report to work.

An employee notified in writing of re-employment shall have ten (10) working days from the date of mailing of the notice or five (5) working days from the date of receipt of the notice, whichever is the shorter time, to lodge his/her acceptance of the job with the Department of Human Resources. If the Director of Human Resources has not received notice of acceptance of re-employment offered a person on the re-employment list within ten (10) working days after the offer of employment is mailed to the former employee at his/her last known address or within five (5) working days after the person actually receives notice, whichever is the shorter time, such person shall be presumed to have declined the offer and another person may be selected for the vacancy. A person who fails to respond in a timely fashion will have his/her name placed in an inactive status on the re-employment list for the duration of the list or until such person notifies the Department of Human Resources of interest in re-employment, whichever occurs first.

12051 Re-employment from General Layoff List: (Ref. Salary Placement on Rehire from Layoff List, Salary Resolution, Section 400) Eligibles on general layoff list are subject to all provisions of Rule 4.

12052 Appeal of Layoff: Permanent employees laid off shall have the right to appeal such layoff. The scope of appeal shall not include such issues as the need for layoff, the reasons for layoff, the extent of layoff, the classification(s) selected for layoff, the use of or failure to use procedures provided in Section 12047 of this rule in determining the order of layoff, or the exercise of other County prerogatives involved in layoff.

The issues of such appeal shall be limited only to whether or not there was substantial compliance with the procedures herein prescribed.

12052.1 A notice of appeal shall be filed in writing with the Civil Service Commission within seven (7) working days after the date of personal service or receipt of notice of layoff as provided in Sub-Section 12048.1. The notice of appeal shall state the employee's reasons for the appeal, but a notice of appeal based on reason(s) not appealable under Section 12052 shall not be effective for any purpose. A copy of the notice of appeal shall immediately be served by the employee on the Department of Human Resources, and if the Department of Human Resources ascertains that another employee would be adversely affected if the appealing employee should prevail, the other employee may be made an additional party to the proceedings, and shall be promptly notified thereof by the Department of Human Resources. The Department of Human Resources shall also notify the appealing party and the Civil Service Commission of the name of any employee made an additional party to the proceedings under this section.

The failure to file an appeal in the time provided in this section or the failure to appear at the subsequent hearing shall constitute a waiver of the right to appeal, and layoff of the appealing party shall be final.

12052.2 Upon receipt of a notice of appeal, the secretary to the Civil Service Commission will establish a hearing date. The date shall not be less than five (5) working days from the date of such receipt except by agreement of all parties concerned. The secretary to the Civil Service Commission will give at least five (5) working days written notice of the time and place of the hearing to the employee and the person making the charges.

12052.3 All hearings regarding layoff are public. All parties have the right to produce evidence and be represented by counsel. The hearing will be informal, and the Civil Service Commission is not bound by any of the rules of evidence governing trial procedure.

12053 Reinstatement Privileges: An employee who has separated from County service in good standing from a position in which permanent status was held in the classified service may, within one year, request reinstatement privileges as explained in Rule 4 - Selection Process, Section 4013.3.

12060 Mandatory Furlough: This type of furlough applies to full-time and part-time employees occupying permanent positions, and is a temporary, mandatory, unpaid employee absence from duty without prejudice, and without fault on the employee's part for any or all of the following reasons: curtailment in work funds; it is advisable in the interest of economy to reduce staff; reduction in force due to modification of service requirements. (This provision applies to Unrepresented, Management, Senior Management Supervisors, Senior Management, Non-Elected Department Heads, and employees in classifications represented by Representation Units 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 19, 22, 25, 30, 31, 35, 36, 37, 38, 39, 40, 41, 42 and 43.)

12060.1 Mandatory Furlough - Temporary: Mandatory furlough provides a temporary and equitable reduction in force to maximize county funding resources, and may be used as an alternative or adjunct to layoff, or other cost saving measures. This rule is intended to minimize the number of employees affected by long-term layoff when reduction in force becomes necessary.

12060.2 Mandatory Furlough Selection to be Department-Wide by Classification: Mandatory furlough shall be applied on a department-wide basis to all employees occupying classifications selected by the County Administrative Officer for mandatory furlough. An employee affected by mandatory furlough may not displace an employee in the same department who has less seniority in a lower classification in which the affected employee once had permanent status during the course of his/her last continuous service.

