

ANALYSIS

This ordinance amends Title 5 – Personnel of the Los Angeles County Code to make changes to Civil Service Rules 2, 6, 7, 8, 10, and 11.

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Requested: 3/27/25
Revised: 2/24/26

ORDINANCE NO. _____

This ordinance amends Title 5 – Personnel of the Los Angeles County Code to make changes to Civil Service Rules 2, 6, 7, 8, 10, and 11.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Title 5, Appendix 1, Rule 2 is hereby amended to read as follows:

. . .

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.~~

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~~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.~~

. . .

2.61 Veteran's Credit

"Veteran's Credit" means an additional credit granted to veterans and spouses of veterans on open competitive examinations, as authorized in Section 36 1/2 of the County Charter.

SECTION 2. Title 5, Appendix 1, Rule 6 is hereby amended to read as follows:

RULE 6 APPLICATIONS AND APPLICANTS

6.01 Qualifications for ~~e~~E examinations.

In order to qualify for an examination, ~~an candidate~~applicant 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~~which may include, but are not limited to, education, experience, license, age, residence, ~~sex~~, physical condition, certification, or the passing of appropriate qualifying tests;

C. ~~File an~~Submit application materials in accordance with established procedures and the examination announcement.

6.02 Qualifications for ~~p~~Promotional ~~e~~Examination.

A. In addition to meeting the requirements of Rule 6.01, an applicant for an interdepartmental promotional examination must be a permanent ~~e~~County employee, and for a departmental promotional examination must ~~in addition~~also have status in the department specified at the time of application submission and must have been employed by such department within sixty (60) calendar days of the promotional appointment. The ~~d~~Director of ~~p~~Personnel may also allow the following additional groups to compete in promotional examinations whenever such action is deemed necessary in order to meet the needs of ~~e~~County service:

1. Probationary employees may be allowed to compete in promotional examinations, provided that they are not appointed to any promotional position until they have satisfactorily completed their initial probationary periods.

2. Recurrent or temporary employees who have satisfactorily completed at least one hundred twenty (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. Recurrent or temporary employees may also be permitted to compete in promotional examinations for higher-level permanent positions so long as they have satisfactorily served in the recurrent or temporary position for at least one hundred twenty (120) working days or the equivalent of the probationary period for the permanent position with which they share the same classification, whichever is greater.

3. Enrollees in training programs approved by the ~~d~~Director of ~~p~~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 ~~b~~Board of ~~s~~Supervisors may participate in interdepartmental promotional examinations for positions in the classified service of the ~~e~~County during such time as qualified ~~e~~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.

6.03 Filing Submitting a 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.A.~~ The ~~d~~Director of ~~p~~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.B.~~ In cases of any dispute as to the time of filing the official time recorded on the application shall be conclusive.

~~D.C.~~ The time for ~~filing~~submitting applications may be extended or reopened by the ~~d~~Director of ~~p~~Personnel as the needs of the service require, provided notice is immediately posted ~~on the recruitment bulletin board.~~

~~E.D.~~ When: All applications for the following positions are subject to review only by the Director of Personnel or persons designated by the Director of Personnel:

1. Positions where the incumbents of which are incumbent is appointed by the ~~b~~Board of ~~s~~Supervisors;
2. Positions next in rank to such positions; and
3. Positions first in rank on the staffs of a ~~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 commission's staff.~~

6.04 Nonacceptance of an Applicant.

~~The dDirector of pPersonnel, 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, or withdraw an offer of employment to a person:

A. Who does not meet the requirements set forth in these Rules or in the ~~bulletin announcing the examination~~ announcement;

B. Who is ~~physically or mentally unfit~~ unable to perform the essential duties of the position sought or would pose a direct threat to the health or safety of the applicant or others, with or without reasonable accommodation;

C. ~~Who is addicted to the use of intoxicating liquors or narcotics or habit-forming drugs~~ Who refuses to take a required pre-employment drug test or, based on the results of such test, is found to have used illegal or otherwise prohibited drugs;

