

Personnel Rules

County of Kings

County of Kings
Human Resources Department
1400 West Lacey Boulevard
Hanford California 93230

TABLE OF CONTENTS

CHAPTER 1	9
PERSONNEL APPEALS BOARD	9
1010 Appeals Board Functions	9
1020 Organization	9
1021 Conflict of Interest	10
1022 Hearing Officer	10
1023 Costs	10
1040 Hearings	10
1041 Quorum	10
1042 Secretary	11
1043 Hearing Records	11
1044 Time of Decision	11
1050 Rehearing	11
1060 Board of Supervisors Review	12
 CHAPTER 2	 13
STATUS	13
2010 Classified Service	13
2020 Unclassified Service	13
2030 Appointments to positions in the Classified Service	13
2031 Probationary Appointment	13
2032 Permanent Appointments	13
2033 Provisional Appointment	13
2034 Special Classified Merit System Provisions Related to the Appointment and Termination of the County Chief Probation Officer	14
2034.1 Notice of Proposed Action and Skelly Meeting Rights	14
2034.2 Appeal of Proposed Termination	14
2034.3 Board of Supervisors Determination	14
2040 Appointments to Positions in the Unclassified Service	14
2041 Extra-Help Appointment	14
2042 Unclassified Service	15
2043 Administrative Appointments	15
 CHAPTER 3	 16
CLASSIFICATION	16
3010 Administration of the Classification Program	16
3014 Department Head Responsibilities	16
3015 Class Specifications – New and Revised	16
3016 Procedure for Implementation of Class Changes	16
3020 Reclassified (Reallocated) Positions – Status of Incumbent	16
3021 Downward	17
3022 Lateral	17
3023 Upward	17
3030 Job Analyses	17
3040 Classification Records	17

CHAPTER 4	18
SELECTION PROCESS	18
4010 Recruitment and Examination Basis – Employment Lists	18
4011 Recruitment Basis and Filing Conditions	18
4011.1 Regular Recruitment	18
4011.2 Continuous Recruitment	18
4011.3 Limited Recruitment	19
4012 Types of Recruitment – Employment Lists	19
4012.1 Departmental Promotional Recruitment-Employment Lists	19
4012.2 General Promotional Recruitment – Employment Lists	19
4012.3 Open Recruitment – Employment Lists	19
4013 Other Types of Employment Lists – Duration	20
4013.1 Layoff Employment List	20
4013.2 Transfer Employment List	20
4013.3 Reinstatement Employment List	20
4014 Applications for Employment or Promotion	20
4015 Selective Recruitment	20
4020 Integrating Names on Employment Lists Resulting from Continuous Recruitments	21
4030 Employment Lists – Confidential	21
4040 Examinations	21
4041 Examination Content	21
4042 Relative Weights of Tests	21
4043 Examination Scoring and Review	21
4043.1 Qualifying Score	21
4043.2 Final Score	21
4043.3 Scoring of Written Examination	21
4043.4 Notice of Examination Results	22
4043.5 Review of Written Examination Material	22
4043.6 Review of Oral Examination	22
4044 Time Restrictions for Re-Examination	22
4050 Certification and Appointment	22
4051 Certification Request Required to Fill Vacancies	22
4052 Number of Eligibles to be Certified to Permanent Positions	23
4052.1 To a One-Position Vacancy	23
4052.2 To Multiple Vacancies	23
4052.3 Incomplete Certification	23
4052.4 Resolving Ties	23
4053 Order of Precedence in Making a Certification	23
4054 Certification From List Designated Comparable	24
4055 Objection to Persons Certified	24
4056 Filling Extra-Help Positions	24
4057 Selective Certification	24
4058 Veterans’ Preference	24
4060 Suspension of Competition	25
4070 Removal of Names From Employment Lists	26
4071 Upon Probationary Appointment to Permanent Position	26
4072 Upon Appointment to an Extra-Help Position	26
4073 General Requirements – For Employment	26

4074	Other Bases for Name Removal	27
4075	Notice of Removal	27
4076	Restoration to Employment List	27
CHAPTER 5		28
PROBATIONARY PERIODS		28
5010	Nature and Duration	28
5011	Employment From Extra-Help Class	28
5012	Re-Employment	28
5013	One-Year Probationary Period	28
5020	Responsibilities of Department Heads	28
5021	Granting Permanent Status	29
5023	Rejection During Probationary Period	29
5023.1	Return to Position of Permanency	29
5023.2	Appeal to Rejection during Probationary Period	29
5024	Extension of Probation Period	29
5024.1	Leave of Absence during Probationary Period	29
CHAPTER 6		30
CAREER DEVELOPMENT		30
6010	Training Program Structures	30
6011	Educational Reimbursement.....	30
6011.1	Purpose	30
6011.2	Program Benefits	30
6011.3	Eligibility	31
6011.4	Reimbursement Expenditures	31
6011.5	Budgetary Limitations	32
6011.6	Filing Procedure	32
6012	Inservice Training	33
6013	Training Assignments	33
6014	Personnel Exchange	33
CHAPTER 7		34
ATTENDANCE/HOLIDAY/LEAVES		34
7010	Paid Leaves	34
7011	Vacation	34
7011.1	Entitlement	34
7011.2	Vacation Accumulation Limit	34
7011.3	Vacation Pay-Off	35
7012	Sick Leave	35
7012.1	Entitlement	35
7012.2	Absence Due to Death in the Family	35
7012.4	Coordination with Workers' Comp	36
7012.5	Prohibited Use	36
7012.6	Proof of Illness	36
7012.7	Fitness for Duty Exam	36
7012.8	Repayment	36
7012.9	Records	36

7013	Jury Duty	37
7014	Examination Leave	37
7020	Unpaid Leaves	37
7021	Administrative Leave	37
7022	Compulsory Leave	37
7023	Education or Training Leave	38
7024	Family and Medical Leave	38
7025	Pregnancy Disability Leave	38
7026	Military Leave	38
7027	Personal Leave	39
7028	Personnel Exchange	39
7030	Unpaid Leave Procedures	39
7031	Leave Requests	39
7032	Unpaid Leave Approval	39
7033	Leaves - Early Return and Revocation	39
7034	Failure to Return at Scheduled Time	39
7040	Unauthorized Absence	40
7050	Holidays	40
7051	Requirement to Work on Holidays	40
7052	Compensation	40
7053	Saturday Holidays	41
7054	Sunday Holidays	41
7055	Part Time Employees	41
7056	Extra Help	41
7057	Entitlement	41
CHAPTER 8		42
MEDICAL EXAMINATIONS		42
8010	Administration	42
8020	Medical Standards	42
8021	Medical Evaluation	42
8022	Medical Examination	42
8023	Extra-help Employees and Volunteers	43
8030	Medical Qualification Report	43
8040	Job Classification Groups	43
8041	Group A	44
8042	Group B	44
8043	Group C	44
8050	Medical Examination Process	44
8051	New Employees	44
8052	Current Employees	44
8053	Periodic Medical Examinations	44
8060	Waiver of Requirements	45
8070	Return to Duty Following Separation From County Service	45
8080	Appeal of Finding of Medical Disqualification	45
8081	Submission of Written Medical Report	45
8082	Review of Medical Report and Determination of Finding	45
8090	Special Compulsory Examinations of Current Employees	46
8092	Immediate Reassignment or Compulsory Leave	46

CHAPTER 9	47
PERSONNEL RECORDS AND REPORTS	47
9010 Personnel Records	47
9011 Contents	47
9012 Security	47
9013 Destruction of Records	47
9020 Examination Records	47
9030 Personnel Action Form	48
9040 Payroll Review	48
CHAPTER 10	49
DISCIPLINARY ACTION, GRIEVANCE PROCEDURES	49
10010 Types of Disciplinary Action	49
10011 Oral Reprimand	49
10012 Written Reprimand	49
10013 Disciplinary Suspension	49
10014 Administrative Salary Reduction	49
10015 Disciplinary Demotion	49
10016 Dismissal	49
10020 Prohibited Disciplinary Actions	49
10030 Department Head Responsibilities	50
10040 Causes for Disciplinary Action	50
10060 Procedure for Disciplinary Action	50
10061 Service of Notice of Proposed Disciplinary Action	51
10061.1 Notice of Proposed Disciplinary Action	51
10062 Skelly Procedures	51
10063 Immediate Disciplinary Actions	51
10064 Records of Disciplinary Actions	51
10070 Appeal of Disciplinary Actions	51
10200 Grievance Procedure	52
10201 Purpose	52
10210 Explanation of Rules	52
10220 Definitions	53
10240 Procedural Steps	54
10250 Grievances Confidential	54
CHAPTER 11	55
PROMOTION, TRANSFER AND DEMOTION	55
11010 Promotion	55
11011 Definition.....	55
11012 Classified Service.....	55
11013 Unclassified Service.....	56
11020 Transfer	56
11021 Definition.....	56
11022 Requirements for Transfer.....	56
11023 Transfer of Functions.....	57
11030 Voluntary Demotion	57
11031 Definition.....	57

11031.1	Requirements for Demotion	57
11031.2	Reinstatement Privileges	58
11031.3	Displacing to a Lower Class	58
CHAPTER 12		59
SEPARATIONS		59
12010	Resignation	59
12020	Rejection During Probation	59
12030	Dismissal	59
12040	Layoff	59
12041	Seniority for Layoff Purposes.....	59
12042	Department Head Responsibility.....	59
12043	Director's Responsibilities in Layoff.....	60
12044	Layoffs to be Departmental.....	60
12045	Order of Layoff - Seniority.....	60
12046	Order of Layoff - Seniority and Employee Performance.....	60
12047	Notice of Separation.....	61
12048	Layoff Privileges.....	61
12050	Furlough	62
CHAPTER 13		63
COMPENSATION PLAN ADMINISTRATION		63
13010	Definitions	63
13011	Actual Service.....	63
13012	Anniversary Date	63
13013	Basis of Pay.....	63
13014	Continuous Service	63
13015	Satisfactory Service	63
13016	Special Hiring Rate.....	63
13017	Y-Rated	64
13020	Payday	64
13030	Timekeeping	64
13040	Certification Before Payment	64
13050	Step Advancement	64
13060	Anniversary Date	65
13061	First Anniversary Date.....	65
13062	Advanced Step.....	65
13063	Notice of Anniversary Date.....	65
13064	Postponing Anniversary Date.....	65
13065	Anniversary Date Overlooked.....	65
13066	Department Head's Anniversary.....	65
13067	Performance Report.....	66
13070	Other Salary Changes	66
13071	Salary Range Adjustments.....	66
13072	Promotion.....	66
13073	Reclassification Upward.....	66
13074	Demotion.....	66
13075	Reclassification Downward.....	67
13076	Administrative Salary Reduction	67

13077	Lateral Transfer.....	67
13078	Layoff, Reorganization or Special Circumstances	67
13079	Special Salary Upgrading	67
13080	Reinstatement	68
13081	Exceptional Salary Changes	68
CHAPTER 14		69
DISCRIMINATION COMPLAINT PROCEDURE		69
14010	Coordinator	69
14020	Informal Complaint Procedure	69
14030	Formal Complaint Procedure	69
14030.1	Representation.....	69
14030.2	Investigation.....	69
14040	Appeals	69
14050	Distribution	70
CHAPTER 15		71
SEXUAL HARASSMENT POLICY		71
15010	Definition	71
15020	Prohibited Behavior	71
15020.1	Unwanted Sexual Advances	71
15020.2	Favors	71
15020.3	Reprisals	71
15020.4	Visual Conduct	72
15020.5	Verbal Conduct	72
15020.6	Verbal or Written Abuse	72
15020.7	Physical Conduct	72
15030	Prohibited Supervisory Behavior	72
15030.1	Failing to Take Corrective Action	72
15030.2	Retaliation	72
15040	Department Responsibility	72
15050	Employee Responsibility	73
15060	Complaint Procedure	73
15060.1	Notification of Complaint	73
15060.2	Confidentiality	73
15060.3	Investigation	73
15060.4	Results	74
15070	Notification of Policy	74
DEFINITIONS		75

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 1 Personnel Appeals Board</p> <p>Effective Date: 12/20/1988 Last Revision Date: 10/23/2001 [add §1020.4]</p>
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CHAPTER 1 PERSONNEL APPEALS BOARD

Chapter 18 of the Kings County code of ordinances establishes a personnel merit system for the employment, promotion and retention of persons who work for the County in the classified service. An Appeals Board is established to hear appeals from discharges, other disciplinary actions, grievances, allegations of discrimination and actions taken on classified service matters governed by these rules. The Human Resources Director administers various aspects of the personnel program for both the classified and unclassified service and serves as Secretary to the Personnel Appeals Board.

1010 Appeals Board Functions

The Personnel Appeals Board has the function of

- 1011** Hearing discharge and other disciplinary appeals in accord with procedures set forth in these rules.
- 1012** Hearing administrative appeals and grievances in accord with procedures set forth in these rules.
- 1013** Hearing allegations of discrimination in accord with procedures set forth in these rules.

1020 Organization

The Board shall be composed of the following three (3) members appointed by the Board of Supervisors biennially:

- 1020.1 County Member**
The Chairman of the Board of Supervisors shall nominate a County Member who shall serve on all appeals hearings.
- 1020.2 Employee Member**
Each recognized bargaining unit shall nominate a member who shall serve when the appellant is represented by that unit.
- 1020.3 Consensus Member**
The third member shall be a Consensus Member nominated by the unanimous consent of the County Member and the Employee Member of the affected unit. The Consensus Member shall serve on all appeals hearings for units which were in consensus on their nomination. More than one Consensus Member may be appointed in order to ensure consensus of all units.

