

[Title 5 PERSONNEL*](#)

Appendix 1

[Part 1 \(Rules 1--6\).](#)

[Note](#)

[Rule 1 AUTHORITY AND PURPOSE](#)

[Rule 2 DEFINITIONS](#)

[Rule 3 ADMINISTRATION](#)

[Rule 4 HEARINGS](#)

[Rule 5 CLASSIFICATION](#)

[Rule 6 APPLICATIONS AND APPLICANTS](#)

[Part 2 \(Rules 7--12\)](#)

[Rule 7 COMPETITIVE EXAMINATIONS](#)

[Rule 8 NONCOMPETITIVE EXAMINATIONS AND LABOR APPOINTMENTS](#)

[Rule 9 MEDICAL STANDARDS FOR EMPLOYMENT](#)

[Rule 10 ELIGIBLE LISTS](#)

[Rule 11 CERTIFICATION AND APPOINTMENT](#)

[Rule 12 PROBATION](#)

[Part 3 \(Rules 13--18\)](#)

[Rule 13 TEMPORARY AND EMERGENCY, EXCEPTIONAL APPOINTMENTS](#)

[Rule 14 RECURRENT SERVICE](#)

[Rule 15 ASSIGNMENT, INTERDEPARTMENTAL TRANSFER, AND CHANGE OF CLASSIFICATION](#)

[Rule 16 LEAVES OF ABSENCE](#)

[Rule 17 REINSTATEMENT AND RESTORATION](#)

[Rule 18 SUSPENSION, DISCHARGE, REDUCTION AND RESIGNATION](#)

[Part 4 \(Rules 19--26\)](#)

[Rule 19 LAYOFFS AND REEMPLOYMENT LISTS](#)

[Rule 20 PERFORMANCE EVALUATION](#)

[Rule 21 EMPLOYEE DEVELOPMENT](#)

[Rule 22 CERTIFYING SALARY ACCOUNTS](#)

[Rule 23 REPORTS REQUIRED](#)

[Rule 24 SERVICE FOR CITIES AND DISTRICTS](#)

[Rule 25 MERIT SYSTEM STANDARDS](#)

[Rule 26 GENERAL](#)

Part 1 (Rules 1--6).

Note

* Editor's Note: Ordinance 81-0050 § 3 amended Title 5 of the Los Angeles County Code by adding the provisions of Ordinance 12321 to the code as Chapter 5.88, pursuant to Government Code § 25.124(b)(1).

Chapter 5.88, the Civil Service Rules, was repealed by Ordinance 88-0020 § 1, which then added the Civil Service Rules as an Appendix to Title 5. The current Civil Service Rules were adopted by the board of supervisors after public hearing under Section 35 of the Los Angeles County Charter.

Rule 1 AUTHORITY AND PURPOSE

1.01 Rules prescribed. Pursuant to the California Constitution and the Charter of the county of Los Angeles, the Los Angeles County board of supervisors does prescribe and adopt these Rules, which shall have the force and effect of law. (Ord. 88-0020 § 1 (part), 1988.)

1.02 Purpose. These Rules are prescribed for the purpose of carrying out the Charter provisions, of assuring the continuance of the merit system, of promoting efficiency in the dispatch of public business, and of assuring all employees in the classified service of fair and impartial treatment at all times subject to Merit System Standards and appeal rights as set forth in these Rules. To these ends, the county will exercise its exclusive right to determine the mission of each of its departments, districts, boards and commissions, and the assignment of work to be performed, transfer and reassignment of employees, the right to hire or rehire, to properly classify employees, to promote or demote employees, to layout and recall employees, to discipline and discharge employees, and to determine the methods, means and personnel by which the county's operations are to be conducted. (Ord. 88-0020 § 1 (part), 1988.)

1.03 Gender. Words used in the masculine gender include the feminine and neuter. (Ord. 88-0020 § 1 (part), 1988.)

Rule 2 DEFINITIONS

2.00 Applicability generally. Unless otherwise required by context, words used in these Rules are understood to have the following special meanings as set out in Rules 2.01 through 2.58. Where a Memorandum of Understanding defines a term for purposes and applications other than those provided by these Rules, the definition in the Memorandum of Understanding shall prevail for interpreting the provisions of that Memorandum of Understanding. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

2.01 Actual service. "Actual service" means time engaged in the performance of the duties of a position or positions including absences with pay. (Ord. 88-0020 § 1 (part), 1988.)

2.02 Applicant. "Applicant" means a person who has filed an application to take a civil service examination. Where appropriate, it includes an eligible or appointee. The term is synonymous with candidate. (Ord. 88-0020 § 1 (part), 1988.)

2.03 Appointing power. "Appointing power" means the person, board, or commission having authority to make appointments to a position. (Ord. 88-0020 § 1 (part), 1988.)

2.04 Appointment. "Appointment" means the offer to and acceptance by a person of a position, either on a permanent, recurrent, or temporary basis. (Ord. 88-0020 § 1 (part), 1988.)

2.05 Appraisal of promotability. "Appraisal of promotability" means the rating of an employee's potential performance at a higher level prepared by the appointing power as part of a promotional examination. (Ord. 88-0020 § 1 (part), 1988.)

2.06 Break in service. "Break in service" means any interruption in continuous service, except for absences on approved leave or absences to serve in the Armed Forces of the United States. Reinstatement or reemployment does not make the service continuous. (Ord. 88-0020 § 1 (part), 1988.)

2.07 Business days. "Business days" means calendar days, exclusive of Saturdays, Sundays and legal holidays. (Ord. 88-0020 § 1 (part), 1988.)

2.08 Certification. "Certification" means the communication to an appointing power by the

director of personnel of the name or names of persons eligible for appointment to a position. (Ord. 88-0020 § 1 (part), 1988.)

2.09 Certification of accounts. "Certification of accounts" means attesting by the director of personnel to the legality of each employee's appointment. (Ord. 88-0020 § 1 (part), 1988.)

2.10 Change of classification. "Change of classification" means the change of an employee without examination from one position to a position of a different class of the same rank and grade (formerly "reassignment"). (Ord. 88-0020 § 1 (part), 1988.)

2.11 Class. "Class" means a position or a group of positions bearing the same title. (Ord. 88-0020 § 1 (part), 1988.)

2.12 Classified service. "Classified service" means all offices and positions in the civil service of Los Angeles County except those in the unclassified service, as enumerated in Section 33 of the County Charter. (Ord. 88-0020 § 1 (part), 1988.)

2.13 Commission. "Commission" means the Los Angeles County civil service commission. (Ord. 88-0020 § 1 (part), 1988.)

2.14 Competitive reclassification examination. "Competitive reclassification examination" means an examination in which competition is limited to employees who have served satisfactorily at least 120 working days on a position that has been reallocated from one classification to a higher classification. (Ord. 88-0020 § 1 (part), 1988.)

2.15 Continuous service. "Continuous service" for employees on a monthly or yearly basis means employment without interruption, except for absences on approved leaves or absences to serve in the Armed Forces of the United States. Employment prior to a voluntary resignation from county service shall not be included except when the break in service is followed by appointment from a reemployment list or when the break in service was followed by reinstatement prior to the effective date of this Rule. In these cases, continuous service is based on the aggregate time in county service. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

2.16 County. "County" means Los Angeles County. (Ord. 88-0020 § 1 (part), 1988.)

2.17 Demotion. "Demotion" means a lowering in rank or grade, except that removal from an assignment that is compensated in part by a bonus, shall not be deemed a demotion.

"Reduction" and "demotion" are synonymous. Notwithstanding the above, for other than disciplinary reasons an employee may be temporarily assigned the duties of a lower rank to avoid layoff of the employee. Reasonable efforts shall be made to limit the term of such temporary assignment, and in no event shall the assignment exceed one year except through mutual consent of the employee and the appointing authority. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

2.18 Department. "Department" means the largest organizational unit of county government, as shown by the separate departmental articles of the county Salary Ordinance (Division 3 of Title 6 of the Los Angeles County Code). "Department" also includes board, commission, district, and court. (Ord. 88-0020 § 1 (part), 1988.)

2.19 Discharge. "Discharge" means separation from service for cause. (Ord. 88-0020 § 1 (part), 1988.)

2.20 Duress. "Duress" means an unlawful threat which causes a person to consent to a transaction through fear. (Ord. 88-0020 § 1 (part), 1988.)

2.21 Elector. "Elector" means any person who qualifies to vote at either a state election or a federal election in California. (Ord. 88-0020 § 1 (part), 1988.)

2.22 Eligible. "Eligible" refers to the status of a person qualified by reason of having passed an appropriate civil service examination. (Ord. 88-0020 § 1 (part), 1988.)

2.23 Eligible list. "Eligible list" means the list of names of persons who have passed the civil

service examination. (Ord. 88-0020 § 1 (part), 1988.)

2.24 Employee. "Employee" means any person holding a position in the classified service of the county. It includes officers. (Ord. 88-0020 § 1 (part), 1988.)

2.25 Examination. "Examination" means the process of testing, evaluating or investigating the fitness and qualifications of applicants. (Ord. 88-0020 § 1 (part), 1988.)

2.26 Fraud. "Fraud" means a false representation to an employee of a matter of fact material to his employment, whether by words or by conduct, which deceives the employee so that such employee shall act upon it to her/his injury. (Ord. 88-0020 § 1 (part), 1988.)

2.27 Grade.

"Grade," as it pertains to classification, means one standardized salary schedule, as defined in the Salary Ordinance of the county of Los Angeles. For participants in the Management Appraisal and Performance Plan or Performance-Based Pay Plans, "Grade," as it pertains to classification, means one salary range as specified in Section 6.26.020 of the County Code. (§ 1 (part), Board of Supervisors Amendment adopted 10/10/96: § 1, Board of Supervisors Amendment adopted 9/29/88: Ord. 88-0020 § 1 (part), 1988.)

2.28 Handicapped person. "Handicapped person" means any person who has a physical or mental impairment which substantially limits one or more major life activities, or whose employment is negatively affected by decisions based on a record or perception of such impairment. (Ord. 88-0020 § 1 (part), 1988.)

2.29 Institution. "Institution" means any county department or county office.* (Ord. 88-0020 § 1 (part), 1988.)

* Opinion of County Counsel, January 27, 1916.

2.30 Interdepartmental transfer. "Interdepartmental transfer" refers to the change of an employee from one position to a similar position in the same class in another department without examination. (Ord. 88-0020 § 1 (part), 1988.)

2.31 Key copy. "Key copy" means a test unit containing all of the test questions and the scoring key or assessment standards. (Ord. 88-0020 § 1 (part), 1988.)

2.32 Layoff. "Layoff" means separation from a permanent position because of economy, lack of funds, lack of work, or because the position has been abolished. (Ord. 88-0020 § 1 (part), 1988.)

2.321 Management appraisal and performance plan participant.

A person employed in a position in a class which class has been approved by the board of supervisors for inclusion in the Management Appraisal and Performance Plan. (§ 1 (part), Board of Supervisors Amendment adopted 10/10/96.)

2.322 Management appraisal performance evaluation plan.

A written performance plan which specifies performance objectives and expectations approved by the appointing authority. (§ 1 (part), Board of Supervisors Amendment adopted 10/10/96.)

2.323 May.

"May" means ability or power to act at one's discretion. (§ 1 (part), Board of Supervisors Amendment adopted 10/10/96: Ord. 88-0020 § 1 (part), 1988.)

2.33 Medical. "Medical" means psychological as well as physical. (Ord. 88-0020 § 1 (part), 1988.)

2.34 Noncompetitive examination. "Noncompetitive examination" means an examination for positions in county institutions when competition is found to be impracticable. (Ord. 88-0020 § 1 (part), 1988.)

2.35 Noneligible. "Noneligible" refers to the status of a person who has been appointed but not from an eligible list. (Ord. 88-0020 § 1 (part), 1988.)

2.36 Open examination. "Open examination" means an examination open to the public and not limited to applicants in county service. (Ord. 88-0020 § 1 (part), 1988.)

2.37 Performance-based pay plan participant.

A person employed in a position designated by the board of supervisors for participation in a performance-based pay plan. (§ 1 (part), Board of Supervisors Amendment adopted 10/10/96: Ord. 88-0020 § 1 (part), 1988.)

2.38 Performance-based pay plan performance plan. A written performance plan which specifies performance objectives approved by the appointing authority. (Ord. 88-0020 § 1 (part), 1988.)

2.39 Performance rating. "Performance rating" means the rating by the appointing power given to an employee regarding the employee's work performance. (Ord. 88-0020 § 1 (part), 1988.)

2.40 Permanent. "Permanent" means continuing and indefinite duration. In reference to county employment status, it means the employee has successfully completed an initial probationary period. In reference to employment status in a specific class, it means that the employee has successfully completed a probationary period for that class. (Ord. 88-0020 § 1 (part), 1988.)

2.41 Position. "Position" means any office or employment in the classified service of the county requiring the full or part-time employment of one person. (Ord. 88-0020 § 1 (part), 1988.)

2.42 Probation or probationary. "Probation" or "Probationary" means the status of an employee during a trial period following an original or promotional appointment. (Ord. 88-0020 § 1 (part), 1988.)

2.43 Probationer. "Probationer" means an employee who has probationary status. (Ord. 88-0020 § 1 (part), 1988.)

2.44 Promotion. "Promotion" means advancement to a position of higher rank or grade involving an increase in pay. Promotional examinations are those limited to qualified county or district employees. (Ord. 88-0020 § 1 (part), 1988.)

2.45 Random selection. "Random selection" means the reduction of the number of candidates for an examination by means of a lottery. (Ord. 88-0020 § 1 (part), 1988.)

2.46 Rank. "Rank," as it pertains to classification, means the level of difficulty and responsibility of a class among nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, regardless of the series or service to which the class belongs. "Rank," as it pertains to an examination, means the relative order or standing of candidates. (Ord. 88-0020 § 1 (part), 1988.)

2.47 Recruitment bulletin board. "Recruitment bulletin board" is the board in Room 493 in the Hall of Administration, 222 North Grand Avenue, Los Angeles 90012. (Ord. 88-0020 § 1 (part), 1988.)

2.48 Recurrent. "Recurrent" refers to employment on an as-needed basis at certain recurring periods, such as monthly, quarterly, annually, or biannually. "Seasonal" and "recurrent" are synonymous. In reference to employment status, it means current eligible employment in a recurrent position or eligibility on a recurrent reemployment register. (Ord. 88-0020 § 1 (part), 1988.)