D. ~~Who is guilty of~~ has engaged in conduct not compatible with ~~county employment~~ the requirements of the position, whether or not it amounts to a crime;

E. Who has been convicted of a crime and determined to be ineligible for the position;

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

~~e~~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 eCounty service or been absent from duty without leave of absence duly granted;

H. Who has made a 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 or undergo any required background check;

K. Who has assisted in preparing, conducting or scoring the examination for which ~~he/she~~ the person applies, or who has in any other manner secured confidential information concerning such examination or engaged in other activities which might give ~~such~~ any applicant an unfair advantage over other applicants in the examination;

L. Who refuses to ~~take or fails to pass the prescribed~~ complete a required pre-employment medical examination for the position;

M. Who is separated from eCounty 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.

6.05 Notice of ~~a~~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~~The person must be provided written
notification of nonacceptance at the time that such nonacceptance is declaredaction is
taken.

~~B. Written notice mailed, postage prepaid, to the address shown on the~~
~~application shall be effective on mailing.~~

~~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.~~

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.~~

Any applicant who is adversely affected by any action in violation of Rule 6 may
protest such action to the Director of Personnel. Such protest must be in writing, shall
give specific facts and reasons to support the protest, and must be received by the
Director of Personnel within fifteen (15) business days of the notification of action. An
applicant has additional rights as provided in Rule 4.

. . .

~~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~~

6.10 Application not ~~r~~Returned.

All applications when completed and ~~filed~~submitted become the property of the ~~d~~Director of ~~p~~Personnel and thereafter may not be returned to the applicant.

SECTION 3. Title 5, Appendix 1, Rule 7 is hereby amended to read as follows:

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7.02 Continuous or ~~p~~Periodic ~~e~~Examining ~~p~~Programs.

Notwithstanding anything to the contrary in these Rules, a continuous or periodic examining program may be ordered and administered by the ~~d~~Director of ~~p~~Personnel for any class of positions to establish an eligible register for temporary, recurrent, or permanent appointments. Filing will be open, applications received, and the examinations administered in such a program according to the needs of ~~e~~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~~examination announcement.

7.03 Notice of eExamination.

A. A written notice of each examination shall be posted ~~prior to the opening of the filing period of the examination~~ online for at least four (4) calendar days on the official ~~eCounty recruitment bulletin board in the department of personnel~~ human resources recruitment platform. For promotional examinations, a written notice of each examination shall be posted for at least ten (10) calendar days ~~prior to the~~ examinations.

B. Additional notice, such as paid advertising or publicity, shall be given when the ~~dDirector of pPersonnel~~ deems it necessary in order to have a sufficient number of qualified applicants.

...

7.06 Types of eExaminations.

A. It is eCounty 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 eCounty as determined by the ~~dDirector of pPersonnel~~ and the appointing power. Promotional examinations may be interdepartmental (eCounty-wide), ~~or~~ departmental (limited to the employees of a department), or as otherwise provided for in Rule 6.02, and may be further limited to employees of a particular organizational unit.

B. Additionally, competitive reclassification examinations may be given within six (6) 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 diverse applicants will have a chance for promotion to ensure equal employment opportunities ~~in accordance with the County's Affirmative Action Program.~~

7.07 Character of ~~e~~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 proposed examination parts and 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~~ advance. Notice of any changes to the examination plan shall be given to applicants.

7.08 Method of ~~t~~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~~ Multiple choice or written tests;
- B. Oral tests of knowledge, ~~or ability, or aptitude~~;
- C. Interviews covering general qualifications, education, training, or experience;

- D. Performance tests;
- E. Physical tests of strength, speed, 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. Appraisal of Promotability;
- I. Any other appropriate measure of fitness.

7.09 Time and ~~p~~Place of ~~e~~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. Applicants shall be notified of the time and location if required to appear for an examination.~~ The ~~d~~Director of ~~p~~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 ~~e~~County of Los Angeles.

7.10 Postponement or ~~e~~Cancellation of ~~e~~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~~provided in writing to 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~~online and at the physical testing site, if applicable, as soon as possible.