1020.4 Alternate Members

Each member of the Appeals Board may have an appointed alternate nominated in the same manner described above.

1021 Conflict of Interest

The appellant or the County may file with the Secretary a written statement objecting to an Appeals Board member sitting on a particular matter, stating the facts constituting grounds for disqualification. The statement shall be filed as soon as practical after the facts are known and in advance of the hearing date. The Secretary shall serve a copy of the statement on the challenged member who shall within 10 days file with the Secretary a written answer either consenting to or denying the disqualification. If denied, the two unchallenged members shall select a third member within 10 days and the three shall pass on the question of disqualification based on the statements filed with the Secretary. When a member is disqualified, the Board of Supervisors shall appoint a pro tempore member to serve in lieu of that member. The pro tempore member shall be nominated and appointed in the same manner as the disqualified member.

1022 Hearing Officer

A single hearing officer may be utilized in lieu of the Appeals Board if either the appellant or the County so requests. The hearing officer shall be selected by utilizing the State Mediation and Conciliation Service, the Office of Administrative Hearings, or other method mutually acceptable to the parties. Selection shall be by agreement of the parties or by alternately striking names from a list, if provided, with the first strike being determined by the toss of a coin.

1023 Costs

The costs of the appeals hearing shall be borne by the County except where the appellant requests a single hearing officer in which case the County and the appellant shall share equally in the expense for the hearing officer. The costs of tape recording the hearing shall be borne by the County. Copies of such tape recordings shall be furnished to the parties to the hearing at the County's cost. Unless otherwise stipulated by the parties, if a transcript of the proceedings is prepared from the tape recording, it shall be the official transcript only if prepared by a certified shorthand reporter. The costs of recording the hearing in any other manner such as by a certified court reporter and costs of transcribing tapes or recordings shall be borne by the requesting party or parties.

1040 Hearings

The Board will consider the legitimacy of, and hear where it deems appropriate, an appeal by an individual(s) from actions taken on classified service matters governed by the provisions of these rules unless: (1) The appeal is expressly forbidden; or (2) another hearing authority is specified in these rules. The Board shall conduct a hearing within thirty (30) working days from the filing of the request unless extended for good cause.

1041 Quorum

A majority of the Board constitutes a quorum. No act of the Board can be valid or binding without concurrence of a majority of a quorum.

1042 Secretary

The Director or designee serves as Secretary to the Appeals Board.

1043 Hearing Records

The Secretary to the Board shall maintain a tape recording of the oral testimony of each hearing and a record of all official acts of the Board including all submitted documents. Copies of the recording will be available to the principals of that hearing at a nominal cost upon written request. All hearings and records thereof shall be treated as confidential and no publicity will be given until final resolution. Either party may, at their own expense, use a Certified Court Reporter.

1044 Time of Decision

The Personnel Appeals Board shall make its findings and decisions within thirty (30) working days after completion of the hearing, or as determined by agreement of the parties.

1050 Rehearings

Having conducted a hearing and made a decision on an appeal, the Board may reopen and rehear an appeal as follows:

1050.1 A petition for rehearing may be made by a person or party directly affected by the Board action.

1050.2 The grounds upon which a rehearing may be granted are:

1050.21 Newly discovered evidence which could not, with due diligence, have been presented at the original hearing and which appears to be material to the issue and not merely cumulative.

1050.22 Mistake or error in the proceedings which may have materially affected the result.

1050.3 The petition for rehearing must be in writing setting forth fully the grounds upon which a rehearing is requested and be filed with the Board not later than ten (10) working days from the date of the Board decision on the initial appeal. A copy of the petition must be served upon the adverse party who may within five (5) working days file and serve a written reply.

1050.4 If the petition for the rehearing is granted, the Board shall set a hearing date and give notice to all interested parties.

1050.5 If the rehearing is denied, notice is given to all interested parties.

1050.6 If a rehearing is granted, all of the evidence introduced at the initial hearing is in evidence and before the Board and only the subject matter forming the basis upon which the rehearing was granted need be heard.

1050.7 Not more than one rehearing may be had on any one appeal.

1060 Board of Supervisors Review

If either party so desires, the decision of the Board may be submitted for consideration by the Board of Supervisors. The action of the Board of Supervisors shall be final and binding. Requests for review shall be made in writing within ten (10) working days from the date of the Appeals Board decision. The Board of Supervisors shall consider the request at their next regularly scheduled meeting.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 2 Status</p> <p>Effective Date: 12/20/1988 Last Revision Date: 6/3/2008</p>
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CHAPTER 2 STATUS

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

2010 Classified Service

The classified service includes all those positions not expressly placed out of the classified service by action of the Board of Supervisors or by virtue of the fact that they are elective offices. Selection and retention of these positions are on the basis of merit principles. Once the probationary period is successfully completed, incumbents accrue the right of appeal from certain disciplinary actions including dismissal from the service.

2020 Unclassified Service

The unclassified service includes elective and appointive department heads and such other positions as defined by the Board of Supervisors. Incumbents are exempt from merit system status. Persons so employed continue at the option of the appointing authority.

2030 Appointments to positions in the Classified Service

2031 Probationary Appointment

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

2032 Permanent Appointments

Incumbents of positions in the classified service are given permanent appointment upon successful completion of a probationary period. Permanent appointment entitles the individual to Merit System status which includes such things as the right of appeal to disciplinary actions, promotional preference in certain examinations and other perquisites.

2033 Provisional Appointment

Provisional appointments are used as specified by the Director to fill vacancies in the classified service in classes for which no employment list exists. Individuals appointed must meet the minimum qualifications for the job classification. Provisional appointments may extend until an employment list is created or competition is suspended. Any person holding a provisional appointment shall take the scheduled examination for the class of position or be terminated.

Incumbents while filling a provisional appointment do not enjoy Merit System status. Immediately prior consecutive time served in a provisional appointment is credited toward completion of the probationary period if the incumbent is immediately subsequently appointed on a probationary basis.

2034 Special Classified Merit System Provisions Related to the Appointment and Termination of the County Chief Probation Officer.

The County Chief Probation Officer shall serve as the Adult Probation Officer and the Juvenile Probation Officer and shall be appointed by the Board of Supervisors as a classified employee subject to the qualified merit system provisions set forth in this Section. Other than as set forth in this Section 2034 as to termination, the provisions of the personnel rules applicable to classified employees shall be applicable to the Chief Probation Officer position. Subject to the merit system protections set forth in Subsections 2034.1 through 2034.3 below, the County Chief Probation Officer may be terminated with or without cause at the sole discretion of the Board of Supervisors.

2034.1 Notice of Proposed Action and Skelly Meeting Rights. Termination of employment of the Chief Probation Officer shall be subject to the provisions of Sections 10061 and 10062 of these Personnel Rules, with the County Administrative Officer acting as the department head in providing the notice and in meeting with the employee to hear and consider the employee's responses and to make a determination as to whether to recommend sustaining the proposed termination.

2034.2 Appeal of Proposed Termination. If the determination is to proceed with the proposed termination after the meeting described in subsection 2034.1 above, the Chief Probation Officer may appeal the termination decision to the Personnel Appeals Board under Section 10070 of these Personnel Rules. After the hearing, the Personnel Appeals Board decision shall be a recommendation to the Board of Supervisors to either uphold or not uphold the termination.

2034.3 Board of Supervisors Determination. If the Chief Probation Officer requests a Skelly meeting or appeals to the Personnel Appeals Board, after the conclusion of the meeting and/or hearing process, the Board of Supervisors shall consider the written record of the proceedings held under subsections 2034.1 and 2034.2 above and any additional verbal and/or written arguments made by the employee, and it shall decide in its sole and absolute discretion, and with or without cause, whether the employee shall be terminated. The Board's decision shall be final and binding.

2040 Appointments to Positions in the Unclassified Service

2041 Extra-Help Appointment

Extra-help appointments are made to meet seasonal or limited term work needs of departments. Persons approved by the Director may be appointed for a defined period of time, do not by virtue of extra-help appointment attain status and may be released without recourse at any time by the department head. Usage of any individual in an extra-help basis is limited to a maximum of 999 hours in any fiscal year. Where extenuating circumstances exist the Director may extend this period. Extra-help appointments shall normally not be made to classes where permanently allocated position vacancies exist in a given department.

2042 Appointment to positions in the unclassified service may be made by selection of individuals who meet the qualifications established for the job classification and are subject to certification by the Director. Incumbents of positions in the unclassified service are not entitled to Merit System status. Persons so employed continue at the option of the appointing authority.

2043 **Administrative Appointments**

County Department heads shall be appointed by the Board of Supervisors in the following manner:

- 2043.1** The County Administrative Officer shall be appointed as provided by Ordinance.
- 2043.2** The County Agricultural Commissioner/Sealer of Weights and Measures shall be appointed as provided by the California Food and Agricultural Code and Business and Professions Code respectively.
- 2043.3** The County Chief Probation Officer shall be appointed by the Board of Supervisors as provided in Section 2034.
- 2043.4** For all other appointive department heads, the Personnel Director may recruit applicants and in consultation with the County Administrative Officer advise the Board of Supervisors regarding qualifications of applicants in order to properly assist the Board in making an appointment.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 3 Classification</p> <p>Effective Date: 12/20/1988 Last Revision Date: N/A</p>
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CHAPTER 3 CLASSIFICATION

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

3010 Administration of the Classification Program

The Director, or designee, is responsible for making classification studies of proposed additional or presently authorized positions when:

3011 Upon written referral, authorization by the Board of Supervisors for a new position is indicated.

3012 A written request establishing need for classification review of an existing position is made by a department head, the incumbent of the position, or authorized representative.

3013 Periodically or when circumstances dictate, the Director identifies the need for a review of an existing position or group of positions.

3014 Department Head Responsibilities

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

3015 Class Specifications - New and Revised

When a position study determines the need for a new class of position, the Director develops and implements the new class title and specification covering the proposed class.

3016 Procedure for Implementation of Class Changes

The Director determines the proper classifications of positions and prepares new or revised specifications. Actions affecting the budget (upward salary adjustment) or having significant organization implications are transmitted to the County Administrative Officer for appropriate action.

3020 Reclassified (Reallocated) Positions - Status of Incumbent

The Director determines whether the reclassification of a position constitutes a downward, lateral, or upward movement of the level of the position relative to its former allocation. The following actions prevail with regard to each of the following kinds of changes:

3021 Downward

The incumbent is reassigned to a vacant position in the same class in that department. In lieu of reassignment, the incumbent may accept a demotion in the reallocated position or demote to an appropriate vacancy if one exists. If none of these alternatives are utilized, layoff procedure will be invoked as described in Chapter 12 - Separations, Section 12040.

3022 Lateral

The status of the incumbent will remain unchanged in the class to which the position is allocated.

3023 Upward

The Director will grant status to the incumbent when either: 1) there has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or 2) there has been a gradual change in the duties and the incumbent has performed the higher level tasks for a significant period, normally at least six months. If neither of these situations exist, the employee may be transferred, demoted, laid off or compete for the reallocated position as specified elsewhere in these rules.

3030 Job Analyses

Job analyses are conducted as an aid in meeting the County's Affirmative Action objectives. Analyses are undertaken as specified by the Director to provide a basis for the development of more valid selection processes and to restructure job classifications to eliminate employment barriers if such exist.

3040 Classification Records

The Director will maintain a file of specifications for each class in the classified service. Additionally, the Director is responsible for maintaining a schematic and alphabetical listing of all classes.

	COUNTY OF KINGS California PERSONNEL RULES	Chapter 4 Selection Process Effective Date: 12/20/1988 Last Revision Date: 11/20/2001 [add §4058]
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CHAPTER 4 SELECTION PROCESS

The merit structure used in filling County vacancies is founded on active recruitment to attract the best individuals possible for employment consideration. This process consists of searching out persons presently or potentially in the job market and making the attributes of County employment known to them. Where a competitive labor market does not exist, provisions of the rules permitting suspension of competition may be used; and when a position is promotional in nature, the recruitment and selection process may be limited to County or Departmental employees only. The kind of recruitment undertaken depends upon the kinds of problems encountered and is structured to take into consideration the needs of the department, the County and the community.

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

4010 Recruitment and Examination Basis - Employment Lists

The Director has the responsibility for developing and disseminating recruiting publicity. Examinations are opened on either a Departmental Promotional, General Promotional or Open basis and recruitments conducted on a Regular, Continuous or Limited basis as explained below. Announcements include information regarding the job to be filled, the examination, minimum qualifications, relative test weights and filing dates, if any.

4011 Recruitment Basis and Filing Conditions

Examinations are normally opened for a specified period of time shown on the announcement. Announcements are posted in the Personnel Office for the duration of the filing period. Applications cannot be accepted outside the established period. Filing periods will be designated as described below:

4011.1 Regular Recruitment

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

4011.2 Continuous Recruitment

When staffing needs are frequent or continuing or there is a labor market scarcity, the Director may announce examinations with no final filing date and conduct recruitment of sufficient duration to assure that the County's needs are met.

4011.3 Limited Recruitment

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

4012 Types of Recruitment - Employment Lists

The type of recruitment to be conducted for a given job classification is dependent upon the location and level of the vacancy. The Personnel Department determines after consultation with the department involved, where appropriate, which type of recruitment will be conducted and employment lists created, based on the guidelines described below:

4012.1 Departmental Promotional Recruitment-Employment Lists

This type of recruitment may be conducted to fill promotional vacancies above the working or experienced level in a class series which exists in only one department. The applicant group is limited to employees in the classified service who are employed by the department requesting to fill a vacancy and who meet the minimum qualifications specified on the announcement.