2.49 Reduction. "Reduction" means a lowering in rank or grade, except that removal from an assignment that is compensated in part by a bonus, shall not be deemed a demotion. "Reduction" and "demotion" are synonymous. Notwithstanding the above, for other than disciplinary reasons an employee may be temporarily assigned the duties of a lower rank to avoid layoff of the employee. Reasonable efforts shall be made to limit the term of such

temporary assignment, and in no event shall the assignment exceed one year except through mutual consent of the employee and the appointing authority. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

2.50 Reemployment list. "Reemployment list" means a list of names of persons laid off from permanent or released from recurrent positions, arranged in order of their right to reemployment. (Ord. 88-0020 § 1 (part), 1988.)

2.51 Reemployment. "Reemployment" means appointment of an employee from a reemployment list. (Ord. 88-0020 § 1 (part), 1988.)

2.52 Reinstatement. "Reinstatement" means reappointment after a break in service to a position in a class in which status was formerly held. (Ord. 88-0020 § 1 (part), 1988.)

2.53 Restoration. "Restoration" means a return to a position in a class in which status was formerly held. (Ord. 88-0020 § 1 (part), 1988.)

2.54 Seniority. "Seniority" and "continuous service" are synonymous. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 1987.)

2.55 Separation. "Separation" means leaving a position, and includes resignation, release, discharge and layoff where it refers to a separation from a particular position to accept another position, it also includes transfer, reassignment, promotion and reduction. (Ord. 88-0020 § 1 (part), 1988.)

2.56 Series. "Series" means a unit of position classification comprising all classes of the same general character of work but differing as to level of difficulty and responsibility. (Ord. 88-0020 § 1 (part), 1988.)

2.57 Service. "Service" means employment by the county; it also means a group of related series in the classification plan. (Ord. 88-0020 § 1 (part), 1988.)

2.58 Temporary. "Temporary" means employment on a basis other than permanent, probationary or recurrent. (Ord. 88-0020 § 1 (part), 1988.)

2.59 Rating standard. "Rating standard" means the terms, phrases and numerical designations which define the levels of evaluations used in any appraisal process. (Ord. 88-0020 § 1 (part), 1988.)

2.60 Undue influence. "Undue influence" means the excessive use of pressure applied by a dominant subject to successfully persuade one vulnerable to such pressure to act to his/her detriment. (Ord. 88-0020 § 1 (part), 1988.)

Rule 3 ADMINISTRATION

3.01 Director of personnel. The director of personnel shall:

- A. Administer the civil service system in accordance with these Civil Service Rules;
- B. Appoint all assistants, deputies and other persons in the department, and delegate duties where necessary;
- C. Administer and make effective the provisions of these Rules, establishing such administrative controls as may be necessary;
- D. Make recommendations relative to matters of policy and for necessary amendments to these Rules;
- E. Report to the board of supervisors from time to time as directed concerning the details of the work of the department;
- F. Prepare the budget for the department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the department of personnel;
- G. Classify all positions in the classified service, maintain schematic list of all classes in the

classification plan, and prepare and maintain specifications for each class;

H. Order, prepare and conduct all examinations; the director shall:

1. Determine the examinations to be conducted,
2. Determine the minimum qualifications of all applicants, the subjects to be covered in each examination; methods of testing, and the relative weights,
3. Prepare and post bulletins announcing examinations,
4. Prepare the content of questions to be used in each examination, together with the standards or key answers,
5. Make arrangements for and supervise the conduct of the examinations, appointing such experts, special examiners, and other persons as deemed necessary,
6. Grade the examination papers and evaluate the qualifications of applicants,
7. Pass upon all questions relating to the eligibility of applicants, the admissibility of applicants to the examination, extensions of time, and all questions arising during the course of an examination, subject to appeal to the commission as provided in these Rules,
8. Prepare a complete report of each examination together with a report on all appeals from rulings or appeals from any part of the examination;

I. Ascertain and report performance ratings;

J. Certify payrolls or accounts in accordance with Section 36 of the Charter;

K. Perform all other functions necessary for the proper carrying out of these Rules and the provisions of the Charter relating to the civil service system, and such additional duties as may be assigned from time to time by the board of supervisors;

L. Use publicity, paid advertising, or other public-relations means to interest people in becoming employees of the county of Los Angeles. (Ord. 88-0020 § 1 (part), 1988.)

3.02 Director of personnel pro tem. Whenever it is necessary for the director of personnel to be absent, the director shall designate one of the assistants, deputies or other persons in the department to have all of the powers and duties and to act for the director. (Ord. 88-0020 § 1 (part), 1988.)

3.03 Delegation to other departments.

A. Except where the authority is restricted to the director of personnel by the Charter, the director of personnel may delegate his authority in operational activities, such as, but not limited to classification, recruitment and selection and employee development, to the other department or district heads. Delegation of authority by the director of personnel shall be in writing.

B. Delegation is subject to audit by the director of personnel to insure compliance with the Charter, Civil Service Rules and policy guidelines.

C. Delegation may be revoked by the director of personnel, in writing, at any time. (Amended by Board Order No. 80 (part), 9/1/87.)

Rule 4 HEARINGS

4.01 Right to petition for a hearing. Any employee or applicant for employment may petition for a hearing before the commission who is:

A. Adversely affected by any action or decision of the director of personnel concerning which discrimination is alleged as provided in Rule 25;

B. Adversely affected by any action or decision of the commission made without notice to and opportunity for such person to be heard other than a commission decision denying a petition for hearing;

C. Otherwise entitled to a hearing under the Charter or these Rules. (Ord. 88-0020 § 1 (part), 1988.)

4.02 Petition for hearing. Such petition shall be in writing, signed by the petitioner, or the petitioner's representative, and shall give the signer's mailing address and specify the ruling or action appealed and in plain language and in detail sufficient facts and reasons upon which the petitioner's case is based. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

4.03 Action on petition for hearing.

A. In cases of discharge or reduction of a permanent employee other than a probationary employee covered by the provisions of Rule 18, or suspension in excess of five days, a timely petition for hearing shall be granted if it states sufficient specific facts and reasons in support of the employee's appeal as provided in Rule 18.02. The petition shall be denied if such facts and reasons are not stated.

B. In all other cases provided for in Rule 4.01, the commission may, at its discretion, grant a hearing or make its decision on the merits based on a review of written materials submitted by the parties concerned. The commission shall deny both a request for a hearing and a review of written materials if the petition fails to state sufficient specific facts and reasons, or if, in the opinion of the commission, the specific facts and reasons stated, if true, would not entitle the petitioner to any relief. Moreover, no hearing need be granted if the commission is of the opinion, based on the moving papers and any responses thereto, that the petitioner is not likely to prevail on the merits of the petition. No amended petition shall be considered if it is not filed within 10 business days of the date of denial of the original petition. No more than one amended petition may be filed by the petitioner.

C. When granting a hearing, the commission shall state the specific issue(s) in the petition to be heard and will notify all the parties in writing of the issue(s). No other issues shall be heard.

D. The commission shall give written notice to the petitioning party and the representative of record and the department of the date, place and time of the commission meeting at which the petition shall be considered. Each petitioning party and the department shall have the responsibility of serving the documents on which they rely on the opposing party. If either party does not serve the documents on the opposing party, the commission shall, at the request of the party not served, continue the matter for two weeks for immediate service of said documents and the opposing party's right to respond to the "new" documents before considering the entire petition on its merits. In cases of discharge, reduction and, when appropriate, suspensions, such continuance if caused by the petitioner's failure to serve documents shall require a waiver of salary by the petitioner for a period of time equivalent to the length of time of the continuance. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

4.05 Time within which petition must be filed.

A. Unless otherwise provided in these Rules, a petition for hearing before the commission must be filed within the following time limits:

1. In a discharge, reduction or suspension over five days within 15 business days after service of letter of discharge, reduction or suspension of over five days;
2. In all other matters except as provided in Rule 6.07, not later than 10 business days after the ruling or order complained of.

B. Commission may extend the time limits for filing a petition only after consideration of a showing of good cause for the delay which has been submitted in writing. If the commission extends the time limits, the commission shall specify the facts which the commission deems to constitute good cause. The filing of a departmental grievance or an appeal in another

jurisdiction, such as the Employee Relations Commission, shall not constitute good cause for extending the time limits for filing a petition with the commission. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

4.06 Hearing board or officer. On granting a petition for hearing, the president of the commission shall assign it either to one or more hearing officers. (Ord. 88-0020 § 1 (part), 1988.)

4.07 Rights of petitioner.

A. When a hearing is granted, the petitioner shall attend, unless excused by the commission, or by the hearing board, and shall be entitled to:

1. Be represented by counsel or by a representative;
2. Testify under oath or affirmation;
3. Subpoena witnesses;
4. Cross-examine witnesses;
5. Cross-examine all employees of the commission or of the director of personnel who have investigated any of the matters involved in the case and whose reports are offered in evidence before the commission or hearing board;
6. Impeach any witness before the commission or hearing board;
7. Present such affidavits, exhibits, and other evidence as the commission or hearing board deems pertinent to the inquiry;
8. Argue the case.

B. The appointing power, the director of personnel or other members of the commission staff, and any other person whom the commission or hearing board finds to be interested in the matter shall be entitled to the same privileges. (Ord. 88-0020 § 1 (part), 1988.)

4.08 Appearance of petitioner.

A. The appearance of the petitioner shall be required at all hearings except as otherwise provided herein:

1. The appearance of the petitioner shall not be required where the commission has determined, pursuant to Rule 4.03, that a decision on the petition shall be made after a review of written materials submitted by all parties concerned;
2. The commission or hearing board shall have discretion to consent to the absence of the petitioner upon a showing of good cause therefor.

B. Unexcused absence of the petitioner at such a hearing shall be deemed a withdrawal of the petition and consent to the action or ruling from which the appeal was taken. (Ord. 88-0020 § 1 (part), 1988.)

4.09 Closing briefs. If closing briefs are to be submitted in a hearing, they must be submitted within 10 business days from the last session of the hearing. Late submission shall not be accepted or considered by the hearing board. (Ord. 88-0020 § 1 (part), 1988.)

4.10 Evidence.

A. The hearing shall be formal, but 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 or objection in civil actions.

B. Hearsay evidence may be admitted for any purpose, 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 and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation. (Ord. 88-0020 § 1 (part), 1988.)

4.11 Testimony of petitioner. In hearings on discharges, reductions or suspensions in excess of five days, the petitioning employee shall not be required to testify, but may be cross-examined as to any matter relevant to the hearing if the petitioner takes the stand voluntarily. In any other type of hearing the petitioner may be called and examined as if under cross-examination. (Ord. 88-0020 § 1 (part), 1988.)

4.12 Burden of proof. In hearings on discharges, reductions or suspensions in excess of five days, the burden of proof shall be on the appointing power, except that the burden of proving affirmative defenses shall be on the person asserting them; provided that such raising of an affirmative defense does not relieve the appointing authority of its responsibility to sustain its burden of proof. In all other types of hearings the burden of proof shall be on the petitioner. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

4.13 Findings and decisions.

A. If the hearing, as hereinbefore described, is not before the full commission, the hearing board shall, within 30 calendar days from the conclusion of the hearing, submit a written or oral report to the commission for its approval. If the commission accepts the findings of fact contained in such report, it need not read the record of the hearing. If the commission declines to accept such findings, it must read the record or hold a hearing de novo.

B. When the commission has reached a proposed decision, it shall notify each party of that decision. Either party may then request findings of fact and conclusions of law by filing a written request with the commission. If a party files no such request with the commission within 10 business days after being notified of the proposed decision, that party shall be deemed to have waived the right to findings of fact and conclusions of law.

C. If a party requests findings of fact and conclusions of law, the commission may either adopt the report of the hearing board as its proposed findings and conclusions, direct one of the parties to prepare proposed findings and conclusions, or draft its own findings and conclusions. Copies of the proposed findings or conclusions shall be served personally or by mail on each party. Where practicable, such service should be made within 15 business days of the receipt of the request.

D. If either party files objections to the proposed findings and conclusions within the time specified above and the commission believes that the objections or parts thereof have validity, the commission shall amend the proposed findings and conclusions accordingly, and shall notify the parties that the amended findings and conclusions are a new proposed decision. Any party who has not previously filed objections shall have 10 business days from the date of the notice of the new proposed decision to file objections to that decision. The commission shall then consider those objections, and notify the parties of its final decision.

E. If no party files objections to the proposed findings and conclusions within 10 business days after service, they shall constitute the final decision of the commission. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

4.14 Petitioner for judicial review.

A. The provisions of Section 1094.6 of the California Code of Civil Procedure shall be applicable to any petition for judicial review of a decision of the commission suspending, reducing or discharging an officer or employee.

B. Any such petition for judicial review shall be filed no later than the 90th day following the date the decision becomes final. (Ord. 88-0020 § 1 (part), 1988.)

4.15 Report of hearings. Hearings on discharges, reductions and suspensions in excess of five days shall be conducted with a stenographic reporter. The commission or hearing board may order that other hearings be reported when it deems it necessary or when some person interested in the hearing requests, at least one full business day before the day set for the

hearing, that such hearing be reported and pays the cost of fee for such reporting as estimated by the commission. (Ord. 88-0020 § 1 (part), 1988.)

4.16 Transcripts of hearings. Transcripts of hearings shall be furnished to any person on payment of the cost of preparing such transcripts. When transcripts are provided by the employees of the civil service commission, the cost shall be determined by the auditor-controller. When transcripts are provided by an independent contractor the cost will be established by contract between the Los Angeles County and the reporting company. The transcript of the hearing shall be the official record of the hearing. (Ord. 88-0020 § 1 (part), 1988.)

4.17 Pre-hearing conference.

A. With respect to any matters set for hearing, both parties shall confer no later than 10 business days prior to the date for the hearing for the purpose of agreeing to a statement in writing setting forth the specific facts or contentions in issue. The facts or contentions in issue contained in the agreed statement must fall within the scope of the hearing, as defined by the commission in accordance with Rule 4.03C. The party having the burden of proof shall initiate the contact with the opposing party. The statement must be filed with the commission or hearing board not later than five business days prior to the hearing, and shall include an estimate of the time required for the hearing and a list of all witnesses intended to be called by both parties. The commission or hearing board may also require such additional matters in the written statement as it deems appropriate. The commission may issue such orders as are necessary to assure that both parties attend the pre-hearing conference and cooperate in preparation of the statement in writing. If either party does not attend the pre-hearing conference and participate in attempting the preparation of the statement in writing, the hearing board shall accept the statement of the other party as to the facts and contentions in issue to the extent such statement conforms to the scope of the hearing as defined by the commission in accordance with Rule 4.03C.