7.11 Late ~~a~~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 ~~d~~Director of ~~p~~Personnel or the director's designee.

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7.13 Parts and ~~w~~Weights.

A. Each examination shall embrace one or more parts to which percentage weights shall be assigned, which weights shall total one hundred (100) percent. Each part ~~shall~~may be graded separately or in conjunction with other parts. ~~These~~This grade for each part or parts shall be multiplied by the percentage weights assigned to such part or parts, and the sum ~~of the resulting products~~ shall be called the "weighted average."

B. In open competitive 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~~is equal to or above the score required for passing.

C. ~~1. Except as specified below, all~~ ~~p~~Promotional examinations ~~shall~~may 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 fifty (50) percent of the total weight in the examination, except that for management positions the appraisal of promotability may be as high as one hundred (100) percent. The weight of the appraisal of promotability shall be determined by the ~~d~~Director of ~~p~~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.~~

7.14 Passing ~~g~~Grades.

A. ~~Unless otherwise provided in the bulletin or other notice announcing the examination,~~ a final score of at least seventy (70) percent, excluding veteran's credit, shall be required for passing unless otherwise determined by the Director of Personnel and provided in the examination announcement.

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~~ in advance. The Director of Personnel may set a minimum score or rank to be required in any part or combination of parts of an examination, and any applicant who does not attain such minimum score or rank shall not receive a passing grade in the examination.

7.15 Veteran's eCredit.

~~The Charter of the county of Los Angeles provides that i~~n all open competitive examinations, ~~in addition to all other credits,~~ a credit of ten (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~~added to the total passing score of veterans and spouses of veterans, as afforded by Section 36 1/2 of the County Charter.

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7.17 Protests aAgainst key aAnswers.

During the key-copy inspection period, the applicant may file a protest against any part of the ~~written~~multiple choice 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 ~~d~~Director of ~~p~~Personnel. Any errors, improprieties or ambiguities disclosed shall be corrected. In case of an ambiguity in a question, the

~~d~~Director of ~~p~~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~~responses 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~~multiple choice test except on the grounds of specific error in the application of the scoring key.

7.18 Promulgation and ~~n~~Notification of ~~t~~Test ~~r~~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~~the applicant's total score, including veteran's credit and, if applicable, the days during which the applicant may inspect ~~his/her papers~~their responses; or

B. When failing, of the failure to achieve a passing grade, and, if applicable, the days during which the applicant may inspect ~~his/her papers~~their responses.

7.19 Inspection of ~~e~~Examination ~~m~~Materials, ~~r~~Rating ~~s~~Standards and ~~s~~Scoring key.

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

1. ~~Copyrighted~~Proprietary, validated, 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/or selection procedures, for which the ~~e~~Director of ~~p~~Personnel ~~can establish~~determines that the burden to the ~~e~~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.

7.20 Protests ~~a~~Against ~~r~~Ratings to the ~~e~~Director of ~~p~~Personnel.

If the applicant believes an error has been made in the application of ~~the written-~~
~~test~~a scoring key, or in the rating given ~~him/her~~them 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,~~within fifteen (15) business days of the notice of test results, make a protest in writing stating specifically where the applicant believes 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 ~~d~~Director of ~~p~~Personnel, who shall pass on all such protests or requests within sixty (60) days of the date of such protest or request and make any necessary corrections in grades and ratings. If the ~~d~~Director of ~~p~~Personnel does not render a decision within such time period, the appellant may, at ~~his/her~~their 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 ~~d~~Director of ~~p~~Personnel pursuant to Rule 4, within ten (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 ~~e~~Civil ~~s~~Service ~~e~~Commission.

7.21 Correction of ~~clerical~~Administrative ~~e~~Errors.

Any ~~clerical~~administrative error may be corrected by the ~~d~~Director of ~~p~~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.

7.22 Record of ~~e~~Examination.

The ~~d~~Director of ~~p~~Personnel shall preserve for not less than five (5) 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~~Information regarding the examination, showing the methods of testing used or the general nature of the examination, the weights of the various parts, ~~and the minimum scores required,~~the basis of rating or standards used and the formula or method used for translating ratings

into a numerical score, and all other records prepared or received in connection with the examination.