The Department Promotional employment list resulting from the examination is a list in rank order of final scores. Such list is established for a duration of six months provided that the Director may designate a longer duration up to one year.

4012.2 General Promotional Recruitment - Employment Lists

This type of recruitment may be conducted to fill promotional vacancies above the working or experienced level in a class series. The applicant group is limited to employees in the classified service who meet the minimum qualifications specified on the announcement.

The Promotional employment list resulting from the examination is a list of rank order of final scores. Promotional employment lists are established for a duration of six months. They may be extended for a like period.

4012.3 Open Recruitment - Employment Lists

This type of recruitment is normally conducted to fill vacancies which are either entry level in nature or not a normal progression in a series. A department head may request that any recruitment be conducted on an open basis.

The applicant group is limited to persons who possess the minimum qualifications specified on the announcement.

The open employment list resulting from the examination is a list in rank order of final scores composed of persons both in and out of the County service. Such list is established for a duration of six months and may be extended for a period not to exceed eighteen months.

4013 Other Types of Employment Lists - Duration

4013.1 Layoff Employment List

Layoff lists include the names of employees who have been laid off from County employment or who have demoted to a lower class as a result of a layoff procedure. An individual's layoff eligibility extends for a period of two years from the date of layoff. Names are placed on such lists in inverse order of layoff.

4013.11 General Layoff Lists

Includes the names of the individual laid off from departments other than the department requesting certification.

4013.12 Departmental Layoff List

Includes the names of individuals laid off from the department requesting certification.

4013.2 Transfer Employment List

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

4013.3 Reinstatement Employment List

A list composed of persons who have either: 1) Asked for and accepted voluntary demotion from a permanent position; or 2) Separated from County service in good standing from a position in which he/she held permanent status in the classified service. Individuals must petition for reinstatement privileges within two years from date of demotion or separation. When considering such petitions, the Director seeks the recommendation of the appropriate department head. An individual may remain on such list for a period of one year from the date on which the Director approves the petition. No extension of this period shall be permitted.

4014 Applications for Employment or Promotion

Each individual interested in County employment or promotion must file an official application with the Personnel Department. Once submitted, applications become the property of the County.

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

4015 Selective Recruitment

The Director may, within a job classification, when a specific position's duties require a unique or specialized background, restrict recruitment or selection processes to those individuals possessing the specialized background.

4020 Integrating Names on Employment Lists Resulting from Continuous Recruitments

Names resulting from continuous recruitment examinations will be integrated with names, if any, already on the employment list in final score order. If an individual retakes an examination administered as a result of a continuous recruitment and passes, the new score will replace the previous one and the individual's eligibility on the list will be appropriately extended. If the individual fails the new examination, he/she will be permitted to retain his/her position on the list which resulted from the previous examination. Persons whose names appear on integrated lists, shall retain their eligibility until the date the original list on which they appeared would have expired unless they have retaken the examination.

4030 Employment Lists - Confidential

Employment lists are confidential; the relative position of individuals on a list or their scores shall be made available only to the individual.

4040 Examinations

The Director is responsible for the structure, development, scheduling, administration and scoring of all examinations.

4041 Examination Content

Examinations will consist of a test or tests which appropriately measure candidates relative abilities to do the job. Tests may consist of written, oral, screening, performance, physical tests, background investigations, education and/or experience. Evaluations or a combination of these or any other processes which will impartially measure the qualifications of the candidates.

4042 Relative Weights of Tests

The relative weights of the tests, each to the other, will be determined in advance of the test and indicated on the examination announcement.

Specific parts of an examination may be designated qualifying and have no percentage value.

4043 Examination Scoring and Review

4043.1 Qualifying Score

Unless otherwise stated on the job announcement, a minimum of 70% is required to pass each part of an examination.

4043.2 Final Score

In examinations composed of more than one part, a candidate's final score shall be the total of the weighted percentage scores for the various parts of the examinations.

4043.3 Scoring of Written Examination

Candidates who compete in a written examination shall be assigned an identification number which shall be used in lieu of their names on answer sheets. Written examinations shall be scored and the cut-off point established before candidates' names are revealed to the person scoring the examinations.

4043.4 Notice of Examination Results

The Director shall notify each candidate of his/her examination results.

4043.5 Review of Written Examination Material

Written examination materials which are either not standardized or not used on a continuing basis by the County may be reviewed in the Personnel Office by candidates who have participated in an examination.

Candidates wishing to appeal any item or portion of the written test must submit written documentation supporting the appeal within five (5) working days from the notice of exam results is mailed. For a period of the five working days next succeeding the date that the notice of examination results is mailed, the candidate may review the keyed examination booklet and his/her answer sheet in the Personnel Office.

4043.6 Review of Oral Examination

Individual ratings of candidates by oral board members shall not be available for review by candidates. Appeals from oral board ratings may be made only on the basis of irregularity, bias, fraud or discrimination. Such appeals shall be in writing and made within five (5) working days of the interviews.

4044 Time Restrictions for Re-Examination

Candidates who have failed an examination for initial or promotional employment shall not be permitted to take such examination again within a period of thirty days.

4050 Certification and Appointment

Certification is the process of submitting the names of persons on the appropriate employment lists to fill vacant positions. Certification is made to specific departments in accordance with the provisions of these rules.

4051 Certification Request Required to Fill Vacancies

When a position is vacant, or will become vacant, the department should initiate a written request to the Personnel Department. Before proceeding the Director may consult with the County Administrative Officer as to the need for the position. If a decision is reached that the position is not needed, the County Administrative Officer shall recommend the position's deletion to the Board of Supervisors. If it is determined that the vacancy should be filled, the following steps should be taken:

If an employment list exists, the Personnel Department will refer the names of the appropriate number of persons to the department based on certification levels explained below. If an employment list does not exist, the Personnel Department will proceed to develop one as soon as possible.

Names will be certified from the eligible list to the department in alphabetical order without indication of score or rank.

Upon receipt of the certification, the department will: Interview each person, make a selection as soon as possible, and notify the Personnel Department immediately. The department is also responsible to notify persons not selected as a matter of courtesy and good public relations.

4052 Number of Eligibles to be Certified to Permanent Positions

4052.1 To a One-Position Vacancy

Five names constitute a basic certification.

An exception to the certification of five eligibles exists when there is a departmental layoff list, in which case only the eligible highest ranking on the layoff list will be certified.

4052.2 To Multiple Vacancies

Four names in addition to the number of vacancies constitutes a basic certification.

4052.3 Incomplete Certification

If there are less than five eligibles available on an employment list, the Personnel Department will make a certification in response to the department's request. The department may, at its discretion, make an appointment from those certified or request additional eligibles to provide complete certification.

4052.4 Resolving Ties

When the score for the last certifiable name on an eligible list is the same score as one or more eligibles following, all names having that same score shall be certified.

4053 Order of Precedence in Making a Certification

The order of precedence in certification is as follows:

If a given level does not provide sufficient eligibles to complete a certification, additional names may be added from lower levels until the appropriate number have been included on the certification, except in the case of a layoff list (general or departmental).

Level 1 - Departmental Layoff Eligibles

When a departmental layoff list exists for the classification, the eligible last laid off is certified. This is the only eligible included in the certification and the department head must appoint the eligible to the vacant position.

Level 2 - General Layoff Eligibles

The eligibles laid off from a department other than that requesting certification in seniority order.

Level 3 - Departmental Promotional Eligibles

The eligibles on the promotional list from the department having the vacancy, in final score order.

Level 4 - General Promotional Eligibles

The eligibles on the promotional list from departments other than that requesting certification, in final score order.

Level 5 - Open List

Eligibles on this list will be certified in final score order.

4053.1 Names of eligibles from transfer or reinstatement employment lists will be sent to departments in addition to promotional and open lists upon request of the department.

4054 **Certification From List Designated Comparable**

The Personnel Department may certify persons to a class other than that for which they have qualified by examination when: there are insufficient names on the list to provide a complete certification for the classification requested, and the comparable list is for a class having similar duties and responsibilities.

4055 **Objection to Persons Certified**

If an appointing authority wishes the name of a person who has been certified removed, specific reasons in writing should be submitted to the Director who may either remove or continue the name on the certification. If the name is removed, the Director will notify the individual immediately specifying why and indicating the appeal procedure.

4056 **Filling Extra-Help Positions**

The same certification procedures outlined to fill permanent positions are normally used in filling extra-help vacancies. When no employment list exists, or because of unusual circumstances or the immediate need to fill a position, the Personnel Department refers qualified persons from whatever sources it deems appropriate. Those referred must meet the minimum qualifications for the classification of position to be filled.

4057 **Selective Certification**

At the request of the appointing authority, the Director may certify only females, males or individuals with other special qualifications to fill a specific vacancy.

In deciding upon this type of request, the Director will take into consideration: the needs of the department; legal implications; job relatedness; and appropriate Affirmative Action guidelines.

4058 **Veterans' Preference**

4058.1 For the purposes of this section, a veteran is one who has served on active duty in the United States armed forces for a period of at least 91 continuous days and who has received an honorable discharge from active duty. The definition of the term "veteran" as used in this rule shall not include reserve or other inactive service.

- 4058.2** Applicants who receive a final passing score on an open recruitment and who are veterans, shall be eligible to receive an additional 5% of the earned score which will be added to their final examination score for certification purposes. The passing score of a veteran shall be annotated to indicate that the veteran's score shall be regarded as 5% higher only for the purposes of determining the rank along with which the veteran's name shall be certified. No score shall actually be changed and no new ranking created as a result of the application of veteran's preference for certification purposes.
- 4058.3** To claim veteran's preference an applicant must apply in the space provided on the application form and submit a certified copy of their most recent form, DD214, or equivalent document acceptable to Human Resources, as evidence of military service to the Human Resources Division on or before the final filing date for the recruitment. Veteran's preference must be established separately for each recruitment. Failure to request veteran's preference on the application or to submit the required credentials (DD-214) prior to the final filing date for the recruitment will be deemed a waiver of veteran's preference.
- 4058.4** Veterans who are in the process of separation from military service may file a written statement showing the anticipated date of discharge and certifying that the discharge is for honorable reasons. Such statement must be filed no later than the final filing date for the recruitment. A veteran in the process of being discharged shall be entitled to veteran's preference pursuant to this rule only if a certified copy of Form DD214 or other satisfactory proof of discharge is filed with the Human Resources Division prior to the date of certification for appointment. Until such proof is filed, the veteran's position on the eligible list for certification purposes shall be determined on the basis of the veteran's score on the examination without the veteran's preference.
- 4058.5** Military veterans shall be given preference in initial appointment to County service, in accordance with this rule. To receive veteran's preference, the veteran must meet the minimum qualifications established for entrance to the examination, and must attain a passing score in each phase of the examination. Veteran's preference is allowed only on initial entrance into County service. The exercise of said veterans preference shall be exhausted upon appointment to a regular position from an eligible list. The application of veteran's preference on any other recruitment shall be cancelled.

4060 Suspension of Competition

In the event of the creation of a new position or in the case of a vacancy in any position meeting the criteria specified below, competitive examination may be suspended by the Director. No such suspension will be general in its application. All cases of suspension shall be reported, together with reasons therefore, to the Board of Supervisors at the next regular meeting subsequent to the suspension. The Director may only suspend competition when requested to do so by appropriate appointing authority and when one or more of the following criteria apply:

- 1) The vacancy to be filled requires peculiar and exceptional qualifications of a scientific or expert character and there is evidence that labor market conditions will not permit recruitment of sufficient applicants to create a competitive process. Most frequently, this criteria would apply in instances requiring either a State license, certificate, or professional registration or a master's degree.
- 2) The suspension would permit promotion in an instance where the total number of positions as between two or more classes in a series within a given department are equal. This promotion to a higher class in the series does not either create or fill a vacancy but simply permits upgrading of an employee who has attained the minimum qualification for the higher class.
- 3) The suspension would permit promotion of an individual whose position's duties and functions have been expanded by specific authority of the Board of Supervisors or County Administrative Officer so that a new and higher classification is required necessitating the elimination of the classification presently occupied by the individual to be promoted.
- 4) The suspension is being requested to fill a position which is assistant department head level in nature.

4070 Removal of Names From Employment Lists

4071 Upon Probationary Appointment to Permanent Position

When an eligible is selected for probationary appointment to a permanent position, his/her name is removed from the employment list.

4072 Upon Appointment to an Extra-Help Position

When an eligible is appointed to an extra-help position, his/her name remains on the employment list for certification to permanent positions if an interest in permanent certification has been indicated in writing. When offering an extra-help position to an eligible, an appointing authority may require as a condition of employment that the eligible waive in writing certification to permanent positions in other departments for the total period of anticipated extra-help usage or a reasonable portion thereof.

4073 General Requirements - For Employment

The Director, with the concurrence where applicable of a County official qualified to render a professional opinion relative to the item in question may, reject an application of, refuse to certify, remove from the employment list, or recommend termination during probation, anyone who does not meet the general requirements for County employment.

Those persons who may be rejected include anyone who either does not meet minimum qualifications, medical standards, has been dismissed for cause from public or private employment, or whose personal conduct has demonstrated a lack of fitness for County employment.

4074 Other Bases for Name Removal

The name of an eligible may be removed from an employment list by the Director:

- 4074.1** For any of the causes set forth in these rules as basis for disqualification of application.
- 4074.2** For evidence that the eligible cannot be located by the postal authority or if an eligible does not respond to certification notifications or other correspondence related to availability.
- 4074.3** On receipt of a statement from the eligible declining appointment and stating that he/she no longer desires consideration for County positions.
- 4074.4** If three offers of probationary appointment have been declined by the eligible.
- 4074.5** If the eligible has accepted appointment to an extra- help or permanent position and subsequently either refuses the appointment or does not appear for duty on the effective date of appointment.
- 4074.6** If appointed to a higher level classification in the County service.