B. If the parties fail to reach agreement, then each party must file a written statement with the hearing board. The hearing board or a member designated by the board shall resolve all disputes, and announce the resolution to the parties as the first term of business in the hearing. The issues heard and the evidence taken must fall within the scope agreed upon by the parties or announced by the hearing board. Parties may object to proposed commission findings of fact and conclusions of law on the basis of the failure of the hearing board to comply with this Rule. When the commission finds such objections to be valid, it shall make appropriate amendments to the proposed findings and conclusions. (Ord. 88-0020 § 1 (part), 1988.)

4.18 Waiver of hearing. Should any party entitled to be heard by the commission, either as a matter of right or as a matter within the commission's discretion, have filed before filing with the commission a petition based on substantially the same facts before the employee relations commission or made, a charge based on substantially the same facts under an arbitration provision of any valid memorandum of understanding, that party shall be deemed to have waived the right or opportunity to be heard by the commission. As to any such matters, the civil service commission will give full faith and credit to final decisions of the employee relations commission and to any final decision of an arbitrator made pursuant to a valid memorandum of understanding. (Ord. 88-0020 § 1 (part), 1988.)

4.19 Commission rules. Pursuant to Charter Section 34, the civil service commission shall adopt and amend rules to govern its own proceedings, and cause such rules to be published and distributed to all county departments and districts and all certified organizations. In case of conflict between these Rules and rules adopted by the commission, the provisions of these

Rules shall prevail. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

Rule 5 CLASSIFICATION

5.01 Standards for the classification of positions.

A. The director of personnel shall develop and maintain a class specification for each class in the classified service of the county as necessary to meet the needs of the service for the allocation of new positions and the reallocation of existing positions. A class is a position or a number of positions with duties sufficiently similar that:

1. The same descriptive title may be used to designate each position in the class;
2. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;
3. Similar tests of fitness may be used to select incumbents;
4. The same schedule of compensation will apply with equity under substantially the same employment conditions.

B. A new class shall be established when it has been determined that the duties and responsibilities of a position or positions, assigned by competent authority, are unique in terms of character, difficulty and responsibility and do not meet the specifications for an existing class.

C. All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into the same series. All series within the same broad occupational field shall be assembled into the same service. (Ord. 88-0020 § 1 (part), 1988.)

5.02 Classification schedules.

A. A schematic outline of the classes in the county service and in the service of the districts which have adopted the County Civil Service System, arranged by series and services, shall be maintained by the director of personnel and shall be known as "Classification Schedule A." The specifications for each class contained in Schedule A shall be maintained by the director of personnel, and shall be known as Schedule B. Such specifications, in addition to defining the class sufficiently to provide the standard for allocation, shall give examples of the more significant and typical duties assigned to positions in the class, the minimum requirements for applicants for positions in the class, and any unusual physical requirements. The specifications shall be descriptive of the classes, and shall not be considered as a restriction on the assignment of duties not specifically listed.

B. The director of personnel shall make such changes in Schedules A and B as are necessary to meet the needs of the service. Both schedules, or true copies thereof, shall be open to public inspection. (Ord. 88-0020 § 1 (part), 1988.)

5.03 Administration of position classification.

A. Each position in the classified service shall be allocated by the director of personnel to the appropriate class in conformance with specifications for that class as established under this Rule. The director of personnel shall make position-classification studies of individual positions or groups of positions whenever the duties or responsibilities of existing positions have undergone significant changes, or whenever new positions are to be created. Upon request of the director of personnel, the appointing power shall furnish detailed information relative to the duties, responsibilities or work assignments of positions under its jurisdiction. In addition to information requested by the director of personnel, written material bearing on the study may be submitted by the appointing power or the employee occupying the position or by

the certified employee organization(s) representing the class(es).

B. The appointing power shall initiate requests to the director of personnel for classification studies of positions under its jurisdiction whenever they have significantly changed in duties, responsibilities or work assignments.

C. Request for a classification study of his/her position by an employee shall be directed in writing to the appointing power. Such request shall specify why the duties and responsibilities of the position no longer conform to those of the class to which the position is allocated. If the appointing power cannot support the request, it shall be returned to the employee within 30 days with reasons for its denial. If the employee judges that the request is still merited, the employee may resubmit the request to the appointing power, who shall in turn direct it to the director of personnel, who shall then conduct a study as provided in 5.03A.

D. When the director of personnel has completed the classification study, the director shall report the findings to the appointing power concerned, and those requiring change in the Salary Ordinance (Title 6 of the Los Angeles County Code) to the board of supervisors. The appointing power shall promptly inform the employee(s) concerned of the classification action. (Ord. 88-0020 § 1 (part), 1988.)

5.04 Reviews and appeals. Any employee or appointing power adversely affected by any classification action may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 30 days of notification of such action, and shall specify the basis for the request. The director of personnel shall either amend the classification action or provide the employee with reasons for affecting no change. Except as otherwise provided in these Rules, the decision of the director is final, subject to such judicial review as provided by decisions of local administrative agencies. (Ord. 88-0020 § 1 (part), 1988.)

5.05 Effect of classification changes on incumbent.

A. Whenever a position is reclassified from one class to a higher class, or from one series to another series, the incumbent shall not continue in the position, except temporarily, unless the incumbent gains eligibility for the new class and receives an appointment thereto in accordance with these Rules.

B. Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by demotion in lieu of layoff in accordance with the provisions of Rule 19. Any person demoted involuntarily to fill a position reclassified downward shall be placed on a reemployment list in accordance with the provisions of Rule 19.

C. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the new class as was held in the old class. (Ord. 88-0020 § 1 (part), 1988.)

Rule 6 APPLICATIONS AND APPLICANTS

6.01 Qualifications for examinations. In order to qualify for examination, a candidate must:

A. Meet all general requirements pertaining to filing applications for positions in the classified service as prescribed in these Rules;

B. Meet such additional requirements as are specified for the particular examination, including, but not limited to education, experience, license, age, residence, sex, physical condition, or the passing of appropriate qualifying tests;

C. File an application in accordance with established procedures. (Ord. 88-0020 § 1 (part), 1988.)

6.02 Qualifications for promotional examination.

A. In addition to meeting the requirements of Rule 6.01, an applicant for an interdepartmental promotional examination must be a permanent county employee, and for a departmental promotional examination must in addition have status in the department specified. The director of personnel may also allow the following to compete in promotional examinations whenever such action is deemed necessary in order to meet the needs of county service:

1. Probationary employees may be allowed to compete in promotional examinations, provided that they are not appointed until they have completed their probationary periods.
2. Recurrent or temporary employees who have completed at least 120 working days of satisfactory service as recurrent or temporary employees may be allowed to compete in promotional examinations for permanent appointments to the class in which they have status or any lower-level class. Additionally, recurrent employees meeting the above conditions may compete in promotional examinations for higher-level recurrent positions.
3. Enrollees in training programs approved by the director of personnel may be allowed to compete in promotional examinations for permanent appointment to the classes for which they have been prepared.

B. A qualified employee of a district having a civil service governed ex officio by the board of supervisors may participate in interdepartmental promotional examinations for positions in the classified service of the county during such time as qualified county employees are entitled to participate in promotional examinations and to be certified for and appointed to positions in the classified service of such districts. (Ord. 88-0020 § 1 (part), 1988.)

6.03 Filing applications.

A. No application will be accepted for a position until an examination has been announced, except that any person accepting a temporary appointment pending examination must, before commencing work, file an application for such position with the director of personnel.

Applications must be received at the offices of the director of personnel not later than 5:00 p. m. of the last day for filing unless some other time or place is designated in the bulletin announcing the examination.

B. The director of personnel may, if sufficient reasons are shown, accept an amendment to an application after the designated date and time for filing has passed. The burden of proof of meeting requirements shall lie with the applicant.

C. In cases of any dispute as to the time of filing the official time recorded on the application shall be conclusive.

D. The time for filing applications may be extended or reopened by the director of personnel as the needs of the service require, provided notice is immediately posted on the recruitment bulletin board.

E. When:

1. Positions the incumbents of which are appointed by the board of supervisors;
2. Positions next in rank to such positions; and
3. Positions first in rank on the staffs of commissions are to be filled by open competitive examination, all applications filed shall be confidential personnel files subject to review and inspection only by the director of personnel or persons designated by the director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

6.04 Nonacceptance of applicant. The director of personnel, subject to the right of any person aggrieved to appeal to the commission as provided in Rule 4, may refuse to accept an application or to examine an applicant, or may withhold the name of a person from the eligible

list or an eligible from certification, or after notice may remove the name of an eligible from the eligible list:

- A. Who does not meet the requirements set forth in these Rules or in the bulletin announcing the examination;
- B. Who is physically or mentally unfit to perform the duties of the position sought;
- C. Who is addicted to the use of intoxicating liquors or narcotics or habit-forming drugs;
- D. Who is guilty of conduct not compatible with county employment, whether or not it amounts to a crime;
- E. Who has been convicted of a crime;
- F. Who has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from county service; or whose record of employment has not been satisfactory in the county service, or with any other agency or firm;
- G. Who has abandoned any position in county service or been absent from duty without leave of absence duly granted;
- H. Who has made material false statement or who has attempted any deception or fraud in connection with this or any other civil service examinations;
- I. Who refuses to execute the oath as prescribed by law;
- J. Who refuses to be fingerprinted;
- K. Who has assisted in preparing, conducting or scoring the examination for which he/she applies, or who has in any other manner secured confidential information concerning such examination which might give such applicant an unfair advantage over other applicants in the examination;
- L. Who refuses to take or fails to pass the prescribed medical examination;
- M. Who is separated from county service and whose name appears on a promotional list, except one who has completed apprenticeship or other approved training in accordance with Rule 21 for the class for which the examination was given;
- N. Who is not a citizen when citizenship is a legal requirement for appointment to the position. (Ord. 88-0020 § 1 (part), 1988.)

6.05 Notice of nonacceptance.

A. The person against whom action is taken under Rule 6.04 shall be notified promptly of the reasons thereof. Oral notice at time of filing the application shall be sufficient, provided that the applicant is given written notification of nonacceptance at the time that such nonacceptance is declared.

B. Written notice mailed, postage prepaid, to the address shown on the application shall be effective on mailing. (Ord. 88-0020 § 1 (part), 1988.)

6.06 Random selection. When the number of anticipated candidates as well as the type of competitive examination to be used in a particular open competitive selection process would make it impracticable to administer a comprehensive examination to every candidate applying, the director of personnel may utilize random selection. (Ord. 88-0020 § 1 (part), 1988.)

6.07 Appeals. Any person aggrieved by any ruling of the director of personnel concerning the examination or the eligibility or disqualification of applicants, or the withholding of name from certification; and who believes such action was based on consideration of non-merit factor(s) as set forth in Rule 25, may appeal to the commission in writing within 15 business days, after notice of such ruling, as provided in Rule 4. (Ord. 88-0020 § 1 (part), 1988.)

6.08 Admission to examination pending appeal. The director of personnel may admit to the examination any person whose application was not accepted, pending final disposition of an

appeal, such admission to be without prejudice. (Ord. 88-0020 § 1 (part), 1988.)

6.09 Amendment of applications. The director of personnel may permit any applicant, whether or not the application has been accepted, to file an amended application (Ord. 88-0020 § 1 (part), 1988.)

6.10 Application not returned. All applications when completed and filed become the property of the director of personnel and thereafter may not be returned to the applicant. (Ord. 88-0020 § 1 (part), 1988.)

Part 2 (Rules 7--12)

Rule 7 COMPETITIVE EXAMINATIONS

7.01 Ordering examinations. The director of personnel shall order an examination whenever necessary. Such order shall specify the class or classes, or specialized position within a class, for which the examination is ordered. (Ord. 88-0020 § 1 (part), 1988.)

7.02 Continuous or periodic examining programs. Notwithstanding anything to the contrary in these Rules, a continuous or periodic examining program may be ordered and administered by the director of personnel for any class of positions to establish an eligible register for temporary or permanent appointments. Filing will be open, applications received, and the examinations administered in such a program according to the needs of county service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible list. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places as determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible list. Names shall be dropped from such eligible registers after remaining on the register for the period of time specified in the order or in the bulletin announcing the program. (Ord. 88-0020 § 1 (part), 1988.)

7.03 Notice of examination.

A. A written notice of each examination shall be posted prior to the opening of the filing period of the examination on the official county recruitment bulletin board in the department of personnel. For promotional examinations, a written notice of each examination shall be posted for at least 10 days prior to the examinations.

B. Additional notice, such as paid advertising or publicity, shall be given when the director of personnel deems it necessary in order to have a sufficient number of qualified applicants. (Ord. 88-0020 § 1 (part), 1988.)

7.04 Competitive examinations. Except as provided in Rule 8, all examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested and grouped as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard. (Ord. 88-0020 § 1 (part), 1988.)

7.06 Types of examinations.

A. It is county policy that vacancies will generally be filled from within. However, open competitive examinations may be held when it is in the best interest of the county as determined by the director of personnel and the appointing power. Promotional examinations may be interdepartmental (county-wide) or departmental (limited to the employees of a department) and may be further limited to employees of a particular organizational unit.

B. Additionally, competitive reclassification examinations may be given within six months of

the reclassification of a position.

C. In general a sufficient number of interdepartmental promotional examinations shall be held:

1. So that capable employees in smaller departments or in small specialized divisions of departments will have a chance for promotion to similar work in larger departments or larger divisions of other departments;
2. So that capable employees in the larger departments may advance by taking positions of greater responsibility in smaller departments; and
3. So that minority group members, women, and the handicapped will have a chance for promotion to ensure equal employment opportunities in accordance with the County's Affirmative Action Program. (Ord. 88-0020 § 1 (part), 1988.)

7.07 Character of examinations. All competitive examinations shall consist of one or more parts designed to qualify and group applicants in terms of their relative fitness to perform the duties of the class or position for which the examination was ordered. The relative weights of the parts of the examination shall be stated in the official announcement of the examination or announced prior to the time of the examination. (Ord. 88-0020 § 1 (part), 1988.)

7.08 Method of testing. The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

- A. Written tests;
- B. Oral tests of knowledge or ability;
- C. Interviews covering general qualifications, education, training or experience;
- D. Performance tests;
- E. Physical tests of strength, stamina, or dexterity;
- F. Evaluation of education, training, experience, or other qualifications as shown by the application, or by other information submitted, or by the record;
- G. Questionnaires submitted to references;
- H. Any other appropriate measure of fitness. (Ord. 88-0020 § 1 (part), 1988.)

7.09 Time and place of examinations. Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin, or the applicants shall be notified in person, by mail or by telephone. The director of personnel, when the good of the service requires it, may have an examination given in more than one session or at more than one place, either within or outside the county of Los Angeles. (Ord. 88-0020 § 1 (part), 1988.)