- 12060.3 Mandatory Furlough Initiated by the County Administrative Officer: Whenever it becomes necessary to invoke mandatory furlough procedures, the County Administrative Officer shall determine the number of mandatory furlough hours necessary for employees occupying each selected classification, and shall determine the duration of the mandatory furlough period.
- 12060.4 Mandatory Furlough Process: The County Administrative Officer shall determine the number of mandatory furlough hours necessary during a designated furlough period. Such hours shall not exceed eighty (80) hours (10 eight-hour days) during any twenty-six (26) consecutive pay periods. The duration of a designated mandatory furlough period may range from a minimum of one (1) pay period to a maximum of twenty-six (26) consecutive pay periods.
- 12060.4.1 Each employee occupying classifications subject to mandatory furlough shall take an equal number of furlough hours as determined by the County Administrative Officer during a designated furlough period. Part-time employees occupying positions subject to furlough shall take a pro rata number of furlough hours based upon the employee's percentage of full-time employment.
- 12060.4.2 The County Administrative Officer may designate mandatory furlough schedules on a department-wide basis for all employees in a department occupying classifications selected for mandatory furlough. As an alternative, the County Administrative Officer may direct appropriate department heads to prepare furlough schedules consistent with Personnel Rule Section 12060.4.2.1.
- 12060.4.2.1 The County Administrative Officer may direct department heads to submit to the County Administrative Officer a mandatory furlough schedule setting forth each employee's furlough schedule. Such schedule shall be submitted prior to the beginning of a designated furlough period, or if such is not practical, at a time specified by the County Administrative Officer. Pursuant to this section individual employee mandatory furlough schedules shall be determined in consultation with the affected employee. The department head shall retain sole authority to designate employee furlough schedules if a mutually acceptable schedule cannot be achieved. However, an employee shall not be scheduled by the department head for more than sixteen (16) furlough hours during a single pay period without the employee's consent.

- 12060.4.3 Persons beginning county employment during a designated mandatory furlough period will serve a pro rata number of furlough hours. The number of pro rata hours to be served shall be calculated by dividing the number of furlough pay periods remaining in the designated furlough period by the total number of furlough pay periods, and multiplying the resulting percentage by the number of designated mandatory furlough hours required of all county employees subject to furlough.
- 12060.5 Notice of Mandatory Furlough: Each employee subject to mandatory furlough shall receive a written Notice of Furlough setting forth the furlough hours assigned to the selected classification, and the designated furlough period.
- 12060.5.1 The written Notice of Furlough shall be prepared and served upon the affected employee by the department head. Such notice shall inform the affected employee of the appeals rights provided herein. Insofar as possible, employees will be given a minimum ten (10) day notice prior to the beginning of a furlough period.
- 12060.5.2 Any written Notice of Furlough shall be deemed effective when it is delivered in person to the affected employee, or when such notice is deposited in the United States mail, postage prepaid, and addressed to the affected employee's address as shown on department records.
- 12060.6 Employee Status: Employees affected by mandatory furlough are **not** terminated from county employment, and furlough time is **not** considered a break in county service. Employees affected by mandatory furlough shall remain county employees during the period(s) of furlough, and such time shall be considered productive time for the following purposes: computing annual leave accrual pursuant to Salary Resolution Section 600; computing overtime pursuant to Salary Resolution Section 800; holiday pay pursuant to Salary Resolution Section 900; completion of probationary period pursuant to Personnel Rule 5; promotion eligibility pursuant to Personnel Rule 11; computing seniority pursuant to Personnel Rule 12; health plan benefit eligibility; step increase eligibility; retirement.
- 12060.7 Appeal of Mandatory Furlough: Furloughed employees shall have the right to appeal mandatory furlough. The scope of appeal shall not include such issues as the need for furlough, the reasons for furlough, the extent of furlough, the classification(s) selected for furlough, the exercise of other county prerogatives involved in furlough, or provisions set forth in Personnel Rule Section 12040 - 12053. The issues of such appeal shall be limited only to whether or not there was substantial compliance with the procedures herein prescribed.



- 12060.7.1 A Notice of Appeal shall be filed in writing with the County Administrative Officer within seven (7) working days after the date of service of the written Notice of Furlough as provided in Personnel Rule Section 12060.5.2. The Notice of Appeal shall state the employee's reasons for the appeal, but a Notice of Appeal based on reason(s) not appealable under Personnel Rule Section 12060.7 shall not be effective for any purpose.
- 12060.7.2 Upon receipt of a Notice of Appeal, the County Administrative Officer or designee shall establish a hearing date. The hearing date shall not be less than five (5) working days from the date of such receipt, except by agreement of all parties concerned. The County Administrative Officer or designee will give at least five (5) working days written notice of the time and place of the hearing to the employee and the person making the charges.
- 12060.7.3 All hearings regarding mandatory furlough are public. All parties have the right to produce evidence and be represented by counsel. The hearing will be informal, and the decision of the County Administrative Officer will be final. (Personnel Rule Sections 7029, and 12010 - 12053 do not apply to Personnel Rule Section 12060 - 12060.7.3.)