4075 Notice of Removal

The reasons therefore shall be mailed to the eligible at the last known address with notice of appeals rights.

4076 Restoration to Employment List

Any person whose name has been removed from an employment list shall receive consideration for restoration of his/her name to a list by submitting a request in writing to the Director specifying reasons which he/she feels substantiates that request. Restoration may be requested only during the original period of eligibility or extension.

Any eligible filling a leave of absence position and terminated from the position by the person on leave prior to attaining permanent status and prior to expiration of that list will have his/her name restored in the same relative position by requesting such restoration in writing to the Director.

	COUNTY OF KINGS California PERSONNEL RULES	Chapter 5 Probationary Periods Effective Date: 12/20/1988 Last Revision Date: N/A
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CHAPTER 5 PROBATIONARY PERIODS

A formal required probationary period applies only to incumbents of positions in the classified service. It is the final phase of the selection process. Occupants of positions in the unclassified service may serve a probationary period at the option of the appointing authority. The probationary period provides a basis for the employing department to observe new personnel and those who have been promoted to determine whether they are likely to succeed in the job classification. Conversely, probationary periods also provide employees an opportunity to evaluate their interest and capabilities related to specific job classifications.

5010 Nature and Duration

Individuals entering or promoting within the classified service as a result of either the examining process, department head certification or suspension of competition serve a six month (1040 hours) probationary period except as specified below.

5011 Employment From Extra-Help Class

Persons who are working on a extra-help appointment when elected to fill a permanent position in the same job classification in the same department shall be given credit toward completion of their six month (1040 hours) probationary period up to a maximum of three months (520 hours). Those who have worked less than three months (520 hours) shall have their probationary beginning date back dated to the date on which their current extra-help appointment began. Vacation, salary step increases, and sick leave accruals shall be treated as specified elsewhere in these rules, the Salary Resolution or County Ordinance Code.

5012 Re-Employment

Persons selected from departmental layoff lists and from reinstatement lists shall resume the status they had at the time of separation.

5013 One-Year Probationary Period

A department head may request in writing of the Director that a one-year (2080 hours) probationary period be established for specific classifications within the department. Such requests will only be granted where the classes to be included are both specialized or technical in nature and are intended for use only in a single department. This section shall be restricted to use for classes normally considered to be at the entrance level. The appointing authority may not grant permanent status to an employee on a one-year (2080 hours) probationary period prior to its normal termination date. No class shall have a standard probationary period in excess of a one year (2080 hours) probationary period.

5020 Responsibilities of Department Heads

It is the department head's responsibility to assess the probationer's performance and other pertinent factors. Based on such assessment, the department head shall determine, prior to the end of the probationary period, which of the following actions will be taken with respect to a given employee.

5020.1 In the event a department head makes no determination prior to the end of the probationary period as to which action will be taken with respect to a given probationary employee, permanent status will be automatically granted.

5021 **Granting Permanent Status**

When a department head finds an employee's service satisfactory for the job classification, permanent status is granted to the employee at the conclusion of the probationary period. Permanent status can be granted only at the end of the of the six month (1040 hours) probationary period, or any extension thereof.

5023 **Rejection During Probationary Period**

When, during an original or extended probationary period, a department head determines that the services of an employee are unsatisfactory for the classification the department head shall immediately reject the employee. Probationary rejections are reported on the form specified by the Director. Advance notice will be given a rejected employee if possible.

5023.1 **Return to Position of Permanency**

If an employee is either rejected or laid off during probation, and if his/her appointment to the probationary period has been from a position in a lower classification in which he/she had permanent status, the employee has the right to return to that position.

5023.2 **Appeal to Rejection during Probationary Period**

Rejection during probationary period is not appealable except when an employee alleges, and substantiates in writing discrimination based on sex, age, race, religion, handicap, color or nation origin. Chapter 14 of these rules governs procedures for such appeals.

5024 **Extension of Probationary Period**

The County Administrative Officer may authorize extension of the probationary period for an additional period of up to six months (1040 hours). Such authorization time is required to assess an employee's performance, and where such action is determined to be in the best interest of the County.

In making this determination the County Administrative Officer shall take into consideration the recommendation of the Director and appropriate department head involved.

5024.1 **Leave of Absence during Probationary Period**

Leave during a probationary period will automatically extend the probationary period by a like amount of time as that taken off.



COUNTY OF KINGS
California
PERSONNEL RULES

Chapter 6
Career Development

Effective Date: 12/20/1988
Last Revision Date: 11/24/2015;
11/07/2023

CHAPTER 6
CAREER DEVELOPMENT

The Director and department heads where appropriate, are responsible for developing and administering training programs. Objectives include training for all levels of personnel within the organizational structure, with emphasis on upgrading management, supervisory and employee skills.

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

6010 Training Program Structures

6011 Educational Reimbursement Program

6011.1 Purpose

It is the intent of the Kings County Board of Supervisors to encourage and support education programs which provide permanent employees the opportunity for personal career development and advancement which directly benefits the County service by increasing the technical and managerial competency of its regular staff.

6011.2 Program Benefits

The County offers limited education reimbursement to eligible employees of the County of Kings for costs directly related to the employee's present position or for a promotion within the employee's present class series, or another position within the County. Reimbursements are made after satisfactory course completion.

The maximum reimbursement per fiscal year shall be \$500 for units completed at any accredited community college, or \$1,500 for units completed at any accredited four-year college toward a bachelor's, master's, or other higher degree. The \$1,500 reimbursement may apply toward units at a community college only when the employee can demonstrate at least 60 semester units have already been earned and the current course of study is toward completion of a bachelor's degree. Reimbursement for the cost of the California State Bar exam is available if proof is provided of passing the California Bar exam. If an employee attends the Peace Officer Standards Training (POST) Academy training at their own expense, the \$1,000 limit will apply for

the units earned. Reimbursement does not apply to degree programs below current education levels.

Fire employees who attend Fire Officer training (for Fire Officer and Chief Officer classes) from institutions other than accredited community or four-year colleges, may be reimbursed for courses in the amount of \$500 per fiscal year from any certified Office of the State Fire Marshal (OSFM) or National Wildfire Coordinating Group (NWCG) course.

Fire employees who attend courses at other than accredited community colleges or four-year colleges must obtain written approval from the Fire Chief prior to enrolling in courses/classes.

Time spent on approved educational courses shall be outside of scheduled working hours and not considered as time worked for the County.

6011.3 Eligibility

A. Employee Eligibility

To qualify for educational reimbursement, the employee must be in an allocated position with the County (not extra help). Employees who work less than full-time but at least half-time (1040 hours) per fiscal year, are eligible for reimbursement in proportion of time worked to full-time employment (2080 hours) at the pro-rated amount. Employees who work 1039 hours or less per fiscal year are not eligible for the program. Employees with less than standard performance evaluations are not eligible for program participation.

An employee must disclose all tuition or financial assistance (other than student loans), payments, or reimbursement from other sources. An employee shall receive the difference between the reimbursable cost and the amount received from other sources. Any employee found to have intentionally provided false information or received monies for expenses that were not paid for by employee (*e.g.*, Pell Grant, scholarship, etc.), will be required to reimburse the County and may be disqualified from future use of education reimbursement funding.

B. Course Eligibility

Reimbursement under the program is restricted to courses of study directly related to the employee's present position or for a promotion within the employee's present class series or another

position within the County. Required courses for high school diploma, or courses leading to an undergraduate or graduate degree qualify for reimbursement provided that the employee's major course of study is directly related to his or her present position, or leads to a promotion within the employee's current class series, or another position within the County. A minimum grade of "C" in an undergraduate course and a minimum grade of "B" in graduate course work or evidence of satisfactory course completion for non-graded courses is required in order to receive tuition reimbursement for expenses incurred and submitted for reimbursement.

C. Accreditation

Coursework must be completed at an accredited institution whether attended in-person or through an on-line program. Human Resources shall determine whether an institution or on-line program is accredited. One source for validating accreditation is the U.S. Department of Education, Office of Post Secondary Education.

6011.4 Reimbursement Expenditures

The following employee expenditures for educational costs are reimbursable within the limits as provided in this policy:

- a. Registration fees
- b. Resident tuition
- c. Lab/Health fees
- d. Books
- e. Supplies – To claim supplies under the tuition assistance program, employee must provide a syllabus which indicates supplies required. (NOTE: Not eligible are normal education supplies such as paper, pens, pencils, binders, etc.).
- f. Parking fees

In the case that nonresident tuition is charged, the maximum resident tuition eligible for reimbursement shall not exceed that which is normally charged as the California resident tuition. Late registration fees are not reimbursable from the County. Expenses for travel, room accommodations, meals, or other expenses will not be paid by the County.

Education reimbursement for expenses paid by a student loan may be authorized when documentation can be provided itemizing the actual costs incurred for a current course of study that meets program eligibility requirements.

6011.5 Budgetary Limitations

The County's participation in the Educational Reimbursement Program is subject to annual appropriation by the Board of Supervisors. Budgetary appropriations for the program shall be reflected annually.

6011.6 Filing Procedure

A. The employee shall file a completed Education Reimbursement Program application and all supporting documents (outlined in subsection B below) with the County Human Resources Department. All documents must be presented together and submitted no later than four weeks after course completion. Extenuating circumstances preventing the meeting of this deadline must be presented to the Human Resources Director or their designee.

B. The employee must include with the application a copy of the course catalogue description and/or course syllabus or other documentation if books, supplies or other fees are being claimed to Human Resources.

Human Resources shall review the application, the employee's job performance rating, and determine whether the course conforms with the policy and approve or deny the request. Human Resources shall notify the employee and department head of the findings via email. Reimbursement for claimed expenses are not made until the course is completed, all receipts and/or other proper verification documents are submitted, and a final grade or certificate of completion is provided to Human Resources.

C. Employee shall bring or send in receipts for allowable expenditures related to the course. The employee is responsible for keeping copies for their records.

D. Human Resources shall record the information.

Upon course completion, the employee shall forward or bring in the official

CHAPTER 7
Attendance/Holidays/Leaves

Employees of the County are expected to report to their worksite and perform their assigned duties on a sustained, regular and punctual basis. The only exceptions to this requirement shall be those authorized leaves as prescribed in this section and as approved by the employee's supervisor. Leave provisions exist for employees who must, or wish to, absent themselves from work for various reasons.

Employees who are absent from work must be on either: an approved leave, sick leave, vacation or compulsory leave. Other absences are treated as absences without leave and are subject to disciplinary action as explained in Chapter 10 of these rules.

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

All Department Heads, both elective and appointive, shall advise the County Administrative Officer in the event of illness or when they shall be on vacation and who shall act in their behalf during such absence.

7010 Paid Leaves

7011 Vacation

All employees in the classified service and appointive department heads are encouraged to take vacation annually. Each department head shall have the responsibility to approve the vacation schedule in his department. Vacations shall not be granted until the employee has exhausted all compensatory time accrued.

7011.1 Entitlement

All full-time and regular part-time employees in the classified service shall be entitled to vacation credit in accordance with the following schedule of earned hours of service, except as modified by MOU or Resolution. Extra-help employees shall not be entitled to paid vacation.

Hours in Service	Hours Earned Annually (at 2080 fulltime hours)	Vacation Rate (per regular hour worked)
0 - 10,400	96	.046154
10,401 - 31,200	120	.057693
31,201 - Over	160	.076924

7011.2 Vacation Accumulation Limit

Vacation time may be accumulated as earned until the amount of accrued vacation reaches the employee's applicable vacation limit. Except as modified by MOU or Resolution, the vacation accumulation limit is equivalent to twice the maximum amount of vacation that may be accrued in one year by the employee based upon the employee's classification and years in service. Once the vacation accumulation limit has been reached, the employee shall cease to earn additional

vacation until the employee's accumulated vacation falls below the limit established.

7011.3 Vacation Pay-Off

Any person about to resign or about to retire under provisions of the State Employees' Retirement System Act, or who is to be laid off, or any person otherwise entitled to vacation who leaves county employment, shall be granted a lump sum payment for vacation time accrued in lieu of such vacation.

7012 Sick Leave

Sick leave is provided by the County to employees who due to illness or injury are unable to report to work and perform their duties. Sick leave may also be requested by the employee to use in the following circumstances:

- a. Medical, Dental or Optical appointments.
- b. Maternity Leave.
- c. Absence due to death of the family as prescribed in these rules.
- d. Family Illness Leave (for members of immediate family or persons entirely dependent upon the employee, up to the limits specified in M.O.U.).

A sufficient amount of sick leave should be accrued so that employees will not suffer undue economic hardships in the event of a catastrophic or major illness or injury. Misuse of sick leave may be grounds for disciplinary action.

7012.1 Entitlement

All regular full-time and regular part-time employees shall be entitled to point zero four six one five four (.046154) hours of sick leave with pay for each of the actual number of hours of regular employment.

Sick leave shall accrue at all times when the employee is in regular employment.

The accumulation of sick leave shall commence with the first hour of employment. Sick leave shall be available at any time subsequent to the time it is earned.

Extra-help employees shall not accumulate nor be entitled to sick leave except as required by law.

7012.2 Absence Due to Death in Family

Whenever any regular full-time or regular part-time employee is compelled to be absent from duty by death in the employee's immediate family, accumulated sick leave with pay, up to forty (40) regular working hours (Fire Unit - 72 hours) may be granted upon the recommendation of the department and approval of the Director.