7.10 Postponement or cancellation of examinations. The administration of an examination, or any part thereof, may be postponed or cancelled at any time. Notice of such postponement or cancellation shall be posted on the recruitment bulletin board and mailed or telephoned to the applicants. In an emergency where time does not permit such notice, an examination may be postponed or cancelled or the place of examination changed by posting a notice on the recruitment bulletin board as soon as possible and in a conspicuous location at the place and time set for the examination. (Ord. 88-0020 § 1 (part), 1988.)

7.11 Late applicants. Whenever applicants are required to assemble for a test, no applicant will be admitted after the designated time except at the discretion of the director of personnel or the director's designee. (Ord. 88-0020 § 1 (part), 1988.)

7.12 Inability to appear. If an applicant is unable to appear at the time or place designated, the director of personnel may arrange to give the applicant the examination at another time or place if the director of personnel finds:

- A. That substantial and sufficient reasons exist for the inability to appear;
- B. That no fraud will be perpetrated; and
- C. That no person taking the examination will be materially prejudiced or assisted in passing

the examination by reason of such special privilege. (Ord. 88-0020 § 1 (part), 1988.)

7.13 Parts and weights.

A. Each examination shall embrace one or more parts to which percentage weights shall be assigned, which weights shall total 100 percent. Each part shall be graded separately. This grade shall be multiplied by the percentage weights assigned to such part, and the sum of the resulting products shall be called the "weighted average."

B. In open examinations, the points, if any, for veteran's credit shall be added to the weighted average, except that such credit shall not be added unless the weighted average totals 70 percent or more.

C.1. Except as specified below, all promotional examinations shall include as part an appraisal of promotability, based on an evaluation of records and of efficiency and character in relation to the class or position for which the examination is being given. The weights of such evaluation, including consideration of seniority, efficiency and character, shall not exceed 50 percent of the total weight in the examination, except that for management positions the appraisal of promotability may be as high as 100 percent. The weight of the appraisal of promotability shall be determined by the director of personnel after consultation with the appointing power. "Management" shall be defined as those classifications that have the supervisory responsibility for first-line supervisors, and all classifications at the level of supervisor of first-line supervisors and above.

2. The appraisal of promotability may be excluded from the examination when it is deemed by the director of personnel to be in the best interest of the service. In the event that the appraisal of promotability is excluded from the examination process, then seniority, efficiency and character shall be evaluated by one or more of the methods enumerated in Rule 7.08.

(Ord. 88-0020 § 1 (part), 1988.)

7.14 Passing grades.

A. Unless otherwise provided in the bulletin or other notice announcing the examination, a final score of at least 70 percent, excluding veteran's credit, shall be required for passing.

B. Where an examination consists of two or more parts, the director of personnel may set a minimum score or rank to be required in any part or combination of parts of such examination, and any applicant who does not attain such minimum score or rank shall not receive a score in the balance of the examination. The minimum score or rank required and the part or parts of the examination to which it is applicable shall be announced at the time of the examination.

(Ord. 88-0020 § 1 (part), 1988.)

7.15 Veteran's credit. The Charter of the county of Los Angeles provides that in all open competitive examinations, in addition to all other credits, a credit of 10 percent of the total credits specified for such examination shall be given by the civil service commission to all persons passing the examination who have, or who shall have, served in the Armed Forces of the United States in time of war, armed insurrection or international police action and are honorably discharged, or whose service was honorable, and also to the wife of any such person who, while engaged in such service in time of war, armed insurrection or international police action, was wounded, disabled or crippled and thereby permanently prevented from engaging in any remunerative occupation, and also to the widow of any such person who died or was killed while in such service. (Ord. 88-0020 § 1 (part), 1988.)

7.16 Key-copy inspection. The director of personnel may order a key-copy inspection period during which time any applicant may inspect a copy of the questions and the key answers and other factors to be considered in scoring the test. The director of personnel must notify all applicants of such order and the dates and place of inspection. During such inspection, applicants shall not be allowed to copy any of the test questions or answers, except to the

extent necessary to file a protest. (Ord. 88-0020 § 1 (part), 1988.)

7.17 Protests against key answers. During the key-copy inspection period, the applicant may file a protest against any part of the written test, citing the question or questions against which the protest is directed and reasons for protesting. Each protest shall be in writing and on forms provided by the director of personnel, shall give specific facts and reasons to support the protest, and shall include authoritative references or opinions of recognized experts where such exist. Upon receipt of such protests, a review of each protested question shall be made by the director of personnel. Any errors, improprieties or ambiguities disclosed shall be corrected. In case of an ambiguity in a question, the director of personnel may eliminate the question entirely or may allow more than one answer as correct. After the necessary and proper corrections have been made, the answer key, as corrected, shall become the basis for a scoring key upon which all the applicants' papers are finally scored. An applicant who has not filed a protest during the key-copy inspection period shall not be entitled to protest against the written test except on the grounds of specific error in the application of the scoring key. (Ord. 88-0020 § 1 (part), 1988.)

7.18 Promulgation and notification of test results. After all the parts of an examination have been completed and scored, an eligible list shall be promulgated, and each applicant shall be notified:

A. When passing, of his/her total score, including veteran's credit and the days during which the applicant may inspect his/ her papers; or

B. When failing, of the failure to achieve a passing grade, and the days during which the applicant may inspect his/her papers. (Ord. 88-0020 § 1 (part), 1988.)

7.19 Inspection of examination materials, rating standards and scoring key.

A. An applicant shall be allowed a period of 10 business days to inspect the applicant's scored answer sheets, appropriate rating standards, scoring key, records of the applicant's oral interviews or appraisal of promotability, or any records pertaining to his/her score on the examination except that:

1. Copyrighted or standardized tests shall not be subject to review;

2. In those examinations in which a key-copy inspection period was provided, the test materials made available during such key-copy inspection period shall not be subject to review;

3. Validated tests and selection procedures, for which the director of personnel can establish that the burden to the county resulting from applicant's review outweighs the right of the applicant to investigation and discovery shall not be subject to review.

B. During such inspection, the applicant shall not be allowed to copy any of the test questions or answers except to the extent necessary to file a protest or appeal. (Ord. 88-0020 § 1 (part), 1988.)

7.20 Protests against ratings to the director of personnel. If the applicant believes an error has been made in the application of the written-test scoring key, or in the rating given him/her on any part of the examination, or that any other error has been made, except such as could have been objected to during the key-copy inspection period, the applicant may, during the final 10-day period referred to in Rule 7.19, make a protest in writing stating specifically where an error has been made; provided, however, that if there has been a key-copy inspection period, no protest may be made against the written questions and key answers which would have been made during the key-copy inspection period. Each protest shall be in writing and on forms provided by the director of personnel, shall give specific facts and reasons to support the protest, and shall include authoritative references or opinions of recognized experts where such exist. No protest may be made after the 10-day period. Upon receipt of a

written protest or request for re-scoring or re-rating, a review of the protest shall be made by the director of personnel, who shall pass on all such protests or requests within 60 days of the date of such protest or request and make any necessary corrections in grades and ratings. If the director of personnel does not render a decision within such time period, the appellant may, at his/her option, deem this a denial and proceed with an appeal to the commission. Any person aggrieved may appeal to the commission for the rulings of the director of personnel pursuant to Rule 4, within 10 business days of the notice of such rulings. Notwithstanding the foregoing, in a situation where a successful appeal will not result in the appellant moving from one group (as defined in Rule 11.01) to a higher group, the appellant will not proceed with the appeal to the civil service commission. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

7.21 Correction of clerical errors. Any clerical error may be corrected by the director of personnel upon discovery at any time during the life of the eligible list, but no such correction shall affect an appointment made from a certification made prior to the correction. (Ord. 88-0020 § 1 (part), 1988.)

7.22 Record of examination. The director of personnel shall preserve for not less than five years the following record of each examination:

A. The report of examination containing the names and scores of all applicants on each part of the examination, and in the total examination;

B. A summary or narrative statement of the examination, showing the method of testing used or the general nature of the examination, the weights of the various parts, and the minimum scores required. (Ord. 88-0020 § 1 (part), 1988.)

7.23 Record of oral examination. The director of personnel shall make and preserve for not less than five years a record of oral tests or interviews used in examinations. Such record shall show the basis of rating or standards used and the formula or method used for translating ratings into a numerical score. (Ord. 88-0020 § 1 (part), 1988.)

7.24 Other records of examination.

A. The director of personnel shall preserve all other original records prepared or received in connection with any examination for a period of two years after the date of promulgation. Such records may then be destroyed if no longer required for administrative purposes.

B. Any duplicate records of examinations, the originals or permanent photographic reproductions of which are in the files of any officer or department of the county, may be destroyed at any time. (Ord. 88-0020 § 1 (part), 1988.)

7.25 Examination to be impartial. All examinations shall be fair and impartial. So far as practicable, written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. No person shall reveal before the completion of an examination any information about such examination except in the official bulletin or by announcement to all applicants equally. (Ord. 88-0020 § 1 (part), 1988.)

Rule 8 NONCOMPETITIVE EXAMINATIONS AND LABOR APPOINTMENTS

8.01 Noncompetitive examinations.

A. The director of personnel may authorize noncompetitive examinations in the county institutions when competition is found to be impracticable.

B. Competition is impracticable when the number of vacant positions generally exceeds the number of applicants. (Ord. 88-0020 § 1 (part), 1988.)

8.02 Procedure for noncompetitive examinations. The director of personnel shall order the examination and give notice in the same manner as for a competitive examination. All such examinations shall be open. The examination shall be intended merely to qualify applicants. Successful applicants shall be placed on an eligible list, without indication of relative standing in the examination. An eligible list shall be in effect when approved by the director of personnel. No formal certification will be necessary. The appointing power may appoint any one of the names on the appropriate list, except that a person without veteran's credit may not be appointed if there are three more names on the list of persons entitled to veteran's credit. Each noncompetitive eligible list shall be in effect for the same period of time and may be extended or terminated the same as a competitive eligible list, except that a noncompetitive examination eligible list may also be terminated by the director of personnel when the director finds that a competitive examination is warranted for the position or class. (Ord. 88-0020 § 1 (part), 1988.)

8.03 Labor appointments. The director of personnel may authorize the appointment of unskilled laborers and such skilled laborers as needed without formal examination, but after such tests of fitness as the director may prescribe. (Ord. 88-0020 § 1 (part), 1988.)

8.04 Procedure for making labor appointments. Such appointments must be made in order of priority of application excluding such persons as fail the test of fitness prescribed by the director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

8.05 Applicability of other rules. Rule 7 and 10 do not apply to noncompetitive examinations or labor appointments. All other rules shall apply except insofar as they are in conflict with the provisions of this Rule. (Ord. 88-0020 § 1 (part), 1988.)

8.06 Review and appeals. Any person who is adversely affected by any action in violation of Rule 8 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 10 business days of notification of such action. Such written request for review shall name the specific act complained of and state the reasons for the complaint and the remedy requested. Except as otherwise provided in these Rules, the decision of the director of personnel is final, subject to such judicial review as provided by law for decisions of local administrative agencies. (Ord. 88-0020 § 1 (part), 1988.)

Rule 9 MEDICAL STANDARDS FOR EMPLOYMENT

9.01 Purpose of medical standards. The director of personnel, shall establish medical standards for county employment, and shall specify the physical category of each classification in order to:

A. Ensure that proper consideration is given to the relationship between each person's health status and the physical, psychological and environmental demands of the duties such person is to perform; and

B. Select employees who can be expected to remain in a state of good health for a reasonable period of service, consistent with the economics of the retirement, sick leave, and other employee benefit programs. (Ord. 88-0020 § 1 (part), 1988.)

9.02 Appeal of medical standards. The appointing authority, employee, or applicant for county employment who can provide medical evidence that a medical standard adopted by the director of personnel is unreasonable may submit this evidence to the director of personnel for review. (Ord. 88-0020 § 1 (part), 1988.)

9.03 Medical examinations.

A. The director of personnel shall require an appropriate medical examination by a county examining physician or any other reasonable evidence of the applicant's health status. The examination may include X-rays, laboratory tests, or any other medical tests or evidence needed to determine that the applicant's health status is consistent with the standards referred to in Rule 9.01.

B. The director of personnel may require any employee or candidate for employment to be reexamined at any time prior to his original appointment, during his probationary period, or at the time of reinstatement. (Ord. 88-0020 § 1 (part), 1988.)

9.04 Determination of qualification following medical examination. Following the medical examination, the director of personnel shall determine whether each applicant is qualified. In arriving at this determination, the director of personnel shall consider:

A. The applicant's health status, as indicated by the medical examination;

B. The physical, psychological and environmental demands of the position the applicant is to perform within the purview of the standards referred to in Rule 9.01; and

C. The needs of the service, including retirement, sick leave, and other employee benefit programs. (Ord. 88-0020 § 1 (part), 1988.)

9.05 Requirement of qualification prior to employment.

A. No applicant in an open examination shall be employed in a permanent, temporary or recurrent position prior to a determination by the director of personnel, following a medical examination, that the applicant is qualified for the duties to be performed; provided, however, that the director of personnel may authorize in specific cases:

1. Employment prior to medical examination for a period the director deems reasonable;

2. Employment of persons who are found to have certain disqualifying, but correctable, medical conditions. Such employment may be for a period the director deems reasonable, but not to exceed five months.

B. An appointment made before the director of personnel determines that the applicant is qualified must be considered as contingent upon such determination.

C. If the director of personnel finds that an applicant is a poor long-term risk for permanent employment but otherwise meets the standards the director of personnel may approve an appointment on a temporary basis, if a temporary appointment is otherwise authorized by Rule 13. (Ord. 88-0020 § 1 (part), 1988.)

9.06 Review of medical findings.

A. An applicant or an employee who has been disqualified due to failure to meet the medical standards may request a review of the case. The applicant shall be entitled to present new or additional medical evidence related to the case at any time his/her name is on an active eligible list.

B. The director of personnel, upon receipt of such request, shall designate a physician to review the case. Such physician, after review of the case in light of the purpose of medical standards as stated in Rule 9.01, shall report the findings to the director of personnel. The director of personnel shall decide on the applicant's medical qualification and notify the applicant of the decision. (Ord. 88-0020 § 1 (part), 1988.)

9.07 Medical reevaluation.

A. The director of personnel may require a reasonable medical reevaluation at the time of promotion, demotion, reassignment, or other changes of status of an employee from one class to another class with increased physical, psychological and environmental demands. Such change of status shall not be completed until the employee has shown that the increased physical, psychological and environmental demands are met.

B. An employee may request, or an appointing authority may, with the consent of the director

of personnel, require an employee to have a medical reevaluation. The purpose of such reevaluation must be to determine the capacities of the employee to perform the duties of the employee's job satisfactorily and without undue hazard to the employee or others.