~~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.~~

~~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.~~

7.25 Examination to be impartial.

All examinations shall be fair and impartial.

A.——So far as practicable~~To the extent possible, written~~ examinations shall be ~~so~~ conducted so that the identity of applicants will not be known to the examiners or other persons scoring the answers.

B.—— No person shall reveal ~~before the completion of an examination~~ any information about ~~such~~the examination except in the official ~~bulletin~~examination announcement or by announcement to all relevant applicants equally.

SECTION 4. Title 5, Appendix 1, Rule 8 is hereby amended to read as follows:

Rule 8 NONCOMPETITIVE EXAMINATIONS ~~AND LABOR~~

~~APPOINTMENTS~~

8.01 Noncompetitive ~~e~~Examinations.

A. The ~~d~~Director of ~~p~~Personnel may authorize noncompetitive examinations ~~in the county institutions~~ when competition is found to be impracticable.

B. Competition is impracticable;

1. When the number of vacant positions generally exceeds the number of applicants who meet the minimum requirements for the classification;-

2. Where competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;

3. For appointment to laborer positions; or

4. For recruitment into entry-level, temporary positions that do not require specific skill or ability. Such recruitment efforts must be approved by the Director of Personnel and established by Board directive.

8.02 Procedure for ~~n~~Noncompetitive ~~e~~Examinations.

A. The ~~d~~Director of ~~p~~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.~~

B. 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 ~~d~~Director of ~~p~~Personnel. No formal certification will be necessary.

C. ____ 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.

D. ____ 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 ~~d~~Director of ~~p~~Personnel when the ~~d~~Director finds that a competitive examination is warranted for the position or class.

~~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.~~

~~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.~~

8.05 Applicability of ~~e~~Other ~~r~~Rules.

Rules 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.

8.06 Review and ~~a~~Appeals.

Any person who is adversely affected by any action in violation of Rule 8 may request the ~~d~~Director of ~~p~~Personnel to review such action. Such request for review by the ~~d~~Director of ~~p~~Personnel shall be made in writing within fifteen (~~40~~15) 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 ~~e~~Director of ~~p~~Personnel is final, subject to such ~~judicial~~ review as provided by law ~~for decisions of local administrative agencies.~~

SECTION 5. Title 5, Appendix 1, Rule 10 is hereby amended to read as follows:

. . .

10.02 Order of ~~n~~Names on ~~e~~Eligible ~~I~~Lists.

The names of applicants shall be entered upon the eligible list in a competitive examination in order of ~~standing in the examination~~score grouping, including veteran's credit, ~~or credits for efficiency, character and seniority,~~ where applicable.

~~**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.~~

10.04 Disclosure of ~~n~~Names of ~~e~~Eligibles.

All eligible lists shall be open to public inspection except when the ~~e~~Director of ~~p~~Personnel judges that disclosure of names of ~~candidates~~applicants for high-level management positions would jeopardize their current employment.

. . .

10.06 Duration of ~~e~~Eligible ~~I~~Lists.

~~Except when otherwise ordered, a~~An eligible list shall be in effect for ~~one year from date~~the duration of promulgationtime listed on the examination announcement, unless sooner terminated pursuant to Rule 10.05, ~~but t~~The ~~e~~Director of ~~p~~Personnel

may order that the period of eligibility be for a shorter time or, in his discretion, may extend the period of eligibility, change the duration of the list, or and may restore any eligible list which has expired or been terminated.

~~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.~~

10.08 Canvass of eEligible lList.

Whenever the needs of the service require, the dDirector of pPersonnel shall ascertain the availability for employment canvass the eligible list for persons willing and available to work under certain specified employment conditions ~~of persons whose names appear on an eligible list.~~

10.09 Addition of nNames of war vVeterans to eEligible lLists.

Any veteran returning to eCounty service who is entitled to the benefits of Section 395.1, of the Military and Veterans Code, shall be entitled to take an supplemental examination for any position for which there is an eligible list in effect or restored, provided the veteran meets the ~~bulletin~~ requirements for the original examination, and provided the original examination was ~~given~~ administered prior to ~~his~~ their return to eCounty 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.