Immediate family, for the purposes of this section, is defined as follows:

Children
Parents
Grandchildren
Grandparents
Brothers
Sisters
Spouse

Whether by blood or marriage or adoption.

7012.4 Coordination with Workers' Comp

Except as otherwise provided by law, if an employee is absent due to disability incurred on duty, he/she may utilize accumulated sick leave to compensate for the difference between workers' compensation insurance allowance and full pay.

7012.5 Prohibited Use

No County employee shall be entitled to sick leave when absent from duty for any of the following reasons:

- a. Disability arising from a sickness or injury purposely self inflicted or caused by the employee's willful misconduct.
- b. Sickness or disability while on leave of absence other than the employee's regular vacation or regular paid holidays.

7012.6 Proof of Illness

The department head is charged with the responsibility of administering sick leave within the department, and may choose to verify the reasons for any employee's absence during the time for which sick leave is requested. Such verification may be in the form of a statement from the affected employee's physician containing the following information: date(s) of illness/injury, reason /treatment plan, and signed by the licensed medical professional (M.D., Optometrist, Psychologist, Chiropractor, etc.).

7012.7 Fitness for Duty Exam

An employee who cannot perform his/her duties on a sustained, regular, punctual basis may be required to submit to a fitness-for-duty examination.

7012.8 Repayment

If benefits are payable under this section because of an injury to the employee and such injury is the proximate consequence of the wrongful act of another, and the employee recovers damages for the time lost, he shall not receive sick leave pay under this section for the same time, or having received the same prior to the recovery of damages, he shall repay the county for any amount paid therefore under this section.

7012.9 Records

Each department head shall maintain complete and current records of sick leave and vacation time accumulated and taken by each employee.

7013 Jury Duty

Every employee shall be entitled to leave from his regular county duties without loss of wages, vacation time, sick leave or other employee benefits for the purpose of responding to a regularly summoned jury duty or as a non-party witness, provided he meets all the following conditions:

- a. He notified his department head immediately upon receipt of a summons to appear.
- b. Immediately upon being excused from the summons for jury duty or as a witness, he returns to performance of his duties. Special accommodations may be made for employees on shift work or other unusual work schedules.
- c. He claims and endorses over to his department all compensation, other than mileage allowance, which he received by virtue of his service on jury duty or as a witness.

7014 Examination Leave

All persons in the classified service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations administered during the normal working hours for positions in the classified service of the county. Examinations administered during other than the normal hours of work shall not be compensated for in any manner.

7020 Unpaid Leaves

Leave of absence without pay may be granted to any regular full-time or regular part-time employee for any of the following reasons: circumstances which meet eligibility requirements under the state/federal Family and Medical Leave Acts; pregnancy disability; required military service, to take a course of study or training which will increase an employee's effectiveness in a current or future job assignment; for personal reasons acceptable to the department head whose approval is required.

Vacation and sick leave credit do not accrue during such periods of leave, and the period of such leave shall be omitted in determining anniversary increases.

Upon recommendation of a department head and approval of the County Administrative Officer, leaves of absence as described in Sections 7023 (Education/Training Leave), 7027 (Personal Leave) and 7028 (Personnel Exchange) may be granted for a period or periods not exceeding a total of 520 regular working hours. If good cause is demonstrated, such leave may be extended upon recommendation of the department head and approval by the County Administrative Officer for an additional period not to exceed 520 regular working hours.

7021 Administrative Leave

A leave of absence for a period not to exceed ten working days may be granted to an employee for reasons acceptable to the department head. Successive administrative leaves are not permissible. The department head shall notify the Director of the effective dates of the employee's absence and return.

7022 Compulsory Leave

If a department head has reason to believe that an employee has a physical condition or mental disability that may interfere with the performance of duties or endanger the health, safety or life of fellow employees, such employee may be required to submit to an

examination by a physician designated or approved by the Director, as specified in Chapter 8, Medical Examinations, Section 8070. If the report of the physician shows the employee to be unfit to perform his/her duties, the department head may compel such employee to take sufficient leave of absence to correct the condition sufficiently to enable him/her to perform those duties. However, the employee shall be entitled to use accumulated sick leave and vacation before being placed on compulsory leave without pay.

7023 Education or Training Leave

This type of leave is generally granted when the kind of education or training undertaken is likely to enhance the County's capabilities or provide service to the public. Consequently the training should have as its objective either: an increase in the effectiveness of the employee in a current job assignment; or be designed to enhance the employee's advancement possibilities within the County Service.

7024 Family and Medical Leave

The County will grant eligible employees family and medical leave, either paid or unpaid, for up to 12 work weeks per 12-month period, in accordance with the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Refer to County policy entitled "Family and Medical Leave" for complete information regarding family and medical leave rules and procedures.

7025 Pregnancy Disability Leave

A female employee will be granted leave when she is disabled by pregnancy, childbirth, or a related medical condition for up to four months (or 88 working days) if she is, in the opinion of her own doctor or, on a case-by-case basis, other licensed health care practitioner, unable to perform the essential duties of her job or to perform them without undue risk to herself or others.

At the end of the employee's period of pregnancy disability, or at the end of four months pregnancy disability leave, whichever occurs first, the employee, if eligible, may request to take family and medical leave of up to 12 work weeks for the birth of her child, if the child has been born by this date. The maximum possible combined leave entitlement for both pregnancy disability leave and state/federal family and medical leave is four months plus 12 work weeks. Refer to County policy entitled "Family and Medical Leave" for complete information regarding coordination of pregnancy disability leave and family and medical leave.

While the employee is not required to take leave at any specific time during pregnancy, she may continue to work only so long as the pregnancy does not interfere with her ability to perform the duties of her position.

7026 Military Leave

Military leave is governed by the provisions of the California Military and Veterans Code, unless superseded by a Memorandum of Understanding. The request of an employee who has permanent status for military leave of absence can be honored by the department head only if the employee includes with the request a copy of his/her military orders. This request must be submitted not less than 15 days prior to the effective leave date unless an

emergency arises preventing this. A copy of the leave papers and the appropriate notification documents is submitted to the Director prior to the effective date of leave. The granting of leave and payment therefore are not inseparable matters, but are mandatory under certain specific conditions specified by the Military and Veterans Code.

7027 Personal Leave

Personal leave which does not qualify under Family Care Leave may be granted to an employee when it does not cause inconvenience to the department or the County.

7028 Personnel Exchange

This type of leave may be granted to facilitate personnel exchanges as a part of career development efforts explained in Chapter 6, Career Development.

7030 Unpaid Leave Procedures

Except for compulsory leave, leave requests may only be initiated by an employee. A department head may not require an employee to take a leave other than a compulsory leave and then only in accordance with compulsory leave provisions specified in Section 7022 in Chapter 8, Section 8070.

7031 Leave Requests

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

7032 Unpaid Leave Approval

With the exception of Administrative Leave (Section 7021) and Family Care Leave (Section 7024) which have specific request requirements, each request for an original leave or an extension must be approved by the Director prior to the effective date. When reviewing requests for unpaid leave, the Director will take into consideration their conformance with the provisions set forth above for each type of request and the impact which the leave may have on the employee, department and others who may be required to replace or fill in for the employee while on leave.

7033 Leaves - Early Return and Revocation

When an employee desires to return before the expiration of a leave, the department head may require that a reasonable notice, not in excess of 15 calendar days, be given prior to resuming work. A leave of absence may be revoked by the department head upon evidence that the cause for granting leave was misrepresented or ceased to exist.

7034 Failure to Return at Scheduled Time

Failure to report for duty after a leave of absence has expired or has been revoked may, at the option of the department head, be considered as absent without leave.

7040 Unauthorized Absence

Unauthorized or unapproved absence from work for five consecutive workdays shall constitute constructive resignation from County employment and shall be grounds for separation from County service.

Before separation from service, the employee shall be provided written notice of the pending separation, and the right to seek review by requesting an informal hearing before the County Personnel Director whose decision shall be final and binding. The employee must request such hearing within five working days of receipt of the notice. The hearing shall be limited to an explanation of or justification for the unauthorized absence, the presentation of facts disputing the length or nature of the absence, or presentation of credible information or evidence that the absence was authorized.

Failure to request a hearing within the time limits provided herein shall result in forfeiture of the right to a hearing. In such case, the employee shall be deemed separated from County service as of the last day worked.

7050 Holidays

The days established as holidays are:

- January 1, New Year's Day
- 3rd Monday in January, Martin Luther King, Jr. Day
- 3rd Monday of February, Washington's Birthday
- Last Monday in May, Memorial Day
- July 4, Independence Day
- 1st Monday in September, Labor Day
- November 11, Veteran's Day
- The day designated as Thanksgiving Day
- The day after the day designated as Thanksgiving Day
- The working day before the day observed as Christmas Day, from Noon to 5:00 p.m.
- December 25, Christmas Day
- The working day before the day observed as New Year's Day, from Noon to 5:00 p.m.
- Such other days as the Board of Supervisors by resolution may determine.

7051 Requirement to Work on Holidays

Nothing herein shall prevent the head of any department or institution, which by reason of the nature of the service must remain open on holidays, from requiring employees thereof to work upon any holiday.

7052 Compensation

Any employee who is required to work, by reason of the nature of the service of the department or by reason of a regularly scheduled work week other than Monday through Friday, on a day which is a holiday for employees working a regularly scheduled work week of Monday through Friday, shall be compensated for the holiday in addition to the employee's regular compensation for such day had the day not been a holiday. It is the intent of this section to grant the same holidays or compensation thereof to all employees equally.

7053 Saturday Holidays

When a holiday established by this article falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

7054 Sunday Holidays

When a holiday established by this article falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed.

7055 Part Time Employees

Part-time employees shall be credited with holiday pay in the same ratio that their regular part-time service bears to regular full-time service.

7056 Extra Help

Notwithstanding anything in this article to the contrary, extra help employees shall not be entitled to paid holidays.

7057 Entitlement

An employee must be in paid status either the work day preceding or the work day following a holiday in order to receive holiday pay. An employee who is in unpaid status the work day preceding and following the holiday, shall not receive holiday pay.



COUNTY OF KINGS
California
PERSONNEL RULES

Chapter 8
Medical Examinations

Effective Date: 12/20/1988
Last Revision Date: 06/16/1998

CHAPTER 8
MEDICAL EXAMINATIONS

The medical examination program applies to positions in both the classified and unclassified service. Examinations are administered to identify medical conditions or any related physical or mental restrictions of prospective and current employees in order to assure their placement in work which they can perform competently and safely. In doing so, Kings County endeavors to:

- 1) lessen the probability of injury, illness, or the aggravation of existing conditions; and,
- 2) comply with applicable laws prohibiting discrimination in employment.

8010 Administration

The County's Administrative Office (AO) shall administer the medical examination program.

8020 Medical Standards

Medical evaluations and/or examinations shall be conducted on a post-offer, pre-employment basis for prospective employees. All medical evaluations and/or examinations shall be job-related and shall not disqualify individuals who can safely and competently perform the essential functions of the affected position. The AO, in consultation with the County Health Officer, shall maintain a schedule of job classifications by groups, indicating the medical standards required for each. Classifications may be changed from one group to another group by the AO.

8021 Medical Evaluation

All job classifications, with the exception of elected officials, shall be included in the medical evaluation program. The medical evaluation program consists of completion of a written medical questionnaire which shall be reviewed by a County-designated medical examiner prior to a candidate's placement on the job. The program may include a pre-employment drug screen.

8022 Medical Examination

In addition to the medical evaluation as described in Section 8021, candidates and incumbents in certain job classifications also shall be required to undergo a County-authorized medical examination, which may include a physical examination, laboratory tests, x-rays, hearing and/or eye tests, or any combination of tests determined by the Medical Examiner to be appropriate for a specific classification or group of classifications.

8023 Extra-help Employees and Volunteers

Candidates being considered for extra-help employment or volunteer assignments also may be required to complete the medical evaluation/examination process, including drug screening, prior to placement.

8030 Medical Qualification Report

Following review of the medical evaluation and/or examination, the Medical Examiner shall issue a Medical Qualification Report to the AO. The report shall recommend one of the following:

1. Medically Qualified

A candidate or employee who is found to have no medical condition which would prevent employment in the job class for which he or she is being considered shall be designated “medically qualified.” No follow-up is required beyond the employee’s normal in-service evaluation/examination protocol, if applicable.

2. Referral For Accommodation Evaluation

If a medical condition or disability exists which may affect the candidate’s or employee’s ability to perform the essential functions of the position, the Medical Examiner may recommend further evaluation to determine if reasonable accommodation is available and appropriate.

8031 The evaluation of whether reasonable job accommodation is available and appropriate shall be made by the AO, in consultation with the hiring department, the medical examiner, and the candidate or employee, as appropriate. If, following the evaluation, it is determined by the AO that a candidate for employment will be unable to perform the essential functions of the position the candidate will be designated as “medically disqualified” and the conditional offer of employment will be rescinded. The candidate may appeal the disqualification as set forth in Section 8080.

8032 The Medical Qualification Report shall become a part of the County’s official employment or application records, and shall be confidential in nature. Medical evaluation questionnaires and any medical examination reports or results shall be maintained separate from an employee’s personnel file and shall be treated as confidential medical records.

8040 Job Classification Groups

The AO, in consultation with the County Health Officer and affected departments, shall establish the medical standards for all job classifications, including the elements of the medical evaluation and/or examination, according to the following general criteria:

8041 Group A

Classes demanding the highest degree of physical exertion, fitness and stamina. Generally Group A covers classifications designated for safety membership.