Accordingly, such reevaluation shall be concerned only with the medical condition related to the satisfactory performance of the required duties or to the protection of the health, safety and welfare of the employee or others.

C. If the employee's condition is the result of a work-incurred injury which falls within the jurisdiction of the workers' compensation appeals board, the determination by the director of personnel of the employee's medical capacities shall be based solely upon the medical evidence used by the appeals board in its disposition of the case.

D. The appointing authority, with the consent of the director of personnel, may require periodic reevaluations for classes in the safety series to assure adequate capability to protect the public. (Ord. 88-0020 § 1 (part), 1988.)

9.08 Partially or fully incapacitated employees. Whenever, upon medical reevaluation or competent medical or legal evidence, an employee who has previously qualified is found to be unable to perform the duties of his/her position satisfactorily, due to a medical incapacity of a continuing nature:

A. The employee may submit a request to the appointing authority for reassignment, voluntary demotion, or transfer to a position for which the employee has the qualifications. Any voluntary demotion under this rule must be with the approval of the director of personnel.

B. If no action is taken under paragraph A of this Rule, the director of personnel shall, consistent with his determination of the employee's medical capacities, recommend the most appropriate of the following alternatives:

1. Return of the employee to suitable work through one of the following means:

- a. Modification of the employee's duties or change of his/her assignment,
- b. Change of classification or reduction to another position in the employee's department,
- c. Transfer to a position in another department. Where appropriate, this recommendation will include a retraining program;

2. Disability retirement of the employee, in accordance with the employee's eligibility under appropriate provisions of the Government Code;

3. Release of the employee in accordance with paragraph C of this Rule. The appointing authority considering the recommendations of the director of personnel may change classification or reduce the employee to a position for which the employee is qualified or for which the employee can be trained within a reasonable period of time. Where the appointing authority indicates that he/she cannot follow the recommendation of the director of personnel for a change of classification or reduction, the director shall place the employee on appropriate departmental reemployment lists, provided the employee's performance has been competent or better. Such lists shall only be applicable to positions that are compatible with the employee's medical capacities, and training and/or experience.

C. If there is no suitable position in which the employee can perform satisfactorily, the appointing authority may release the employee, subject to the applicable provisions of Rule 18, said release to be without prejudice as to reemployment should the employee's condition improve. (Ord. 88-0020 § 1 (part), 1988.)

Rule 10 ELIGIBLE LISTS

10.01 Eligible lists created. The director of personnel or a designate shall promulgate eligible

lists resulting from competitive examination as provided for in Rule 7.18. (Ord. 88-0020 § 1 (part), 1988.)

10.02 Order of names on eligible lists. The names of applicants shall be entered upon the eligible list in a competitive examination in order of standing in the examination, including veterans credit, or credits for efficiency, character and seniority, where applicable. (Ord. 88-0020 § 1 (part), 1988.)

10.03 Tie scores. Whenever two or more applicants in a competitive examination have the same final grade, priority may be determined by random ordering. (Ord. 88-0020 § 1 (part), 1988.)

10.04 Disclosure of names of eligibles. All eligible lists shall be open to public inspection except when the director of personnel judges that disclosure of names of candidates for high-level management positions would jeopardize their current employment. (Ord. 88-0020 § 1 (part), 1988.)

10.05 Termination of eligible lists. An eligible list may be terminated by the director of personnel after notice to those on the list when, in the director's opinion, cause exists. (Ord. 88-0020 § 1 (part), 1988.)

10.06 Duration of eligible lists. Except when otherwise ordered, an eligible list shall be in effect for one year from date of promulgation, unless sooner terminated pursuant to Rule 10.05, but the director of personnel may order that the period of eligibility be for a shorter time or, in his discretion, may extend the period of eligibility, or may restore any eligible list which has expired or been terminated. (Ord. 88-0020 § 1 (part), 1988.)

10.07 Automatic termination of list. An eligible list which has been in effect for more than one year shall be terminated automatically upon promulgation of a new eligible list of the same type for the same position. A list so terminated may be restored when it includes the name of a person who is or was in the active service of the Armed Forces of the United States during part or all of the life of such list. (Ord. 88-0020 § 1 (part), 1988.)

10.08 Canvass of eligible list. Whenever the needs of the service require, the director of personnel shall ascertain the availability for employment under certain specified employment conditions of persons whose names appear on an eligible list. (Ord. 88-0020 § 1 (part), 1988.)

10.09 Addition of names of war veterans to eligible lists. Any veteran returning to county service who is entitled to the benefits of Section 395.1, Military and Veterans Code, shall be entitled to take a supplemental examination for any position for which there is an eligible list in effect, provided the veteran meets the bulletin requirements for the original examination, and provided the original examination was given prior to his return to county service. The name of any veteran successful in the supplemental examination shall be added to the eligible list for that position in accordance with Rule 10.02, the same as if such veteran had taken the original examination. (Ord. 88-0020 § 1 (part), 1988.)

10.10 Rejection of eligible--Dropped from list. The name of any person may be withheld from certification or removed from the eligible list for any of the reasons in Rule 6.04 hereof. (Ord. 88-0020 § 1 (part), 1988.)

10.11 Effect of appeals. No appeal shall affect the eligible list or an appointment made from a certification made during the pendency of the appeal. When the appeal is terminated, the director of personnel shall add the name of the appellant to the eligible list at the appropriate place. (Ord. 88-0020 § 1 (part), 1988.)

Rule 11 CERTIFICATION AND APPOINTMENT

11.01 Certification and appointment from eligible list.

A. In filling vacancies from an eligible list, the appointing authority shall make appointment from eligible lists certified by the director of personnel.

B. The director of personnel shall assemble candidates into groups based on their weighted total score in the examination, for the purpose of grouping, scores shall be rounded to the nearest whole number. In the case of open competitive examinations, veteran's credit shall be added before assembling the candidates into groups.

C. Ordinarily, passing candidates shall be assembled into separate groups having fixed ranges as follows:

Group 1 95%--100%

Group 2 89%--94%

Group 3 83%--88%

Group 4 77%--82%

Group 5 70%--76%

D. In any open competitive examination where the addition of veteran's credit points produces final candidate scores above 100 percent, a sixth group shall be created to include the eligible candidates. In instances where the director of personnel has established through a validation or other special study prior to the examination that another grouping procedure should be employed, the alternative procedure so defined may be used, providing that the procedure is described in the official examination bulletin.

E. All appointments to positions in the classified service shall be made from the highest ranking group on such lists, except that when the highest ranking group does not include at least five persons who are available for appointment, the appointment may be made from the next highest group or groups to include at least five persons. (Ord. 88-0020 § 1 (part), 1988.)

11.02 Certification from list for another class. Where no eligible list is in existence for a class of position certification may be made from a list created for another class of the same or higher rank in the same or in an appropriate series, provided that the director of personnel finds that the use of the list is for the best interest of the service and that the necessary skills and knowledge were adequately tested in the examination. (Ord. 88-0020 § 1 (part), 1988.)

11.03 Selective certification.

A. Where a single list has been established without regard to some particular job-related criterion not tested in the examination and the appointing power requests certification for a position, the duties of which justify the particular criterion, and states the facts and reasons for such request, the director of personnel may certify those persons in groups other than the highest meeting that criterion.

B. A promotional list may be certified from an open competitive examination or a departmental eligible list from an interdepartmental examination. (Ord. 88-0020 § 1 (part), 1988.)

11.04 Withholding names from certification. The name of an eligible may be withheld from certification for any of the reasons enumerated in Rule 6.04 or when such eligible:

A. Accepts a permanent appointment to a position of the same class in the county service or in the service of any district which has adopted the county civil service system;

B. Expresses unwillingness or inability to accept appointment;

C. Fails to respond within five business days next succeeding the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment;

D. Fails to present himself/herself for duty at the time agreed upon after having accepted an appointment;

E. Cannot be reached in time for appointment when immediate temporary employment is

required, but this shall apply only to such immediate temporary employment;

F. Has accepted temporary appointment from the list and is so employed at the time of certification for other temporary employment, but this shall apply only to such immediate temporary positions;

G. Fails to present the license, registration, certificate, or any other credential required. The name of any such eligible shall be restored for certification when the particular requirement has been met;

H. Is not a citizen when citizenship is a legal requirement for appointment to the position;

I. In a promotional examination, does not have permanent status in the county service or has not acquired promotional rights under paragraphs A, B or C of Rule 6.02. The name of any eligible shall be placed for certification on the eligible list upon successful completion of a probationary period or acquisition of promotional rights under paragraphs A, B or C of Rule 6.02. (Ord. 88-0020 § 1 (part), 1988.)

11.05 Restoration to certification. When the name of a person has been withheld from an eligible list or from certification, or has been removed from the list, it may be placed on such list or restored thereto by the director of personnel or by the commission on appeal taken within 10 business days after notice of the decision of the director of personnel, only under the following circumstances:

A. Where the withholding or removal was because of acceptance of a permanent appointment and where the person is still in County service or in the service of a district which has adopted the county civil service system, or has been separated therefrom without fault or delinquency on the person's part, and the good of the service and justice to the employee require that the employee be restored to the eligible list to be eligible for an appointment;

B. Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to availability, to appear for interview, or to be present for duty, and the applicant presents a good and valid reason for such unwillingness, inability or failure, and certifies to the director of personnel that he/she is now willing and able to accept appointment;

C. Where the withholding or removal was for a reason stated in Rule 6.04 and such action was improper or the defect has since been cured. (Ord. 88-0020 § 1 (part), 1988.)

11.06 Effect of removal, withholding, or restoration.

A. Restoration of the name of an eligible or the addition of the name of a veteran under Rule 10.09 shall not affect an appointment from any certification made before such name was restored or added.

B. The acceptance or refusal by an eligible of temporary appointment shall not affect a certification from the eligible list for permanent employment. (Ord. 88-0020 § 1 (part), 1988.)

11.07 Appointment of eligibles. Qualified eligible employees of a district participating in the civil service system and governed ex officio by the board of supervisors may be certified and appointed to classified positions in the county service provided qualified employees of the county are entitled to be certified and appointed to positions in the classified service of such district. (Ord. 88-0020 § 1 (part), 1988.)

11.08 Age. Unless otherwise specified in the examination announcement, at the time of initial appointment to a county position appointees shall be at least 16 years of age and under the age of 70. The director of personnel may set other age limits consistent with the provisions of law. (Ord. 88-0020 § 1 (part), 1988.)

Rule 12 PROBATION

12.01 Probationary period.

A. After each permanent appointment from an eligible list an employee shall serve a complete period of probation before appointment or probation is complete.

B. Upon reinstatement of an employee after separation or upon restoration of an employee pursuant to Rule 17, or upon a voluntary change of classification, the appointing power may require such employee to serve a probationary period pursuant to Rule 12.02 before the appointment is complete. In such case, the appointing power shall so notify the employee in writing at time of appointment, with a copy to the director of personnel. In the case of reinstatement, the probationer shall be treated as though serving a first probationary period, and may be discharged or reduced. In the case of restoration, the probationer may be reduced.

C. No new probationary period results from a transfer, or reduction of an employee who previously completed a probationary period in that class or a change in classification other than voluntary. In no case shall a person be required to serve an additional probationary period when appointed from a reemployment list to a permanent position of the same or lower level than that from which the person was laid off and had satisfactorily completed a prior probationary period. (Ord. 88-0020 § 1 (part), 1988.)

12.02 Length of probationary period.

A. The period of probation shall be no less than six nor more than 12 calendar months from the date of appointment to a permanent position, as established by the director of personnel for each class.

B. If an employee is absent from duty during a probationary period, the appointing power may calculate the probationary period on the basis of actual service exclusive of the time away. If a change in the probationary period is made, the employee shall be notified prior to the end of the original probationary period. (Ord. 88-0020 § 1 (part), 1988.)

12.03 Interruption of probationary period.

A. Whenever the probationary period of an employee is interrupted due to an appointment to another class and the employee subsequently returns to the original class during the second probationary period, the appointing power shall require the employee to serve either a full probationary period or the balance of the original probationary period before the appointment is complete. In such case, the appointing power shall so notify the employee in writing at the time of the employee's return to the original class with a copy to the director of personnel.

B. Reduction, during a probationary period to a class of positions not previously held, starts a new period of probation. (Ord. 88-0020 § 1 (part), 1988.)

12.04 Credit for temporary or recurrent service. Temporary and recurrent employees working on a full-time continuous basis may be credited with all or a portion of that time toward fulfillment of the probationary period required when appointed to a permanent position in the same class. Time credited may total an entire probationary period or any part of a probationary period required by Civil Service Rule 12.01. The department head may take this action only in those cases and for that time for which the employee's last performance evaluation bears the rating of "competent" or better and the employee's assignment and training have approximated that of a probationary employee in the same class. (Ord. 88-0020 § 1 (part), 1988.)

12.05 Reviews and appeals. If an employee is given notice of a probationary period which the employee believes is in violation of this Rule, such employee may appeal through the established grievance procedure in the department, or through the grievance procedure contained in any memorandum of understanding in effect between the county and the certified employee organization for the employee's class. (Ord. 88-0020 § 1 (part), 1988.)

Part 3 (Rules 13--18)

Rule 13 TEMPORARY AND EMERGENCY, EXCEPTIONAL APPOINTMENTS

13.01 Temporary eligible appointments to permanent or recurrent positions.

A. A person may be employed temporarily in a permanent or recurrent position, only as provided in Rule 13.03 or 13.04.

B. Such an appointment shall only be made:

1. As a substitute for a regular employee who is absent from his/her position;
2. For the duration of any war or national emergency and six months thereafter;
3. When it is impossible to recruit an appointee meeting the standards for permanent or recurrent employment;
4. When the budget appropriation allows for only temporary employment; or
5. When it is anticipated that the work of the position soon will cease or that the position soon will be abolished.

C. Such temporary employment may continue only so long as the facts justifying a temporary appointment exist. (Ord. 88-0020 § 1 (part), 1988.)

13.02 Appointment to temporary positions. A person may be employed in a temporary position only for the duration of the temporary work. When the position is made permanent or recurrent, it must be filled by appointment on a permanent or recurrent basis. (Ord. 88-0020 § 1 (part), 1988.)

13.03 Temporary eligibles. A temporary appointment may be made from an eligible list for permanent or recurrent employment or from a special eligible list for temporary employment only. A temporary appointment may continue for no longer than 12 months of continuous, full-time service except that, with the approval of the director of personnel, persons may be employed in the same position for an additional specified period of time upon written presentation of facts to justify an extension. A person given a temporary appointment may not be transferred or reassigned to any other position except on a temporary basis, and shall never attain permanent status from such assignment. (Ord. 88-0020 § 1 (part), 1988.)