10.10 Rejection of ~~e~~Eligible—Dropped ~~f~~From ~~l~~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~~.

10.11 Effect of ~~a~~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~~ If the appeal is granted, the ~~d~~Director of ~~p~~Personnel shall add the name of the appellant to the eligible list at the appropriate place.

SECTION 6. Title 5, Appendix 1, Rule 11 is hereby amended to read as follows:

RULE 11 CERTIFICATION AND APPOINTMENT

11.01 Certification and ~~a~~Appointment ~~f~~From ~~e~~Eligible ~~l~~List.

A. In filling vacancies from an eligible list, the appointing ~~authority~~ power shall make appointments from eligible lists certified by the ~~d~~Director of ~~p~~Personnel.

B. The ~~d~~Director of ~~p~~Personnel shall ~~assemble candidates into~~ group/group/band applicants 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~~ applicants into groups.

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

Group 1 ~~95%—100%~~ 90% - 100%

Group 2 ~~89%—94%~~80% - 89%

Group 3 ~~83%—88%~~70% - 79%

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~~applicant scores above one hundred (100) percent, a ~~sixth~~an additional group shall be created to include the eligible ~~candidates~~applicants with scores above one hundred (100). In instances where the ~~d~~Director of ~~p~~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~~must be made from the highest ranking group on ~~such a~~a lists, ~~except that~~. For departmental promotional lists, when the highest ranking group does not include at least five (5) persons who are available for appointment, the appointment may be made from the next highest group or groups where the cumulative amount of these highest groups includes at least five (5) persons. For all other eligible lists, when the highest ranking group does not include at least ten (10) persons, the appointment may be made from the next highest group or groups where the cumulative amount of these highest groups includes at least ten (10) persons.

11.02 Certification ~~f~~From ~~L~~List for a ~~n~~Another ~~e~~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 ~~e~~Director of ~~p~~Personnel finds that the use of the list is for the best interest of the service and that the necessary skills~~, and knowledge,~~ abilities, and other characteristics were adequately tested in the examination.

11.03 Selective ~~e~~Certification.

A. Where a single eligible 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 ~~e~~Director of ~~p~~Personnel may certify those persons in groups ~~other than the highest meeting~~who meet that criterion. When such selective certification is established, all individuals considered shall be notified of their placement.

B. A promotional list may be certified from an open competitive examination or a departmental eligible list from an interdepartmental examination.

C. Any person who is adversely affected by any action in violation of Rule 11.03(A) may protest such action to the Director of Personnel. Any such protest must be in writing, shall give specific facts and reasons to support the protest, and must be received by the Director of Personnel within fifteen (15) business days of the notification of such action. No appeal shall affect the selective certification or an appointment made from a selective certification during the pendency of the appeal. If

the appeal is granted, the Director of Personnel shall add the name of the appellant to the selective certification at the appropriate place.

11.04 Withholding or Removing nNames fFrom eCertification.

The name of an eligible may be withheld or removed 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 eCounty service or in the service of any district which has adopted the eCounty civil service system;
- B. Expresses unwillingness or inability to accept appointment;
- C. Fails to respond within ~~five~~three (3) business days ~~next succeeding the mailing of written inquiry~~following written notification regarding availability for ~~permanent~~ employment or request to appear for interview regarding such employment;
- D. Fails to ~~present himself/herself~~report for duty at the time agreed upon after having accepted an appointment;
- E. Cannot be reached in time for appointment or is unavailable 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 eCounty 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.

11.05 Restoration to eCertification.

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 dDirector of pPersonnel 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 eCounty 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

~~d~~Director of personnel that ~~he/she is~~they are 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.

. . .

~~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.~~

[TITLE5APP1CIVSVCRULESPBCC]

SECTION 7. This ordinance shall become effective 30 days from the date of final passage.