8042 Group B

Classes requiring considerable physical exertion, fitness and stamina, including lifting, climbing, walking, twisting, stooping, squatting, or reaching. Certain Group B classifications (designated as Group B-1) shall also be required to meet certain Group A standards due to unusual or specific job requirements.

8043 Group C

Classes which are generally sedentary in nature requiring moderate to little physical exertion and stamina. These are principally administrative or clerical positions working in an office-type environment.

8050 Medical Examination Process

8051 New Employees

Persons who receive a conditional offer of employment for County positions must successfully complete the medical evaluation and/or examination for the appropriate job classification prior to beginning work. In an emergency or other unusual circumstances, the AO may delay the medical evaluation/examination, but no later than within the first pay period after the date of hire.

8052 Current Employees

Employees moving from a position in one designated group to another in a more physically demanding classification (i.e. from Group C to Group B) must successfully complete the medical evaluation/examination process for the new classification. Notwithstanding Section 8060 (Waiver of Requirements), employees moving into Group A positions must successfully complete a County-administered physical examination prior to beginning work.

8053 Periodic Medical Examinations

Employees in certain classifications may be required to successfully complete additional, periodic, appropriate medical evaluations and/or examinations for purposes of maintaining licensure or certification, or to meet other job related standards. Employees who work in classifications designated as safety (Medical Group A) may be required to successfully complete periodic medical examinations.

8060 Waiver of Requirements

The AO may for good cause waive the requirements for any or all parts of the evaluation and/or examination program when it is found to be impractical or inadvisable for the County to provide for such requirements, such as when the vacancy to be filled requires peculiar and exceptional qualifications of a scientific or specialized nature and is of a short-term duration, or when it is deemed to be in the best interest of the County. (Note exception to waiver in Section 8052.)

8070 Return to Duty Following Separation From County Service

Any employee who has been separated from County service and is subsequently reinstated or rehired, will, as a condition of re-employment, be required to successfully complete a medical evaluation and/or examination if more than one year has elapsed since the date of separation. If less than one year has elapsed since the date of any separation due entirely or in part to a medical condition, the AO may require that the employee successfully complete a medical evaluation and/or examination.

8080 Appeal of Finding Of Medical Disqualification

If it is determined, pursuant to Section 8031, that an individual will be unable to perform the essential functions of the position, the candidate or employee may appeal such determination under the following provisions.

8081 Submission of Written Medical Report

The appeal must be submitted in writing to the AO within ten (10) working days of receipt of the notice of disqualification. A review of the appeal will be conducted based upon the submission by the appellant of a written medical report prepared by his/her licensed physician or other competent medical provider. The competency of the medical provider shall be determined by the County. The cost of any such written medical report and any related expenses shall be the sole responsibility of the appellant.

8082 Review of Medical Report and Determination of Finding

Following a joint review of the medical report by the AO and the Medical Examiner, the AO, in consultation with the affected department, shall determine whether the appellant is qualified or disqualified. The AO's decision shall be final.

8090 Special Compulsory Examinations of Current Employees

In an instance where, in the opinion of the Department Head, it becomes difficult or impossible because of medical reasons or restrictions for an employee to perform assigned duties, the Department Head may request that a compulsory, County-authorized medical examination be administered. Such requests must be submitted by the Department Head in writing to the AO and must set forth the reason(s) for the requested examination. The AO shall review the request and determine whether the requested examination is appropriate.

8091 If the AO determines that a compulsory examination is appropriate, the AO will arrange for the examination. Appropriate expenses associated with the examination will be the responsibility of the County. The AO will review the medical evaluator's report and will determine the status of the employee as medically qualified, referred for accommodation evaluation, or medically disqualified, pursuant to Section 8030.

8092 Immediate Reassignment or Compulsory Leave

In circumstances where an employee presents a real or imminent danger to himself/herself, co-workers, or others, the AO and/or the Department Head may order the employee's immediate reassignment or compulsory leave.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 9 Personnel Records and Reports</p> <p>Effective Date: 12/20/1988 Last Revision Date: N/A</p>
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**CHAPTER 9
PERSONNEL RECORDS AND REPORTS**

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

9010 Personnel Records

9011 Contents

The Director will maintain in the office an official roster and supporting documents containing the names and complete employment records of all employees holding positions in either the classified or unclassified service. The employee roster will set forth: name, department, job classification, salary, a historical record of all information pertinent to the individual employee, and salary paid for services during employment. A Personnel file is also maintained for each classified and unclassified employee. All documents relating to each employee are filed therein. These include, but are not limited to, appointment papers, all personnel transaction forms, medical examinations, safety training, background information records, and disciplinary records.

9012 Security

Personnel records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization by the Director. The Director will take into account, in granting access to these documents, the potential impact access will have on both the employee and the County. Employees may review their own personnel files at times and places specified by the Director. Employees may respond in writing to the contents of their personnel file.

9013 Destruction of Records

Any personnel record may be destroyed as provided by law.

9020 Examination Records

All examination records and related papers are the property of Kings County. They shall be confidential records which may be inspected or copied only under such conditions as may be specified by the Director. Applications of candidates shall be retained for the duration of the employment lists, and shall be available for inspection by appointing authorities to whom the candidates are certified. Applications of those candidates appointed shall be filed in personnel files along with the report of their appointment.

9030 Personnel Action Form

Every appointment, promotion, transfer, demotion, salary change, separation or other information or action required which affect the payroll status of an employee shall be initiated by a personnel action form. The form shall be sent in duplicate to the Director who shall forward a copy to the Auditor for payroll purposes.

9040 Payroll Review

The Auditor shall maintain such records which are necessary for payroll and retirement system purposes. The Director may inspect such records from time to time for the purpose of administering these rules and regulations regarding compensation.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p>Chapter 10 Disciplinary Action, Grievance Procedures</p>
		<p>Effective Date: 12/20/1988 Last Revision Date: N/A</p>

**CHAPTER 10
DISCIPLINARY ACTION, GRIEVANCE PROCEDURES**

This section relates to disciplinary actions against employees having permanent status in the classified service. These provisions are also applicable to employees in the exempt or unclassified service, except that they do not have the right of appeal in the event of suspension, demotion or dismissal. A department head may not adversely affect the status or pay of an employee by any other means or procedures than those provided therein. Severity of the action taken should be appropriate to the cause.

Actions appealable under this Section cannot be grieved under the Grievance Procedure.

10010 Types of Disciplinary Action

10011 Oral Reprimand

A formal discussion with an employee about performance or conduct problems. This action may be summarized with a memorandum to the employee. An oral reprimand is not appealable.

10012 Written Reprimand

A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy filed in his/her personnel file maintained in the Personnel Department. Written reprimands may be either permanent or for a limited period of time.

10013 Disciplinary Suspension

An involuntary absence without pay for a period up to and including thirty (30) working days.

10014 Administrative Salary Reduction

A reduction in pay from the employee's current step within a pay range to any lower step within the same range.

10015 Disciplinary Demotion

Reduction from a position in one class to a position in another class having a lower salary range allocation.

10016 Dismissal

Discharge or removal from the County service.

10020 Prohibited Disciplinary Actions

Other actions with adversely affect an employee's status, such as required voluntary work, or reduction of either vacation or compensatory time, are all prohibited.

10030 Department Head Responsibilities

A department head who has knowledge of an employee's performance conduct or behavior which constitutes grounds for disciplinary action as described in Section 10040 shall take disciplinary action appropriate to the cause.

10040 Causes for Disciplinary Action

10041 Incompetence.

10042 Inefficiency.

10043 Insubordination.

10044 Neglect of duty.

10045 Absence without leave.

10046 Dishonesty.

10047 Fraud in securing employment.

10048 Discourteous treatment of the public or other employees.

10049 Being under the influence of intoxicants while on duty.

10050 Addiction to narcotics or other habit forming drugs.

10051 Conviction of a felony or misdemeanor involving moral turpitude.

10052 Violation of any county code or lawful departmental or county rule, regulation or policy.

10053 Improper political activity.

10054 Conduct unbecoming a public employee or reflecting discredit upon the department or county service.

10055 Persistent failure by an employee to take treatment or corrective measures for a disqualifying physical or mental condition identified in a periodic or special medical examination.

10060 Procedure for Disciplinary Action

All disciplinary actions which may result in a loss of salary by way of suspension, reduction, demotion or dismissal shall be conducted in the manner and in the times as provided therein.

10061 Service of Notice of Proposed Disciplinary Action

In disciplinary actions involving dismissal, suspension or reduction in rank or compensation of a permanent employee in the classified service, the employee shall be notified of the proposed disciplinary action by the department head or designee at least five (5) working days prior to the effective date of the proposed action.

10061.1 Notice of Proposed Disciplinary Action

The department head or designee shall serve upon the employee a notice of proposed disciplinary action. Such notice shall include a statement of the nature of the proposed action and the effective date; the reasons for the proposed action; a statement informing the employee of his/her right to review the materials being used; a statement advising the employee of his/her right to respond to the charges orally or in writing prior to the effective date of the proposed action; a statement that the employee may, but need not, be represented by counsel at any and all stages of disciplinary proceedings; a statement advising the employee of their right to request a hearing before the Personnel Appeals Board within five (5) working days of the notice of proposed disciplinary action and that failure to file such request within five (5) working days shall forfeit the employee's right to a hearing.

10062 Skelly Procedures

The department head or designee shall review the employee's oral and/or written response, if any, and make a determination whether to sustain or rescind the proposed action or to modify the charges and/or the discipline imposed. Written notice of the department's decision to sustain, rescind or modify the action shall be sent to the employee.

10063 Immediate Disciplinary Actions

Disciplinary action may be taken when, in the opinion of the department head or designee, the employee's continued presence at the worksite could have detrimental consequences.

10064 Records of Disciplinary Actions

A copy of all written disciplinary actions shall be provided to the employee and filed in the employee's personnel file. An employee shall have the right to reply to such actions in writing within ten (10) working days and such answer shall be filed in the employee's personnel file. Employees shall have access to their personnel files.

10070 Appeal of Disciplinary Actions

Employees who wish to appeal the department head's decision to impose disciplinary action(s) may request a hearing before the Personnel Appeals Board (see Chapter 1). Such request must be filed within five (5) working days of the notification of proposed action (accusation) or the employee forfeits his/her right to a hearing. The hearing shall be scheduled with the Personnel Appeals Board within thirty (30) working days from the filing of the appeal unless extended for good cause.

10200 Grievance Procedure

This section deals with the County's grievance procedures and methods are hereby established to assure systematic consideration of an individual employee's grievance in the interest of obtaining a fair and equitable solution.

10201 Purpose

A mutual obligation exists between administrative, supervisory and non-supervisory employees of the County of Kings to provide efficient and continuous services to the public. Employees morale is an important factor in maintaining a high level of public service and the administration has a responsibility to provide an orderly and expeditious method for resolving problems which may arise from working relationships and conditions.

10210 Explanation of Rules

- 10210.1** Except where a remedy is otherwise provided for by State Law, the County Ordinance Code or these rules, any employee shall have the right to present a grievance arising from his/her employment in accordance with the provisions of this procedure.
- 10210.2** All parties so involved must act in good faith and strive for objectivity, while endeavoring to reach a solution at the earliest possible step of the procedure. The aggrieved employee shall have the assurance that the filing of a grievance will not result in reprisal of any nature.
- 10210.3** The aggrieved employee shall have the right to be represented or accompanied by a person of his/her choice if the complaint is not resolved at the informal level as provided for in step one of the grievance procedure. This representation may commence when the grievance is presented in writing to the immediate supervisor, as provided in step two of the grievance procedure.
- 10210.4** The processing of a grievance shall be considered as County Business, and the employee and his/her representative shall have reasonable time and facilities allocated. The use of County time for this purpose shall not be excessive, nor shall this privilege be abused.
- 10210.5** Certain time limits in the grievance procedure are designed to quickly settle a grievance. It is realized, however, that on occasions the parties concerned may be unable to comply with the established limitations. In such instances, the limitations may be extended upon the mutual agreement of all parties concerned.
- 10210.6** Failure of the aggrieved employee to file an appeal within the prescribed time limit for any step of the procedure shall constitute abandonment of the grievance. County management personnel involved shall abide by prescribed time limits.

10210.7 Any person responsible for conducting any conference, meeting, or hearing under the formal grievance procedure shall give due and timely notice to all persons concerned.

10210.8 When two or more employees of the same department experience a common grievance, they may initiate a single grievance proceeding. The initial hearing of the grievance shall be by the immediate supervisor, superior or department head who has the prime responsibility for all of the aggrieved employees. In any event the County retains the right to consider separate grievances together if they concern the same or similar problems.

10210.9 The parties may mutually agree to waive any step of the grievance procedure.

10220 **Definitions.**

These definitions are related to the Grievance Procedure only and shall be superseded in all other cases by the Definitions Section of these rules.

10220.1 Employee - An individual occupying a position allocated by the Board of Supervisors as a part of the regular staffing of the department.

10220.2 Immediate Supervisor - The individual who assigns, reviews or directs the work of an employee.

10220.3 Superior - The individual to whom an immediate supervisor reports.

10220.4 Representative - The person selected by the employee to appear along with him/her on the presentation of his/her grievance.

10220.5 Department Head - The administrative head of the department involved.

10220.6 Grievance - A complaint of an employee relating to any phase of his/her employment or working conditions except matters that are within the exclusive field of management functions. This shall include, but not be limited to, a disagreement involving the work situation in which an individual employee believes that an injustice has been done because of:

220.61 A deviation from a policy, or

200.62 The misinterpretation of a policy, or

200.63 The misinterpretation or misapplication of a Statute, Ordinance or Resolution of the Board of Supervisors relating to the employment of the individual.