13.04 Emergency appointments.

A. An appointment without examination may be made when there is no appropriate eligible list, or persons on the list are not available or cannot be contacted, and when an appointing authority certifies and supports with adequate facts that an emergency exists. Such appointment must be approved by the director of personnel and may continue only until such time as the position can be filled from an eligible list.

B. An emergency exists when:

1. Life, health or property is in jeopardy;
2. The immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;
3. The work program of a county department will be impaired if the position is left vacant, and the work cannot be deferred or reassigned;
4. A vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.

C. No such temporary or emergency employment without examination shall continue longer than 90 days. (Ord. 88-0020 § 1 (part), 1988.)

13.05 Reviews and appeals. Any person who is adversely affected by any action in violation of Rule 13 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 10 business days of notification of such action. Such written request for review shall name the specific act complained of and state the reasons for the complaint and the remedy requested. (Ord. 88-0020 § 1 (part), 1988.)

Rule 14 RECURRENT SERVICE

14.01 Recurrent employment.

A. A person may be employed in a recurrent position only for the duration of the recurrent work, and be retained in one class of position for no longer than 12 months' continuous service in the same department except that, with approval of the director of personnel, persons may be employed in the same position for an additional specified period of time upon written presentation of facts to justify an extension.

B. Recurrent employees serve on an as-needed basis. A recurrent employee may be released at any time at the discretion of the appointing authority without receiving a performance evaluation. A recurrent employee released in this manner shall have no recurrent reemployment rights on any subsequent recurrent reemployment list.

C. When recurrent employees are to be released at the end of a recurring employment need, as determined by the appointing authority, such release shall be made in the order determined by the appointing authority. (Ord. 88-0020 § 1 (part), 1988.)

14.02 Recurrent list.

A. The director of personnel shall, when appropriate, establish eligible lists for recurrent employment and maintain departmental or divisional recurrent reemployment lists by classes for each department employing persons on a recurrent-service basis.

B. When recurrent employees are released at the end of a recurrent work period, the department head shall certify, in writing, those persons who may be considered for reemployment. Such list shall be kept on file by the department head. A copy shall be furnished to the certified employee organization representing the recurrent employees once a year upon written request to the department head by the certified organization. Such certified list shall constitute the recurrent reemployment list.

C. Recurrent employees who may be considered for reemployment include only those persons who have performed in at least a "competent" manner. The names of all other persons shall not be certified; and such persons shall not be entitled to have their names placed on a reemployment list.

D. When a recurrent appointment is to be made, the appointing power may appoint any one of those persons whose name appears on the departmental or divisional recurrent reemployment list who is available and willing to serve. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

14.03 Dropping names from recurrent reemployment list.

A. The name of all persons on any recurrent reemployment list who have not been employed from that list for more than one year, or two years from a specific list where the recurrent service occurs biennially, shall be dropped from said list. Names on a recurrent reemployment list may be dropped, or withheld from appointment, for the same reasons and in the same manner as from an eligible list.

B. When a person receives a permanent appointment in the county service, such person's

name shall be dropped from all recurrent reemployment lists.

C. The name of a recurrent employee which has been dropped by reasons of absence for one year, or two years where recurrent service occurs biennially, may be restored to the reemployment list within one year after being dropped from said list. Said restoration shall be to the same class of position as that occupied at the time the name was dropped. (Ord. 88-0020 § 1 (part), 1988.)

14.04 Interchange of lists. Whenever a department recurrent reemployment list is exhausted, the director of personnel may, at the request of the department, certify for appointment names of persons from recurrent reemployment lists for the same class of position in other departments, and appointments may be made therefrom. (Ord. 88-0020 § 1 (part), 1988.)

14.05 Reviews and appeals. Any person who is adversely affected by any action in violation of Rule 14 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 10 business days of notification of such action. Such written request for review shall name the specific act complained of, and state reasons for the complaint and the remedy requested. (Ord. 88-0020 § 1 (part), 1988.)

Rule 15 ASSIGNMENT, INTERDEPARTMENTAL TRANSFER, AND CHANGE OF CLASSIFICATION

15.01 Assignment. The assignment of an eligible to a position, or of an employee from one position to another, within the class and department for which the eligible or employee has been certified by the director of personnel pursuant to these Rules, is a matter of departmental administration except as provided in Rule 15.04. (Ord. 88-0020 § 1 (part), 1988.)

15.02 Interdepartmental transfers.

A.1. In the case of employees in nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, on the request of the appointing powers, the director of personnel may authorize the interdepartmental transfer of an employee from one position to another similar position of the same class, or to any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules, in another department.

2. In the case of employees in all other supervisory and all other managerial classes, at the request of the appointing power of the receiving department, an interdepartmental transfer shall be authorized. This includes transfer as the result of promotion.

B. Unless otherwise agreed to by the departments, the effective date of the transfer must be no less than 14 days and no more than 30 days from the date of the request.

C. An employee in a classified position in a district having a civil service system administered ex officio by the board of supervisors may be transferred to a similar position of the same class or grade in the county service, provided a similar transfer may be made from a classified position in the county service to a classified position in the same class or grade in such district. (Ord. 88-0020 § 1 (part), 1988.)

15.03 Change of classification.

A. Whenever it is found necessary to change the classification of an employee from a nonsupervisory class, supervisory class in a bargaining unit as certified by ERCOM, or managerial class in the Sheriff, to any other class, such change may be made administratively by the appointing power or powers, provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the

skills and aptitudes required in the position to which the employee is to be changed. Such change of classification may be made only with the approval of the director of personnel.

B. Whenever it is found necessary to change the classification of an employee from a supervisory class not in a bargaining unit as certified by ERCOM or a managerial class (except managerial classes in the Sheriff) to any other class, such change may be made administratively by the appointing power or powers, provided there is no increase or decrease in grade, and the employee has demonstrated the skills and aptitudes required in the position to which the employee is to be changed. (Ord. 88-0020 § 1 (part), 1988.)

15.04 Appeals.

A. An employee may appeal an assignment, interdepartmental transfer or change in classification to the director of personnel.

B. An appeal shall not authorize the employee to refuse the assignment, transfer or change in classification pending completion of the appeal process. (Ord. 88-0020 § 1 (part), 1988.)

Rule 16 LEAVES OF ABSENCE

16.01 Leaves of absence with pay. Leaves of absence from regular duties, with pay, may be granted only by the appointing power under such conditions and for such periods as established by the board of supervisors, when such leaves are determined to be in the best interests of the service. (Ord. 88-0020 § 1 (part), 1988.)

16.02 Leaves of absence without pay. Leaves of absence from regular duties, without pay, may be granted by the appointing power for recovery from a prolonged illness or injury or to restore health, military service, maternity, education or training, assisting another public jurisdiction, employment by a labor union or an employee organization, or for such other lawful purposes as are deemed by the appointing power to be in the best interest of the department. When such leave is for longer than 12 months, it must be approved by the director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

16.03 Military leave of absence. Military leave of absence shall be granted by the appointing power in accordance with the provisions of the applicable sections of the Military and Veterans Code and the County Charter. (Ord. 88-0020 § 1 (part), 1988.)

16.04 Expiration or termination of leaves of absence. The appointing power may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist, unless upon appeal of the employee to the director of personnel it is found that the termination is not justified. Upon termination or expiration of leave, the employee shall return to duty forthwith. The employee shall be returned to the same class of position as was occupied when leave of absence was granted or such employee may be returned to such other position as may be authorized by these Rules. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action. No such disciplinary action may be taken by the appointing power prior to a decision if an appeal has been filed. (Ord. 88-0020 § 1 (part), 1988.)

16.05 Reviews and appeals. Any person who is adversely affected by any action in violation of Rule 16 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 10 business days of notification of such action. Such written request for review shall name the specific act complained of and state the reasons for the complaint and the remedy requested. (Ord. 88-0020 § 1 (part), 1988.)

Rule 17 REINSTATEMENT AND RESTORATION

17.01 Reinstatement after separation.

A. After approval by the director of personnel, any person who has been separated from county service without fault or delinquency may be reinstated by the appointing power within two years from the date of such separation, to any position held on an eligible basis prior to such separation, or to any other position to which a transfer, reassignment or voluntary reduction from that position would be authorized by these Rules. Within two years of the date of separation, former permanent employees may be reinstated to appropriate temporary or recurrent positions. Also within two years of the date of separation, former recurrent employees may be reinstated to appropriate temporary positions.

B. Reinstatement of Retirees to a 120-day Assignment. After approval by the director of personnel, any retiree who has been separated from county service, without fault or delinquency, may be reinstated by the appointing power to an appropriate position, requiring special skills or knowledge, for a period not to exceed the greater of 120 working days or 960 hours in any one fiscal year. (Board of Supervisors Amendment adopted 4/23/92; Ord. 88-0020 § 1 (part), 1988; amended by Board Order No. 80 (part), 9/1/87.)

17.02 Rights restored. Upon reinstatement, all rights acquired by an employee prior to his separation from the service shall be restored, except as otherwise provided in Rule 12.01 and in the county Salary Ordinance. (See Title 6 of the Los Angeles County Code.) A former permanent employee reinstated to a temporary or recurrent position may have only those rights appropriate to the status to which the employee is reinstated. A former recurrent employee reinstated as a temporary may have only those rights appropriate to a temporary employee. (Ord. 88-0020 § 1 (part), 1988.)

17.03 Restoration. After approval of the director of personnel, the appointing power may restore an employee at any time to any position previously held by virtue of an appointment from an eligible list, or to any position for which a transfer or reassignment would be authorized by these Rules, provided service has been continuous since holding such position, or that any break in service since holding such position has been followed by reinstatement or appointment from a reemployment list which resulted from a layoff or reduction in lieu of layoff. (Ord. 88-0020 § 1 (part), 1988.)

17.04 Restoration after subsequent appointment.

A. An employee with permanent status shall be restored to the last prior position held on a permanent basis (or at the discretion of the appointing power to a position to which a transfer or reassignment from such prior position would be authorized by these Rules) without loss of seniority in the event that:

1. Such employee's subsequent appointment to a permanent position, or the examination or eligible list from which such subsequent appointment was made, is held to be void or voidable by the court at any time;
2. Such employee is released during a probationary period, released from a position to which the employee had been appointed on a temporary basis, or reduced in rank from a subsequent higher permanent position at any time.

B. In either case, if the subsequent appointment was from a position in one department to a position in another department, then the restoration shall be to the nearest equivalent position in the new department (or at the discretion of the appointing power, to a position to which a transfer or reassignment from such equivalent position would be authorized by these Rules), unless both appointing powers concur in the employee's return to the old department.

C. If, however, the new department does not have a position equivalent in rank to the one which the employee formerly held in the old department to which the employee can be reduced, then an employee who fails to successfully complete a probationary period shall have the right to be placed on an appropriate department reemployment list for his/her former department. When a vacancy occurs in the same or related lower class of position, the appointing power shall appoint the person highest on the list who is available before any other appointment may be made. The right to reemployment does not apply to an employee whose last performance rating in the old department was less than "competent," or for employees under the management appraisal and performance plan or performance-based pay plans rated "Needs Improvement Meeting Expectations," "Needs Improvement," "Failed to Meet Expectations," "Unsatisfactory Performance," or less than "fully meets expectations," as the case may be, provided it was on file with the former department prior to the date the employee's service began in the new department. By accepting the new position, the employee does not waive the right to appeal the performance evaluation from the old department. (Ord. 2007-0061 § 1, 2007: § 2, Board of Supervisors Amendment adopted 10/10/96: § 2, Board of Supervisors Amendment adopted 9/29/88; Ord. 88-0020 § 1 (part), 1988.)

Rule 18 SUSPENSION, DISCHARGE, REDUCTION AND RESIGNATION

18.01 Suspension.

A. Subject to such appeal right as provided in this Rule, an employee may be suspended by the appointing power for up to and including 30 days, pending investigation, filing of charges and hearing on discharge or reduction, or as a disciplinary measure. Where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed 30 calendar days and continue until, but not after, the expiration of 30 calendar days after the judgment of conviction or the acquittal of the offense charged in the complaint or indictment has become final. The reason(s) for such suspension shall be forthwith furnished in writing to the employee and a copy sent to the director of personnel.

B. An employee who is suspended shall be entitled to answer, explain or deny the charges in writing within 10 business days. A copy of the answer shall be sent to the director of personnel and filed as part of the employee's record.

C. An employee who is suspended for up to five days may appeal such suspension to the director of personnel. Any such appeal must be in writing, shall contain specific detailed information, and must be received by the director of personnel within 15 business days of the employee's notification of the suspension. The director of personnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The director of personnel shall determine whether or not to consider the appeal, or whether or not the suspension is justified. (Ord. 88-0020 § 1 (part), 1988.)

18.02 Discharge or reduction.

A. A permanent employee in a nonsupervisory class, a supervisory class in a bargaining unit as certified by ERCOM, or a managerial class in the Sheriff, may be discharged from county service or reduced in rank or compensation, and a permanent employee in all other

supervisory classes and all other managerial classes may be discharged from county service or reduced in grade or compensation, after appointment or promotion is complete, and after completion of the employee's first probationary period (except as provided in Rule 18.06). Before such discharge or reduction shall become effective, the employee shall receive a written notice from the appointing power of intent to invoke discharge or reduction, and specific grounds and particular facts therefor. The employee shall then be allowed a reasonable time, not to exceed 10 days, to respond orally or in writing to the appointing power before the discharge or reduction shall become effective.

B. When a permanent employee is discharged or reduced, the employee shall be allowed 15 business days from date of service of said notice of discharge or reduction in which to reply thereto in writing and request a hearing before the commission. Notice of the time allowed for answer and for requesting a hearing before the commission shall be stated in the notice of discharge or reduction. The appointing power shall submit to the commission evidence showing that the employee has been served with the notice of discharge or reduction either personally or by certified or registered mail addressed to the employee's last known address, and the date of such service.

C. The commission may not consider any information or charges made by the appointing power unless they are contained in the letter of discharge or reduction, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not reasonably have been expected to be known by the appointing power or the employee. The commission shall determine whether or not the discharge or reduction is justified.

1. In the case of employees in nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, the civil service commission may not consider any information or charges made by the appointing power unless they are contained in the letter of discharge or reduction, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not reasonably have been expected to be known by the appointing power or the employee. The commission shall determine whether or not the discharge or reduction is justified.

2. In the case of employees in all other supervisory and all other managerial classes, the commission may not consider any charges made by the appointing power unless they are contained in the letter of discharge or reduction, nor any response or affirmative defense made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such affirmative defenses were not then known and could not reasonably have been expected to be known by the appointing power or the employee. The commission shall determine whether or not the discharge or reduction is justified. (Ord. 88-0020 § 1 (part), 1988.)