## **PERSONNEL RULE 13 - EMPLOYEE PERFORMANCE EVALUATIONS**

13100 Purpose of Employee Evaluation Process: The major reasons for a uniform policy governing the employee performance evaluation process in the various County departments is to increase the effectiveness and efficiency of the County workforce through:

Improving the employee's understanding of his or her job and his or her supervisor's standards for performance and of how these standards are being met;

Encouraging the employee's development in terms of better job performance and greater responsibility;

Aiding management in selecting the proper persons for promotion, transfer and training;

Providing safeguards of objectivity and fairness in the assignment and evaluation of personnel;

Providing a basis for a periodic wage and salary adjustment consideration.

13200 Definitions:

13210 Employee Performance Evaluation: A process during which an employee's job or work performance is formally reviewed, documented, and discussed with the employee. This process is also referred to as an evaluation or rating.

13220 Department Head: An elected or appointed official responsible for the operation and functioning of an identified department in the County of Fresno. The department head is the appointing authority.

13230 Rated Employee: Any non-elected person occupying a full or part time permanent position who is the subject of a performance evaluation.

13240 Rater: The person occupying a position above a rated employee having full supervisory or managerial responsibilities over the rated employee, and who evaluates the employee's performance.

13250 Reviewer: The person occupying a supervisory or managerial position over the rater, and who reviews the rater's employee evaluation.

13300 Department Head Responsibilities: The department head shall have responsibilities in the following areas with respect to employee performance evaluations:

13310 All Departmental Personnel Rated: To ensure that all employees, supervisors, managers and administrators in the department receive performance evaluations in accordance with the provisions of these rules.

- 13320 Fairness and Impartiality: The department head shall be responsible to ensure that managers and supervisors in their capacity as raters are indoctrinated in: the objectives of the department; their own individual roles in achieving these objectives; the purpose of performance evaluations; and the process of fairly and impartially evaluating the work performance of employees.
- 13330 Review of Ratings-Other Than Satisfactory: The department head shall review and sign each employee performance evaluation when the overall rating given an employee is shown as other than satisfactory.
- 13340 Timeliness: The department head shall be responsible for insuring that employee performance evaluations are accomplished in a timely manner in accordance with provisions of these rules. Provided, however, that the failure to conduct employee evaluations within the time or manner specified in these rules shall not affect the validity of personnel transactions.
- 13350 Certifying to Department of Human Resources: The department head shall be responsible for certifying to the Department of Human Resources that the required evaluations have been accomplished for the named employees. Transmittal of this information to the Department of Human Resources shall occur sufficiently in advance of the end of a rating period as defined in 13500 below, to ensure the timely processing of personnel transactions related directly or indirectly to the evaluations.
- 13360 Confidentiality of Evaluations: The department head shall be responsible for maintaining the security and confidentiality of employee performance evaluations as indicated below:
- 13360.1 Preparation: The ratings or comments may be typewritten, legibly handwritten, or printed in ink. However, if typewritten by someone other than the rater, that person shall be carefully selected, keeping in mind the sensitive and confidential nature of the evaluation materials. Precautions shall be taken to ensure that information about the employee evaluation remains confidential and does not extend beyond the person required to type the evaluation.
- 13360.2 Discussion with Employee: In discussing the evaluation with an employee, the department head will ensure that raters do so in a manner and location that will protect the privacy of the discussion.
- 13360.3 Security of Evaluation Materials: During each step of the rating and review process and subsequently, the evaluations and related materials shall be protected from the scrutiny of unauthorized persons.

13360.4 Repository of Evaluations: The department's file copy of an employee's performance evaluation shall be secured in a departmental repository so that materials therein are not accessible to unauthorized persons. Employee evaluations shall be maintained in a separate personnel file for each employee. At such time as an employee leaves the County Service or transfers to another County department, the employee's performance reports, and items related thereto shall be transmitted to the Department of Human Resources, along with the personnel change documents (PAN Forms). The Department of Human Resources will maintain these documents in the employee's central personnel file.

13400 Documentation of Evaluations - Approved Forms: All formal employee evaluation reports will be on forms approved by the Director of Human Resources.