10240 Procedural Steps

10240.1 Step 1 - When an employee has a grievable matter, he/she should discuss the matter informally with the immediate supervisor. Initial discussion should be sought by the employee not later than five (5) working days after the alleged grievance occurred or after the employee should reasonably have been aware of the incident causing the grievance. The following provisions relating to formal grievance procedure do not restrict the employee and supervisor from seeking advice and counsel from superiors and department heads when:

10240.11 Mutually consented to by employee and supervisor.

10240.12 It appears that settlement can be reached at this informal level.

10240.2 Step 2 - If, within five working days, a mutually acceptable solution has not been reached at the informal level, the employee shall submit the grievance in writing to the immediate supervisor's superior. At this point, the grievance hearing process becomes formal and the employee may choose to be accompanied by a representative of his/her choice. After formal hearing the supervisor's superior will render a written decision within five working days.

10240.3 Step 3 - If the written decision of the superior is unsatisfactory to the employee, the employee may request the grievance be presented to the department head for review. This request must be made within five working days of the receipt of the written decision. The department head will hear the grievance and give a written decision within five working days of the receipt of the formal grievance papers.

10240.4 Step 4 - If the employee is dissatisfied with the decision of the department head, he/she may, within five (5) working days of the receipt of that decision, request that the grievance be presented to the Personnel Appeals Board for review (see Chapter 1). A hearing shall be scheduled within thirty (30) working days from the filing of the appeal unless extended for good cause.

10250 Grievances Confidential

All grievances shall be treated as confidential and no publicity will be given until the final resolution of the grievance.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 11 Promotion, Transfer and Demotion</p> <p>Effective Date: 12/20/1988 Last Revision Date: N/A</p>
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**CHAPTER 11
PROMOTION, TRANSFER AND DEMOTION**

These rules deal with the requirements for promotion, transfer and demotion of incumbents of positions in the classified service and the promotion of individuals into positions in the unclassified service.

11010 Promotion

This section provides for career advancement either within a classification series or into other series based on merit and/or demonstrated abilities.

11011 Definition

Advancement of an employee to a class allocated to a higher salary range.

11012 Classified Service

11012.1 Definition

Promotions to positions in the classified service are accomplished by either certification from an employment list, department head certification from trainee to experienced level class, or suspension of competition.

11012.2 Promotional Employee-Waiver of Education Qualifications

If, after employment in a classification series, the minimum education requirements for higher positions in the series are changed to become more restrictive prohibiting the employee from advancement from lack of educational background, the employee may petition the Director for waiver of said qualifications providing he/she meets the other minimum qualifications.

11012.3 Promotion from Trainee to Experienced Level Class -Department Head Certification

Promotion from a trainee class to a position at the experienced level in a series, or where a single position is flexibly allocated at multiple levels, is made at the option of the department head for positions within the department.

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

11013 Unclassified Service

Promotion to a position in the unclassified service requires that the person interested meet the established minimum qualifications for the class. Such promotions can only become effective upon approval by the Director.

11020 Transfer

This section permits employees to move laterally either within or between classification series. Transfer may be made for a variety of reasons including the desire to change to a series which might offer better career advancement opportunities, or because of personal reasons.

11021 Definition

Assignment of an employee to another position (a) in the same class in another department, (b) in a different class which has the same salary range in the same or another department, (c) in a different class which has a different salary range, in the same or another department when in the judgment of the Director both classes are equivalent with respect to duties and responsibilities. In (c) above, the salary range of the class that the employee transfers into cannot exceed his/her old salary range by more than five (5) percent.

11022 Requirements for Transfer

11022.1 From One Class to Another

An employee, upon request, and with the approval of the department head(s), may be transferred from a position in one class to that in another class provided there is satisfactory evidence of the employee's ability and fitness to perform in the new class. This type of transfer is effective only with the approval of the Director.

Employees who transfer from one class to another shall begin a new probationary period. If unsuccessful in the new probationary period and the transfer was from a position in which the employee had permanent status, he/she has the right to return to that position. The employee must sign a statement indicating an understanding that a new probationary period is a condition of the transfer prior to the effective date of the transfer.

11022.2 From One Department to Another

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

Employees who transfer from one department to another shall begin a new probationary period. If unsuccessful in the new probationary period, and the transfer was from a position in which the employee had permanent status, he/she has the right to return to that position. The employee must sign a statement indicating an understanding that a new probationary period is a condition of transfer prior to the effective date of the transfer.

11022.3 Reassignment

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

11023 Transfer of Functions

Whenever the functions of a department will transfer to another department, employees performing such functions will also be transferred. Such employees retain the same status and seniority in the new department as they enjoyed in the department from which transferred. Should such transfer of functions result in lay off or reclassification action, the chapters governing lay off and reclassifications shall apply in determining the status of such employees. If lay off or reclassification action is required, the department head(s) must notify the Director a minimum of 45 days in advance of the proposed effective date. This written notice will set forth all the specifics of the transfer.

11030 Voluntary Demotion

This section permits employees to move downward either within or between classification series. Demotions may be made for a variety of reasons including the desire to change to a series which might offer better career advancement opportunities or because of personal reasons.

11031 Definition

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

11031.1 Requirements for Demotion

Any employee may demote to a vacant position in another class for which he/she possesses the ability and fitness. The request for demotion must include the employee's reasons and his/her signature, and approval of the employee's department head and the Director.

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

11031.2 Reinstatement Privileges

An employee who is voluntarily demoted may request reinstatement privileges as explained in Chapter 4, Selection Processes, Section 4013.3.

11031.3 Displacing to a Lower Class

Displacing in a lower class is explained in Chapter 12, Separations, Section 12048.1.

	<p>COUNTY OF KINGS California PERSONNEL RULES</p>	<p style="text-align: right;">Chapter 12 Separations</p> <p>Effective Date: 12/20/1988 Last Revision Date: N/A</p>
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CHAPTER 12 SEPARATIONS

Sections of this rule referring to resignation apply equally to persons in the classified and unclassified service. Remaining sections which treat layoff, dismissal and rejection during probation primarily apply to incumbents of the classified service, but may, at the option of the department head, apply also to persons in the unclassified service.

12010 Resignation

An employee wishing to leave County service in good standing must provide the department head with a written resignation a minimum of two weeks in advance of the separation date. When a department head is in agreement, less than two weeks notice of separation may be accepted. The department head forwards an employee's resignation to the Personnel Department immediately.

12020 Rejection During Probation

An employee rejected during probation will be informed and the processing occur as described in Chapter 5 - Probationary Periods.

12030 Dismissal

An employee who is dismissed during probation will be informed and the processing occurs as described in Chapter 10 - Disciplinary Actions.

12040 Layoff

Layoff is termination of an employee in a class without prejudice and without fault on the employee's part because of changes of duty or organization, or return of another employee from leave of absence.

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

12041 Seniority for Layoff Purposes

Computation of Seniority for layoff purposes shall include all periods of continuous paid employment in the classified service. Seniority shall be maintained, but shall not increase during any period of leave without pay. Service accrued before a previous layoff shall be included.

12042 Department Head Responsibility

Whenever it becomes necessary to invoke layoff procedure, the department determines the classifications and number of positions affected and the date reduction is to take effect. The department head then submits this information in writing to the Director, together with an explanation of the reasons therefore, a minimum of thirty (30) calendar days in advance of the date on which layoffs are to occur.

12043 Director's Responsibilities in Layoff

The Director determines the individuals to be laid off for the initial class in which layoff is to occur and for succeeding lower levels of displacement as anticipated in accordance with Section 12048.1 of this rule.

12044 Layoffs to be Departmental

Layoffs are made within the department involved rather than service wide.

12045 Order of Layoff - Seniority

Layoffs will be determined based on an inverse order of seniority computed on the basis of County wide service. All provisional and probationary employees will be separated in that order prior to the layoff of any employee with permanent status. All layoffs shall be accomplished based on the provisions of this Section unless the department head requests, and the Director, after consulting with the County Administrative Officer, approves the alternative provided in Section 12046 of this Rule.

12046 Order of Layoff - Seniority and Employee Performance

A department head may request that the Director determine the order of layoff taking into consideration employee performance as well as seniority. This may be done as follows:

12046.1 All provisional and probationary employees must first be separated.

12046.2 Employees with less than one year of continuous service shall be laid off based on seniority alone.

12046.3 For layoff purposes individual employees' efficiency rating, shall be the most recent, regular employee performance report. Such report must have been discussed with the employee at the time and evidenced by the employee's signature or other suitable proof that the employee was aware of the substance of the report.

12046.4 The Director shall determine order of layoff as follows:

12046.41 Employees having unsatisfactory efficiency ratings shall be laid off first in the inverse order of their seniority.

12046.42 Employees having improvement needed efficiency ratings shall be laid off next in the inverse order of their seniority.

12046.43 Employees having standard efficiency ratings shall be laid off third in the inverse order of their seniority.

12046.44 Employees having above standard/outstanding efficiency ratings shall be laid off in the inverse order of their seniority.

12047 Notice of Separation

Incumbents of permanent positions with either probationary or permanent status will, insofar as possible, be given a minimum of fifteen (15) calendar days notice prior to separation as a result of layoff.

12048 Layoff Privileges

Following are the options open to affected individuals in each layoff instance:

12048.1 Displacing to a Lower Class

An employee affected by layoff may, at his/her discretion, displace an employee at the next lower class in the series, or in succeeding lower classes in the series who has less seniority. Seniority computation for displacement purposes are made as determined for the original layoff. Permanent, part-time employees who displace full-time employees must convert to full-time status. Employees in positions where foreign language skills are required, can only be displaced by similarly qualified employees.

12048.2 Layoff Eligible List

Names of employees with permanent status who have laid off will be placed on the appropriate layoff list as specified in Chapter 4-Selection Processes.

12048.3 Employees to be laid off will be permitted to transfer or demote at the discretion of the appropriate department head(s) prior to the layoff effective date. Transfer or demotion may be made to any job classification the duties of which, in the judgment of the department head and Director, they are capable of performing. When an employee transfers or demotes in accordance with provisions of this Section and is required by the department head to complete a new probationary period which results in his/her rejection during probation he/she shall not be required to forfeit his/her status on any layoff list.

12048.4 Separation from County Service

Employees who are to be laid off have the option of leaving County service rather than displacing in a lower class, transferring or demoting.

12048.5 Employment Interviews

Department heads who are referred the names of individuals on a general layoff list of persons designated for layoff shall personally assure that such persons are provided an employment interview.

12048.6 Employees who are laid off and rehired within two years shall have their seniority (hours in service) for vacation accumulation purposes restored to them as of the date of layoff.

12048.7 Employees who are laid off and rehired within two years shall have all unused sick leave as of the date of layoff restored to them. This shall not apply to employees who received sick leave pay off.

12050 Furlough

Furlough is a temporary reduction of the regular work week, invoked by the County Board of Supervisors as an alternative to layoff where layoff could not be accomplished by attrition.

12051 Scope

The furlough may extend to selected classes, departments or may be County-wide.

12052 Duration

Furloughs shall not exceed twenty (20) days in any fiscal year, nor more than eight (8) hours in any single work week.



COUNTY OF KINGS
California
PERSONNEL RULES

Chapter 13
Compensation Plan Administration
Effective Date: 12/20/1988
Last Revision Date: 06/03/08

CHAPTER 13
COMPENSATION PLAN ADMINISTRATION

This rule describes the processes used in determining and compensating County employees for their service.

13010 Definitions

13011 Actual Service

For the purpose of determining the amount of sick leave and vacation earned, the term "actual service" shall mean the number of days regular hours actually worked on the job and the major fraction of working days within a biweekly pay period shall be deemed one pay period of actual service provided, however, that absence from work due to sick leave with pay, vacation with pay, injury or illness incurred in County service and absence on temporary military duty shall be deemed actual service.

13012 Anniversary Date

An anniversary date is a date from which time is computed to determine eligibility for advancement within the salary range for a given class. It is established initially by the date of entrance into county service and thereafter by effective dates of advancement within a salary range; and by the effective dates of any subsequent promotions or upward reclassifications and succeeding step advancements. Step advancements shall be effective on the first day of the pay period following the completion of the required period of service.

13013 Basis of Pay

For the purpose of determining an employee's compensation, he/she shall be paid an hourly wage unless otherwise indicated in the County Ordinance Code or Salary Resolution.

13014 Continuous Service

For the purpose of determining eligibility for sick leave allowance, eligibility for step advances and vacation eligibility, the term "continuous service" shall mean that service commencing with appointment to a position and continuing until broken by resignation or discharge.

13015 Satisfactory Service

Satisfactory service is hereby defined as meeting the work and conduct standards established by the department.

13016 Special Hiring Rate

Amendment of the Salary Resolution to permit hiring at a specific step above the first for a particular classification shall establish the initial hiring step as the minimum salary for employees within that class. Incumbent employees who are on steps lower than the recruitment step shall be advanced to the new minimum salary effective the same date

13017 Y-Rated

Continuance of present salary when an employee's position is reclassified downward and his/her present salary is above step 5 of the salary range to which the new classification is assigned. This salary continues for the employee affected until the fifth step of the salary range for his/her new classification equals or exceeds the continued salary.

13020 Payday

Personnel are paid bi-weekly within 5 working days after the close of each pay period. Pay periods close on every other Sunday.

13030 Timekeeping

Each department head is responsible for keeping records of employee attendance. At the time attendance sheets are submitted to the Auditor, department shall certify that each employee in their department has performed the number of hours work shown on the attendance sheet.