18.03 Hearing on reasons for discharge or reduction. If the permanent employee to be discharged or reduced pursuant to Rule 18.02 so requests, the commission shall proceed in accordance with Rule 4.06. A public hearing pursuant to Rule 4 shall be held by the commission or by the hearing board. (Ord. 88-0020 § 1 (part), 1988.)

18.031 Discipline. Failure of an employee to perform his or her assigned duties so as to meet fully explicitly stated or implied standards of performance may constitute adequate grounds for discharge, reduction or suspension. Where appropriate, such grounds may include, but are not limited to, qualitative as well as quantitative elements of performance, such as failure to exercise sound judgment, failure to report information accurately and completely, failure to deal effectively with the public, and failure to make productive use of human, financial and

other assigned resources. Grounds for discharge, reduction or suspension may also include any behavior or pattern of behavior which negatively affects an employee's productivity, or which is unbecoming a county employee; or any behavior or condition which impairs an employee's qualifications for his or her position or for continued county employment. (Ord. 88-0020 § 1 (part), 1988.)

18.04 Insufficient facts.

A. The commission may, on appeal, find in an appropriate case without a hearing that the specific facts alleged in the letter of discharge or reduction, if true, are not sufficient under all the circumstances to justify the discharge or reduction.

B. If the commission concludes that the reasons are not sufficient to justify such discharge or reduction, it shall so notify the appointing power concerned. Such notification shall be a bar to any discharge or reduction for the specific reasons which have been presented, and the discharged or reduced employee shall be reinstated retroactively to his/her position as of a date set by the commission. If the commission finds that the employee was without fault or delinquency, the employee shall be reinstated as of the date of discharge or reduction. (Ord. 88-0020 § 1 (part), 1988.)

18.05 Probationary period following first appointment. An employee who has not yet completed a first probationary period may be discharged or reduced in accordance with Rule 18.07 by the appointing power by written notice, served on the employee and a copy filed with the director of personnel, specifying the grounds and the particular facts on which the discharge or reduction is based. Such an employee shall be entitled to answer, explain, or deny the charges in writing within 10 business days. (Ord. 88-0020 § 1 (part), 1988.)

18.06 Probationary period following second or subsequent appointment. A permanent employee who has successfully completed one probationary period and is serving another as in the case of promotion, may be reduced in accordance with Rule 18.07, but may not be discharged without the right of a hearing. If he/she is to be reduced, the reduction must be in accordance with the provisions of Rule 17.04. (Ord. 88-0020 § 1 (part), 1988.)

18.07 Notice to probationer.

A. Written notice of the discharge or reduction of a probationer and of the rights under Rule 18.05 granted probationers shall be given to such probationers before midnight on the last day of the probationary period. The probationer may, within 10 business days or the mailing or hand delivery to him/her of the notice of discharge or reduction, file an appeal with the director of personnel. Such an appeal must be in writing and shall contain specific, detailed information upon which the appeal is based. The director of personnel shall determine whether or not to consider the appeal, or whether or not the discharge or reduction is justified.

B. A probationer may appeal a discharge or reduction to the commission only as provided in Rule 4. (Ord. 88-0020 § 1 (part), 1988.)

18.08 Voluntary reduction. Requests for reduction in rank shall be in writing and shall be directed by the employee to the appointing power. The appointing power may consent to the requested reduction if the appointing power determines that the employee has demonstrated the skills and aptitudes required by the position to which reduction is requested. (Ord. 88-0020 § 1 (part), 1988.)

18.09 Resignations. All resignations, except those specified in Section 5.12.020 of the Los Angeles County Code, shall be in writing, and shall be directed to the appointing power. A resignation shall be accepted and shall be effective on the date designated therein, and if no date is designated it shall be effective immediately. A resignation, once it has become effective or has been accepted by the appointing power may not be withdrawn without the consent of the appointing power. An employee who claims that a resignation has been

obtained by duress, fraud, or undue influence, may appeal to the director of personnel, setting forth in writing the facts substantiating the allegation, within 10 business days of the acceptance of the resignation by the appointing power. Any such appeal shall be limited to the question of fraud, duress, undue influence (as defined in these Rules). (Ord. 88-0020 § 1 (part), 1988.)

Part 4 (Rules 19--26)

Rule 19 LAYOFFS AND REEMPLOYMENT LISTS

19.01 Layoffs. The appointing power may lay off or reduce an employee when necessary:

A. For reasons of economy or lack of work; or

B. Where there are more employees than positions in any class within the department. (Ord. 88-0020 § 1 (part), 1988.)

19.02 Employment status.

A.1. In the case of employees in nonsupervisory classes and supervisory classes in bargaining units as certified by ERCOM layoffs and reductions shall be made by class of position and by department.

2. In the case of employees in all other supervisory classes and all managerial classes in the department of health services, layoffs and reductions shall be made by class of position and by department except that, upon prior approval of the director of personnel at least 30 days prior to the effective date, layoffs and reductions may be made within a unit other than by department under one of the following options:

- a. Payroll division or divisions;
- b. Facility within payroll division;
- c. Program within payroll division;
- d. Program within facility.

B. In each class of position and unit in which there is to be a layoff or reduction, employees shall be laid off according to employment status in the following order:

1. Temporary;
2. Recurrent;
3. Probationary;
4. Permanent.

C. The temporary and recurrent employees shall be laid off according to the needs of the service, as determined by the appointing power.

D. Probationary employees in the class shall be laid off or reduced according to seniority in county service.

E. If layoffs are implemented other than by department, the provisions of Rule 19.07 shall be applied consistent with the basis on which the layoffs are made. (Ord. 88-0020 § 1 (part), 1988.)

19.03 Order of layoff.

In case there are two or more permanent employees in the class from which layoff or reduction is to be made:

A. Employees in nonsupervisory classes and supervisory classes in bargaining units as certified by ERCOM shall be laid off or reduced on the basis of inverse order of seniority in county service, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first;

B. Employees in all other supervisory and all managerial classes (except managerial classes in the Sheriff) shall be laid off or reduced on the basis of inverse order of seniority in grade, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first.

C. Employees in managerial classes in the Sheriff shall be laid off or reduced on the basis of inverse order of seniority in the class, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first.

D. Management appraisal and performance plan tier I participants holding positions in the classified service and tier II participants shall be laid off or reduced by department according to the participant's class and last performance rating in the following order: "Failed to Meet Expectations," "Needs Improvement Meeting Expectations," "Met Expectations," "Exceeded Expectations," "Far Exceeded Expectations." In case of a tie affecting two or more persons in the same rating category, layoff or reduction shall be according to seniority in the range. In the case of a tie affecting two or more persons with the same seniority, the order of layoff or reduction shall be at the discretion of the appointing power. (Ord. 2007-0061 § 2 (part), 2007; § 3, Board of Supervisors Amendment adopted 10/10/96; § 3, Board of Supervisors Amendment adopted 9/29/88; Ord. 88-0020 § 1 (part), 1988.)

19.04 Ties in performance rating and seniority.

A. In case of a tie affecting two or more persons in the same category in Rule 19.03(A) or who have the same seniority in county service, the person with the least seniority in grade shall be laid off or reduced first. In case of a tie affecting two or more persons in the same category in Rule 19.03(B) who have the same seniority in grade, layoffs will be made according to the following order--competent, very good, outstanding.

B. If a tie still exists for persons in the same category in Rule 19.03(A) and the persons were appointed from the same eligible list to the class from which the layoff is to be made, the person whose name was in the lower group on said eligible list shall be laid off first. If a tie still exists for persons in the same category in Rule 19.03(B), the person with the least county seniority will be laid off or reduced first. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

19.05 Exception to order of layoff or reduction.

A. Where the appointing power deems it to be for the best interest of the service, the appointing power may retain an employee despite the order of the layoff provided in Rule 19.03.

B. The "best interest of the service" may be defined on the basis of such considerations as:

1. Special qualifications possessed by only the employee(s) retained, important to performance of the department's work;
2. Loss of the employee's skills on a particular assignment would adversely affect public welfare;
3. An employee's distinctly superior documented work performance.

C. The appointing power shall submit written justification for such retention to the director of personnel and obtain the latter's concurrence.

D. Where the appointing power deems it to be in the best interests of the service, the appointing power may combine, with the concurrence of the director of personnel classes of the same grade into a single group for the purpose of layoff or reduction. (Ord. 88-0020 § 1 (part), 1988.)

19.06 Reduction.

A. The appointing power may (except as provided in Rule 19.07), if the appointing power deems it for the best interests of the service, make reductions in lieu of layoff to positions at

lower levels in the same or related series or positions in other series, for which the employee to be reduced has demonstrated that such employee possesses the skills and aptitudes required in the position to which the employee is to be reduced, thereby causing layoffs only in the lower ranks. Such reductions shall be made in the same order and subject to the same restrictions as provided for under Rules 19.02 and 19.03. Any employee reduced in accordance with the Rule or Rule 19.07 shall not be subject to layoff or further reduction in lieu of layoff from a nonrepresented class to which he/she has been reduced; except when the number of employees who have been or who are being reduced in lieu of layoff to a given class of positions exceeds the number of positions to be utilized in that class in a department, then the right to protection from layoff or further reduction will be afforded as follows:

B. First, employees who at any time have been or are being reduced in lieu of layoff from a higher-grade position shall have precedence over those who have been or are being reduced from a lower-grade position;

C. Second, among employees reduced in lieu of layoff from positions of the same grade, precedence shall be determined on the basis of seniority in that grade. (Ord. 88-0020 § 1 (part), 1988.)

19.07 Voluntary reductions in lieu of layoff.

A. An employee with restoration rights to a lower grade who anticipates being laid off or being reduced in lieu of layoff pursuant to these Rules, or who is so laid off or reduced; may, no later than 15 business days after notice of such layoff, request a reduction in grade and restoration to the employee's last prior lower-grade position held on a permanent basis. Any employee with restoration rights to a class which has been eliminated through the classification/budgetary process shall have restoration rights to the most nearly similar lower-level position in the department. On receiving such a request, the appointing power must make such restoration, thus causing layoffs or reductions only in the lower ranks.

B. When the number of employees who request reduction and restoration to positions in a given class and department exceeds the number of positions in that class and department, employees who cannot be reduced to the position to which they have the right to request restoration shall have the right to be reduced to the position next previously held on a permanent basis, and so on to the lowest-level position previously held.

C. An employee whose position must be eliminated or vacated for the reasons cited in Rule 19.01 and who requests a voluntary reduction in accordance with Rule 18.08 rather than cause some less-senior employee to be laid off or reduced, is entitled to have his/her name placed on a reemployment list in accordance with Rule 19.08. Such requests for voluntary demotions are subject to the approval of the appointing power and director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

19.08 Reemployment list.

A. The names of persons laid off or reduced in accordance with these Rules shall be entered upon a list in the inverse of the order specified in Rules 19.03, 19.04, and 19.06, except that persons whose records of employment have not been satisfactory or who have refused the offer of a position which is paid less than 25 percent below the position from which the employee was laid off or reduced, shall be omitted from the reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every appointing power when a vacancy arises in the same or lower class of position, before certification is made from an eligible list. When a vacancy occurs, the appointing power shall appoint the person highest on the reemployment list who is available and who was laid off from the department in which the appointment is to be made. If no person on the reemployment list was laid off from the department in which the

appointment is to be made, the appointing power shall appoint anyone named on such list. If only two names are on the list, the appointing power shall appoint one of such persons; if only one, the appointing power shall appoint that one.

B. Upon request of the appointing power, the director of personnel may make a selective certification for a particular qualification from a reemployment list, where it is shown that the duties of the position to be filled requires such qualification. (Ord. 88-0020 § 1 (part), 1988.)

19.09 Names dropped. Names of persons laid off or reduced in lieu of layoff shall be carried on a reemployment list for one year, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list. Persons reduced or reemployed in a lower class or reemployed on a temporary basis shall be continued on the list for the higher position for one year. (Ord. 88-0020 § 1 (part), 1988.)

19.10 Restoration to reemployment list. The name of any person who has been appointed to a permanent position from a reemployment list and who is separated from the service without delinquency or fault may, at the discretion of the director of personnel, be restored to the reemployment list. This restoration, however, shall not have the effect of extending the time the employee may be carried on the reemployment list beyond one year from date of original separation. (Ord. 88-0020 § 1 (part), 1988.)

Rule 20 PERFORMANCE EVALUATION

20.01 Performance evaluation. The performance of each employee in the classified service shall be evaluated by the appointing power in relation to standards for efficient performance of the work in accordance with these Rules. (Ord. 88-0020 § 1 (part), 1988.)

20.02 Ratings.

A. Ratings of efficiency of performance shall be made for permanent employees at least once each year, and for probationers by the end of the probationary period. A revised rating may be submitted by the appointing power at any time.

B. Performance ratings, in whole or in part, singly or cumulatively, are not, in themselves, compelling or presumptive of any particular score, grade or ranking on any part of a competitive examination.

C. When an employee terminates employment, his/her most recent rating on file shall be the rating of record, and no additional rating need be made unless the performance has changed to unsatisfactory or "Unsatisfactory performance" for management appraisal and performance plan participants. If a new rating is to be given, the report must be made and mailed within 30 days of employee's date of termination.

D. No rating need be made for temporary employees. (§ 4 (part), Board of Supervisors Amendment adopted 10/10/96: Ord. 88-0020 § 1 (part), 1988.)

20.03 Minimum service for which a rating is required. No rating based on less than 10 days' service need be made. (Ord. 88-0020 § 1 (part), 1988.)

20.04 Rating standards. Except for employees covered by Rule 20.11, overall ratings shall be expressed by the following terms:

A. Permanent Employees.

1. "Outstanding": all work performance is consistently above the standards of the position. A substantial part of the work performance exceeds supervisory and management expectations most of the time. Factual evidence must be presented in writing to substantiate this rating;

2. "Very good": a substantial part of the work performance is well above the standards of performance required for the position and all other parts of the performance are at least "competent." Factual evidence must be presented in writing to substantiate this rating;
3. "Competent": work performance is consistently up to or somewhat above the standards of performance required for the position. This is the performance which is expected of a trained and qualified employee;
4. "Improvement needed": This rating indicates that:
 - a. A significant part of the work performance is below the standard of performance required for the position, and
 - b. It is reasonable to expect that the employee will bring performance up to acceptable standards.