13500 Established Rating Periods - Frequency:

13510 Probationary Period: Ratings for an employee will occur at least once during the probationary period. However, it is anticipated that in the course of normal supervisor/employee relationships, the employee will be kept informed as to his or her job performance during the course of the probationary period. The required official rating shall occur just prior to the ending of the probationary period - usually approximately one month prior thereto. Since probationary periods are one year in duration, the required official rating will occur at approximately the 11th month of the probationary period. If an employee has their probation extended as described in Rule 5 - Probationary Periods, the rating will be required immediately prior to the end of the extended period.

13520 Annual - Anniversary Date: (Ref. Definitions, Salary Resolution, Section 400) Employees not in probationary status will be rated at least annually. For administrative control purposes, the annual rating is established in accord with the salary review anniversary date. Employee evaluations shall occur at approximately one month prior to the anniversary date. Once an employee has achieved the top step of the salary range, ratings will be at least annually at the established anniversary date which determined the top step salary advancement or appointment.

13530 Other: A department head may make employee performance evaluations more frequently than required herein as determined by:

13530.1 Department Policy: For the entire department, or for specialized, or technical job classes.

13530.2 Memoranda of Understanding (MOU'S): Developed in negotiations with employee representation groups.

13530.3 Employees whose overall job performance has been unsatisfactory or needs improvement.

13530.4 Mitigating individual circumstances other than the above which are appropriate for the occasion.

- 13600 Evaluation Procedure: The following general procedures will apply in the employee performance evaluation process:
- 13610 Rater's Responsibilities: The rater, using his/her knowledge of the duties and responsibilities of a rated employee's job, will prepare in duplicate a written evaluation of the employee's work performance. In evaluating the rated employee, the rater shall rate fairly and impartially, taking into account departmental and County policies applicable to all employees in the department; work standards which apply to like positions; and work standards which apply to the essential functions of the position occupied by the rated employee.
- 13620 Reviewer's Responsibilities: The reviewer may not order a rater to change a rating. Nor may the reviewer alter the rating given by the rater. However, the reviewer may add comments or opinions concerning the employee's performance in the space provided on the rating form or by a supplementary sheet which is dated and signed.
- 13640 Advance Discussion Notice to Employee: The employee to be evaluated shall be advised in advance as to the time and place of the evaluation discussion with his or her supervisor. Unless there are mitigating circumstances requiring otherwise, the employee shall be notified at least a day in advance of the evaluation discussion.
- 13650 Evaluation Discussion: The rater will discuss the performance of the rated employee in relationship to the job duties and requirements. Where performance does not meet work standards, the rater will discuss this with the employee and, where possible, indicate how the employee can improve that aspect of his/her job performance to meet standards.
- 13660 Employee Review and Signature: The rated employee will be given opportunity to review the written evaluation. The rated employee will be required to sign the form acknowledging that he or she has read the form and the performance has been discussed with the employee. The signature of the employee does not indicate, necessarily, agreement with the ratings.
- 13670 Opportunity For Employee Written Comment: The rated employee shall be given an opportunity to make written comments on the form or by separate written attachment which shall become part of the employee evaluation document, (See Section 13700 below).
- 13680 Employee Entitled to Copy: The employee shall be given a copy of the evaluation containing his or her signature and the signatures of the rater and reviewer.
- 13690 Department's Copy: The department's copy is the official one on file for the County and as soon as all the required signatures are obtained, it shall be placed immediately in the departmental repository as delineated in Section 13360.4

- 13700 Remedy For Employee Dissatisfied With Evaluations: In accordance with Government Code Section 31011, an employee dissatisfied with his or her performance evaluation and wishing to supplement the evaluation with written comments may do so. The written comments must be signed and dated and submitted to the employee's supervisor or appointing authority. The written statement becomes a part of the employee evaluation document and a permanent part of the employee's personnel record. There shall be no appeal or other remedy available to the employee.
- 13800 Employee Rights For Review of Record: In accordance with Government Code Section 31011, an employee shall have the right to inspect and review any official records relating to his or her performance as an employee. The contents of such records shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the County. The employee shall be given the opportunity to respond in writing or a personal interview on any information about which the employee disagrees.
- 13900 Audits - Department of Human Resources: Periodically or as deemed advisable, the Department of Human Resources may conduct complete or partial audits of a County department performance evaluation process. The purpose of such audits shall be to determine if the procedures involving the evaluating, discussing, recording and maintaining evaluation files is in accord with these rules.