Factual evidence must be presented in writing to substantiate this rating. When this rating is given a new evaluation must be made within a period not to exceed six months from the day on which the employee is served with the "improvement needed" evaluation, except that the rating period may be extended by the length of any approved leave during the six months. Such evaluation shall bear an overall rating other than "improvement needed." If no follow-up rating is submitted at the end of six months, the employee will revert to his/her immediately prior status. If an employee is absent from duty prior to the period while on approved leave prior to the completion of such six-month period, the appointing power may, with the approval of the director of personnel, evaluate the six-month period on the basis of actual service, exclusive of the time away on leave. If adequate justification is provided, and with the approval of the director of personnel, the requirement of a new evaluation bearing a rating of "competent" or "unsatisfactory" within six months may be waived for up to an additional six months;

5. "Unsatisfactory": a substantial part of the work performance is inadequate and definitely inferior to the standard of performance required for the position. Factual evidence must be presented in writing to substantiate this rating. When this rating is given it must be accompanied by a discharge or reduction in those cases in which the employee is still in service.

B. Probationary Employees.

1. "Competent": work performance is equal to or above the standards of performance for the position. This rating carries with it the appointing authority's approval to make the appointment final and complete;
2. "Unsatisfactory": work performance is inadequate and below the standards of performance for the position. Factual evidence must be presented in writing to substantiate this rating, which carries with it the appointing authority's decision not to approve final and complete appointment. (Ord. 88-0020 § 1 (part), 1988.)

20.05 Departmental record of ratings. Each appointing power shall maintain within the employing department complete and detailed records of all ratings made. (Ord. 88-0020 § 1 (part), 1988.)

20.06 Copy delivered to the employee. Whenever a rating is made, the appointing power shall deliver or mail a true copy of the full report to the employee being rated, noting on the report the date such a copy was delivered or mailed. The report shall be handed or mailed to the employee within 20 days from the date such report is presented to the employee for signature, unless a revised report is being prepared, in which case such revised report shall be handed or mailed to the employee. (Ord. 88-0020 § 1 (part), 1988.)

20.07 Review. The employee may, within 10 business days of receipt of the rating, review the rating with any of the persons who have signed the report. (Ord. 88-0020 § 1 (part), 1988.)

20.08 Full reports required. When an appointing power rates an employee "unsatisfactory" or "improvement needed," a copy of the full report with all supporting data shall be forwarded promptly to the director of personnel. (§ 4(a), Board of Supervisors Amendment adopted 9/29/88: Ord. 88-0020 § 1 (part), 1988.)

20.09 Reconsideration of ratings. Except for employees covered by Rule 20.11, the employee may initiate a timely grievance in accordance with the department's grievance procedure or through the grievance procedure contained in any memorandum of understanding in effect between the county and the certified employee organization for the classification in which the employee works, or any specified item or items of the report including the overall rating, except for an overall rating of "unsatisfactory." Upon completion of the grievance proceedings, the appointing power shall either approve the report as originally prepared or direct that a new report be prepared, and shall notify the employee of the decision. If, subsequent to a resignation, an employee who held permanent status receives a performance evaluation with an overall rating of "improvement needed" or "unsatisfactory," the employee may, within 10 business days after delivery or mailing a copy of the evaluation, request reconsideration of the rating by the director of personnel. This request must be in writing setting forth in detail all the reasons upon which the request is made. Upon receipt of the request, the director of personnel may deny the request, upholding the rating as prepared, or conduct a hearing from written materials. In no event shall the decision of the director of personnel affect the employee's resignation. (Ord. 88-0020 § 1 (part), 1988.)

20.10 Records. In all departments, the records, reports and other data relating to employee performance shall be open at all times to the inspection of the commission, the director of personnel, and the employee concerned, and/or the employee's authorized representative. Such authorization must be in writing. Nothing herein contained is to be construed to require disclosure of information which would otherwise be privileged or confidential as provided by the laws of this state. (Ord. 88-0020 § 1 (part), 1988.)

20.11 Management appraisal and performance plan Tier I and Tier II participants.

For employees who are not in a bargaining unit certified by ERCOM and who are compensated under the management appraisal and performance plan, performance will be evaluated at the end of each performance period using a written performance plan approved by the appointing authority. For employees who are serving a probationary period subsequent to appointment to a position paid under the management appraisal and performance plan, an interim review of the participant's performance must be completed prior to completion of the probationary period. The performance rating plan shall be in a format approved by the director of personnel. Overall performance evaluation ratings shall be assigned according to the following categories:

A. Permanent Employees.

1. "Far Exceeded Expected Expectations." Recognizes exceptional, unexpected, and highly successful outcome of performance, special assignments, or unusual opportunities.

Significantly exceeds performance requirements on all job responsibilities, job skills, expectations, and goals. Performance and quality of work are at such a high level that the manager is performing substantially beyond the scope normally expected of the present position. This rating category is reserved for recognition of extraordinary performance.

2. "Exceeded Expectations." Performance exceeded most and met all other performance requirements on all job responsibilities, job skills, behaviors, expectations, and goals as defined in the performance plan.

3. "Met Expectations." Performance met goals, behaviors, and expectations as defined in the performance plan.

4. "Needs Improvement Meeting Expectations." Performance failed to meet some of the goals, behaviors, and expectations as defined in the performance plan. Performance or quality of work is slightly below the satisfactory level and must be improved to the level of "Met Expectations." This performance rating requires a remedial performance plan, and within six months, a review and rating of performance with an overall rating of other than "Needs Improvement Meeting Expectations."

5. "Failed to Meet Expectations." Performance failed to meet most of the goals, behaviors, and expectations as defined in the performance plan. When employee receives this rating, the employee must receive a notice of reduction or discharge if still in County service in accordance with the provisions of Rule 18.

B. Probationary Employees.

1. A probationary employee may be rated "Far Exceeded Expectations," "Exceeded Expectations," "Met Expectations," or "Failed to Meet Expectations" as defined above.

2. An overall rating of "Far Exceeded Expectations," "Exceeded Expectations," or "Met Expectations" as defined above, carries with it the appointing authority's approval to make the appointment final and complete.

3. An overall rating of "Failed to Meet Expectations" as defined above carries with it the appointing authority's decision not to approve final and complete appointment followed by discharge or reduction in accordance with the provisions of Rule 18.

C. Performance Rating Transition.

1. Performance Evaluation. The last performance evaluation rating under Civil Service Rule 20.04, shall be used for all purposes on or after January 1, 1997 and continue only until a new performance rating is given under the management appraisal and performance plan.

Performance evaluation ratings under Civil Service Rule 20.04 shall be treated as if they are the same as management appraisal and performance plan ratings as follows:

a. Permanent employees.

"Outstanding"	= "Far Exceeded Expectations"
"Very Good"	= "Exceeded Expectations"
"Competent"	= "Met Expectations"
"Improvement Needed"	= "Needs Improvement Meeting Expectations"
"Unsatisfactory"	= "Failed to Meet Expectations"

b. Probationary employees.

"Competent"	= "Met Expectations"
"Unsatisfactory"	= "Failed to Meet Expectations"

D. Request for Review. The participant may, within 10 business days of receipt of a performance rating, request a review of the rating received. The participant will be allowed the opportunity to present to the appointing authority, in writing, factors pertinent to the request for review. The decision of the appointing authority shall be final. (Ord. 2007-0061 § 2 (part)),

2007; § 4 (part), Board of Supervisors Amendment adopted 10/10/96: § 4(b), Board of Supervisors Amendment adopted 9/29/88; Ord. 88-0020 § 1 (part), 1988.)

Rule 21 EMPLOYEE DEVELOPMENT

21.01 Employee development. It shall be the responsibility of the director of personnel to administer and conduct programs of in-service training, counseling and effective utilization of employees in order to promote individual, group, and departmental efficiency. (Ord. 88-0020 § 1 (part), 1988.)

21.02 Administration of employee development programs. The director of personnel shall:

A. Develop standards for training programs and approve programs meeting such standards;

B. See that training is carried out as approved and issue or approve certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs;

C. Assist department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency;

D. Develop and conduct supervisory and management training and other types of training and employee development programs common to all departments;

E. Assist department heads in establishing standards of performance and procedures for evaluating employee efficiency;

F. Make available information concerning job requirements and training opportunities in order to assist employees to increase their efficiency in their present positions, and to prepare themselves for promotion to higher positions in the county service. (Ord. 88-0020 § 1 (part), 1988.)

21.03 Attendance. If the appointing power makes the attendance at any one or more of the approved courses a part of the duties of one or more designated trainees, the employee's attendance will be mandatory. (Ord. 88-0020 § 1 (part), 1988.)

21.04 Record. The director of personnel shall keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs. (Ord. 88-0020 § 1 (part), 1988.)

21.05 Apprenticeship committee. The director of personnel may establish a joint apprenticeship committee for each apprenticeable trade to carry out a county program of apprenticeship training in that trade. Each such committee shall recommend to the director of personnel standards for apprentice training, and shall execute apprentice agreements and hear complaints of apprentices. (Ord. 88-0020 § 1 (part), 1988.)

21.06 Organization. Each joint apprenticeship committee shall select its own chairperson and secretary, hold regular meetings and record the minutes thereof, and assist the director of personnel in the preparation of reports to the state and federal governments as required by law. (Ord. 88-0020 § 1 (part), 1988.)

Rule 22 CERTIFYING SALARY ACCOUNTS

22.01 Certification of accounts. The director of personnel shall certify the salary account for each employee in the classified service of the county when satisfied that the employee has been appointed and is performing service in accordance with the provisions of Article IX of the County Charter and these Rules. (Ord. 88-0020 § 1 (part), 1988.)

22.02 Basis for certification. In making the certification required in Rule 22.01, the director of personnel may rely on the reports submitted by the respective appointing powers, and may rely on the absence of a more recent report as showing that there has been no change in conditions since the submission of the last report on file with the director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

22.03 Reviews and appeals. Any person who is adversely affected by any action in violation of Rule 22 may request the director of personnel to review such action. Such request for review by the director of personnel shall be made in writing within 10 business days of notification of such action. Such written request for review shall name the specific act complained of and state the reasons for the complaint and the remedy requested. (Ord. 88-0020 § 1 (part), 1988.)

Rule 23 REPORTS REQUIRED

23.01 Reports from appointing powers. Each appointing power shall report immediately to the director of personnel, in such detail and on such forms as the director of personnel may prescribe: Every appointment, suspension, separation, reinstatement, restoration, layoff, transfer, reassignment, absence, the refusal or failure to accept an appointment on the part of an eligible certified for appointment, and changes of duties or of compensation. (Ord. 88-0020 § 1 (part), 1988.)

23.02 Other reports. The director of personnel may require such other information as necessary for the proper administration of the civil service system. (Ord. 88-0020 § 1 (part), 1988.)

Rule 24 SERVICE FOR CITIES AND DISTRICTS

24.01 Service for cities. In addition to the foregoing functions and duties prescribed by the Charter and these Rules, the commission and the director of personnel shall perform such functions and duties for cities as are authorized by contract between the county of Los Angeles and such cities. Where not inconsistent with the applicable constitutional provisions, statutes, charters, ordinances, rules, or instructions of such municipalities, or with the provisions of such contracts, these Rules shall apply as the Civil Service Rules of such cities. When so applied, the word "city" shall be substituted for the word "county" in these Rules. The following rules shall not apply to cities: Rules 21, 22 and 23.01.* (Ord. 88-0020 § 1 (part), 1988.)

* See Section 45008, Government Code; Los Angeles County Charter, Section 561/2.

24.02 Service for districts.

A. Where not inconsistent with applicable constitutional or statutory provisions, these Rules shall also serve as the Civil Service Rules of all districts which are under the county civil service system, including all jurisdictional districts in Los Angeles County. When so applied, the word "county" in these Rules shall read "district."

B. The commission shall act as the civil service commission of all such districts, and the director of personnel shall act as the director of personnel for such districts. (Ord. 88-0020 § 1 (part), 1988.)

24.03 Joint examinations. When appropriate, the same examination may be used for positions in the county service and for positions in the service of any district or city which is served by

this commission, or for positions in any two or more such entities, except that separate eligible lists shall be prepared and maintained, and, on acceptance of a permanent appointment from one of such eligible lists, such person's name may be removed from all other eligible lists prepared from the same examination. (Ord. 88-0020 § 1 (part), 1988.)

Rule 25 MERIT SYSTEM STANDARDS

25.01 Employment practices.

A. No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, religion, sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry, political opinions or affiliations, organizational membership or affiliation, or other non-merit factors, any of which are not substantially related to successful performance of the duties of the position. "Non-merit factors" are those factors that relate exclusively to a personal or social characteristic or trait and are not substantially related to successful performance of the duties of the position. Any person who appeals alleging discrimination based on a non-merit factor must name the specific non-merit factor(s) on which discrimination is alleged to be based. No hearing shall be granted nor evidence heard relative to discrimination based on unspecified non-merit factors.

B. Nothing in this Rule shall preclude appropriate action by an appointing power when membership in, or affiliation with, an organization may cause a conflict of interest relative to the duties of a position. (Ord. 88-0020 § 1 (part), 1988: amended by Board Order No. 80 (part), 9/1/87.)

25.02 Employment standards. No standard for employment shall be applied which will have an adverse effect against members of minority groups as defined in the county's affirmative action policy, women, or the handicapped unless it is substantially related to successful performance of the duties of the position. Persons adversely affected by the application of such standards may appeal to the civil service commission under provisions of Rule 4. (Ord. 88-0020 § 1 (part), 1988.)

Rule 26 GENERAL

26.01 Severability. If any rule, section, paragraph, sentence, clause or phrase of these Rules is declared unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portions of these Rules. The board of supervisors hereby declares that it would have prescribed and adopted these Rules, and each rule, section, paragraph, sentence, clause, and phrase hereof, irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional or void. (Ord. 88-0020 § 1 (part), 1988.)

26.02 Amendments. After giving at least seven business days' notice by posting on the official bulletin board and after holding a public hearing thereon, the board of supervisors may amend these Rules or adopt new Rules. (Ord. 88-0020 § 1 (part), 1988.)

26.03 Effective date. All Rules and amendments shall become effective immediately upon their adoption by the board of supervisors unless some later date is specified therein. (Ord. 88-0020 § 1 (part), 1988.)

26.04 Copies. A copy of these Rules and a copy of all subsequent Rules or amendments shall

be sent as soon as practicable after adoption to each department of the county government, city, and district having the county civil service system, and a copy shall be maintained in the office of the executive officer of the board for public inspection. (Ord. 88-0020 § 1 (part), 1988.)

26.05 Service by mail. When service is made by mail, the notice is complete when deposited in the United States Post Office or a mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed to the last known address of the employee, with postage paid. (Ord. 88-0020 § 1 (part), 1988.)

[<< previous](#) | [next >>](#)