13040 Certification Before Payment

Except as otherwise required by State Law, the Auditor shall not approve any salary or compensation for services for any person holding or performing the duties of any position in the classified or unclassified service, unless he/she has in his/her possession a form certified by the Director to the effect that the name, title and rate of pay of the person to be paid are in accordance with the provisions of the County Ordinance Code, and the County Salary Resolution.

13050 Step Advancement

In those classifications which have five step ranges, the five steps shall be interpreted and applied as follows:

13051 The first step is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel or if a person of unusual qualifications is engaged, the department head may, with the concurrence of the County Administrative Officer, hire at the second or third step. Above the third step appointments are possible only with the approval of the Board of Supervisors.

13052 The second step is an incentive advancement to encourage an employee to improve his/her work. Employees may be advanced to the second step after six months (1040 regular working hours for full time employees) of actual and continuous satisfactory service at the first step upon written recommendation of the department head

13053 An employee may be advanced to the third step after the completion of one year (2080 regular working hours for the fulltime employee) of actual and continuous satisfactory service at the second step upon written recommendation of the department head.

13054 An employee may be advanced to the fourth step after the completion of one year (2080 regular working hours for the full time employee) of actual and continuous satisfactory service at the third step upon written recommendation of the department head

13055 An employee may be advanced to the fifth step after the completion of one year (2080 regular working hours for the fulltime employee) of actual and continuous satisfactory service at the fourth step upon written recommendation of the department head.

13060 Anniversary Date

13061 First Anniversary Date

The first anniversary date shall be the first day of the pay period following the completion of six months (1040 regular working hours for the full time employee) on original appointment or as a result of promotion or reclassification to the first step of a higher salary range.

13062 Advanced Step

If employed, re-employed, promoted or reclassified to a position, the rate of pay for which is other than the first step of a range, the anniversary date for subsequent advances within said range shall be the first day of the pay period following the completion of one year (2080 regular working hours for full time employees) in paid status.

13063 Notice of Anniversary Date

Each department head will be notified by the Director two pay periods prior to the salary advancement date of each employee in the classified or unclassified service prior to the anniversary date, the department head shall review the

employee's performance to determine whether or not the employee is entitled to a merit advancement within the provisions of these rules. The department head shall make a performance evaluation on forms and in the manner prescribed by the Director, a copy of which shall be forwarded to the Personnel Department and placed in the employee's personnel file.

13064 Postponing Anniversary Date

If the work of an employee does not meet required standards, the department head may delay such employee's anniversary merit pay increase until such time as said employee has demonstrated a work performance which entitles him/her to a merit pay increase. If the step advance is disallowed, the performance rating form shall contain the signature of the employee acknowledging notice of the disallowance and the reason therefore. The responsibility for submitting a written allowance of increase after disallowance shall be with the department head.

13065 Anniversary Date Overlooked

If an employee's anniversary date is overlooked through an error, upon discovery of the error, the Auditor shall honor additional compensation within the next pay period after said action should have been taken, and employee shall be paid at the increased rate from the anniversary date.

13066 Department Head's Anniversary

In the case of appointed department heads, the County Administrative Officer shall submit merit advancements to the Board of Supervisors.

13067 Performance Reports

A performance report is required annually for each employee in the classified service. A performance report for each employee recommended for anniversary advancement shall be submitted to the Director together with such recommendation. Such performance report shall indicate service of a quality consistent with the proposed advancement and shall be on forms provided by the Director.

13070 Other Salary Changes

In addition to step advancements, an employee's salary and/or job classification may be adjusted by:

13071 Salary Range Adjustments

When a salary range adjustment occurs, an employee shall be placed on the same step within the new range as he/she occupied within the old range. Anniversary dates remain unchanged when salary range adjustments occur.

13072 Promotion

When an employee is promoted to a classification having a higher range, he/she shall be placed on such step of the new range as to receive the nearest bi-weekly salary that provides a minimum 5% increase over that salary formerly received. The provision of a minimum 5% salary increase shall not apply in the instance of promotion to a range in which there is no step which would allow an increase greater than 2 1/2%. The employee's anniversary date will be changed to coincide with the effective date of promotion.

13072.1 If an employee does not pass the probationary period and returns to the class in which he/she held permanent status, the employee shall be returned to the salary to which he/she would have been entitled if the promotion had not occurred.

13073 Reclassification Upward

When an employee's position is reclassified upward, his/her salary shall be treated exactly as though he/she were receiving a promotion.

13074 Demotion

When an employee is demoted to a classification having a lower salary range, he/she shall be placed on such step of the new range so as to receive the same salary he/she was receiving under the old range. If the same salary is not a step in the new range, he/she shall be placed on such step of the new range as to receive the nearest lower salary. The employee's anniversary date will remain unchanged.

13074.1 If an employee voluntarily demotes during the probationary period and subsequently returns to the class from which he/she was promoted, the employee shall be returned to the salary to which he/she would have been entitled had the promotion not occurred.

13075 Reclassification Downward

When an employee's position is reclassified downward, he/she shall be placed either: (a) on such step of the new range as to receive the same salary he/she was receiving under the old range; or (b) he/she shall be placed on the step of the new range next higher than his/her present salary if the present salary is between steps of the new range; or (c) his/her salary shall be Y-rated, if above the fifth step of the range and shall remain unchanged until such time as general salary adjustments increase the salary for the new classification to a range which encompasses the Y-rated salary. The employee's anniversary date will remain unchanged.

13076 Administrative Salary Reduction

A department head may reduce an employee from any step of the salary range to any appropriate lower step of the same range upon failure of the employee to maintain a standard of work reasonably expected of one on the range and step on which he/she has been placed. In such event, the employee may again be raised by the department head to any step not higher than that from which he/she was reduced without any time requirement or other consent, when in the opinion of the department head the standard of service has been reestablished.

13077 Lateral Transfer

When an employee transfers to a position in a different job classification within the same salary range, he/she shall continue to receive his/her current salary and the anniversary date will remain the same.

13078 Layoff, Reorganization or Special Circumstances

In instances relating to layoff, reorganization, or special circumstances, an employee accepting or wishing to accept a position in a classification having a salary range lower than that in which he/she presently has status may have his/her salary maintained in accord with Section 13075, Reclassification Downward. If it is determined to be in the best interest of the County, the County Administrative Officer may authorize such action.

13079 Special Salary Upgrading

The County Administrative Officer may authorize a special salary upgrading for the incumbent of a permanent position who is temporarily assigned the work of a higher position where determination is first made that such action will be in the best interest of the County. In making this determination the County Administrative Officer shall take into consideration the recommendation of the Director and appropriate department head(s) involved. Upgrading may only be made in cases where:

13079.1 A permanent position incumbent is expected to be absent a minimum of thirty days or more.

13079.2 A permanent position vacancy exists and organizational considerations are necessary prior to its being filled permanently.

13079.3 The best interests of the County would be served from either a special project completion, training or special assignment standpoint.

- 13079.4** Upgradings may extend for no longer than six months except that the County Administrative Officer may, when extenuating circumstances exist, approve an extension of up to a maximum of three months.
- 13079.5** Merit System status and classification title for employees receiving a special salary upgrading shall remain unchanged.
- 13079.6** Special Salary upgrading shall not be approved if it is expected at the outset that the duration will exceed six months and its purpose is to perform the duties of an absent permanent position incumbent or those of a vacant permanent position. In these instances, positions shall be filled in the normal manner on a permanent basis by processes specified for either classified or unclassified positions.
- 13079.7** Upgraded salary under this section shall be computed as though the employee were receiving a promotion (see Section 13072). Upon termination of the special salary upgrading, the employee shall be returned to the salary of his/her own permanent position to which he/she would have been entitled if the upgrading had not occurred.
- 13079.8** If the employee receiving a special salary upgrade is subsequently appointed to the position, he/she may receive up to three months time-in-step, upon request of the department head, for time worked in the special salary upgrading. This time will count towards completion of the new probationary period.

13080 **Reinstatement**

When an eligible employee is reinstated to a position in which he/she had permanent status, he/she shall be placed on the same step of the salary range that he/she occupied at time of separation. The individuals' vacation accrual shall be set at the same rate as that earned at the time of separation and future adjustments will be earned as if the employee had been on unpaid leave and there had been no break in service.

13081 **Exceptional Salary Changes**

In any case where by reason of unusual circumstances, rigid adherence of the foregoing principles relating to salary adjustments or appointments would be discriminatory, unfair or detrimental to the best interest of the County, the County Administrative Officer, after having received the recommendation of the Director thereon, may make such order relating thereto as in the Administrator's opinion is not contrary to the general intent hereof and under all the circumstances is just and proper. The Board of Supervisors shall be informed at the next regularly scheduled meeting.



COUNTY OF KINGS
California
PERSONNEL RULES

Chapter 14
Discrimination Complaint Procedure
Effective Date: 12/20/1988
Last Revision Date: N/A

CHAPTER 14
DISCRIMINATION COMPLAINT PROCEDURE

Any employee or applicant for employment with Kings County who believes he/she has been (unlawfully) discriminated against in any aspect of personnel administration because of race, color, religion, national origin, age (over 40), sex, marital status, medical condition or disability may seek solution by means of this discrimination complaint procedure. In situations where either the grievance procedure or discrimination complaint procedure may be used, the employee may elect either procedure but not both.

14010 Coordinator

The Personnel Director shall act as the Affirmative Action Coordinator and appoint counselor(s) who shall attempt to resolve the complaint on an informal basis.

14020 Informal Complaint Procedure

If the complainant desires pre-complaint (informal) counseling regarding alleged discrimination he/she may contact the Affirmative Action Coordinator who will appoint a counselor to discuss the matter with the complainant. The Counselor has thirty (30) calendar days to make whatever inquiries he/she deems necessary in an attempt to resolve the matter on an informal basis. If the matter is not resolved within the thirty (30) day period the counselor shall advise the complainant of the right to file a formal complaint with the Affirmative Action Coordinator.

14030 Formal Complaint Procedure

The complainant has thirty (30) calendar days from the date of the alleged discrimination act or 30 days from completion of the informal resolution process, whichever is later, to file a formal complaint with the Affirmative Action Coordinator on a form provided for this purpose. The Coordinator shall have thirty (30) calendar days to process the complaint except where additional time for legal or medical interpretation is required by a source outside the County structure. All parties shall be notified of such extensions.

14030.1 Representation

The complainant shall have the right to be represented by an individual of his/her choosing at any and all steps in the formal complaint procedure.

14030.2 Investigation

The Coordinator shall inform the Department Head of the complaint, conduct inquiries into all aspects of the complaint, develop written recommendations and submit such recommendations to all parties, including the California State Personnel Board Merit System Services. If the complaint is found to be warranted, the Coordinator shall make efforts to resolve the complaint by conference, conciliation or counseling.

14040 Appeals

If either the complainant or the Department Head is dissatisfied with the decision of the Affirmative Action Coordinator, he/she may request an appeal within ten (10) calendar days from the receipt of the decision. The Personnel Appeals Board described in Chapter 1 shall serve as the Appeals Board for discrimination complaints.

14050 Distribution

A copy of this procedure shall be made available to each employee and applicant for employment and will be kept posted on appropriate public and employee bulletin boards in each department.



COUNTY OF KINGS
California
PERSONNEL RULES

Chapter 15
Sexual Harassment Policy

Effective Date: 12/20/1988
Last Revision Date: N/A

CHAPTER 15
SEXUAL HARASSMENT POLICY

The County of Kings is committed to providing a work environment that is free from unlawful discrimination, including sexual harassment, in accordance with applicable state and federal law. It is the policy of the County of Kings that sexual harassment is unacceptable conduct in the workplace and that sexual harassment by any employee, supervisor, manager, official or nonemployee, male or female, of another person will not be tolerated. Sexual harassment constitutes unlawful sex discrimination and is grounds for disciplinary action, up to and including termination.

15010 **Definition**

Sexual harassment is prohibited behavior as defined in Section 15020 below when:

- 15010.1** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or;
- 15010.2** Submission to or rejection of such conduct is used as the basis for employment decisions, or;
- 15010.3** Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

15020 **Prohibited Behavior**

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. The victim defines what is unwelcome. Behavior that constitutes sexual harassment includes, but is not limited to:

15020.1 **Unwanted Sexual Advances**

Continuing to express sexual interest after being informed or otherwise made aware that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)

15020.2 **Favors**

Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

15020.3 **Reprisals**

Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to sexual advances. For example, either threatening to withhold or actually withholding support for an appointment, promotion, or change of assignment, or suggesting that a poor performance appraisal will be given.

15020.4 Visual Conduct

Leering, sexual gestures, display of sexually suggestive objects or pictures, cartoons, posters, magazines, or other materials.

15020.5 Verbal Conduct

Making or using derogatory comments, slurs, jokes or epithets or verbal sexual advances or propositions.

15020.6 Verbal or Written Abuse

Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.

15020.7 Physical Conduct

Any offensive or uninvited touching, brushing against, or impeding or blocking movement.

15030 Prohibited Supervisory Behavior

The following behavior by County officials and supervisory employees shall constitute grounds for disciplinary action:

15030.1 Failing to Take Corrective Action

Failing to take corrective action when the officials or supervisory employees know, or have reason to know, that an employee in the line of supervision of the official or supervisor is being subjected to sexual harassment on the job by anyone; or,

15030.2 Retaliation

Retaliation against an employee or applicant for employment who complained of sexual harassment, or who testified on behalf of one who made a complaint, or who assisted or participated in any manner on behalf of a complainant in an investigation, proceeding or hearing conducted under this policy.

15040 Department Responsibility

Every department has an obligation to assure that the work environment is free from all types of unlawful discrimination, including sexual harassment. Prompt, appropriate action to prevent occurrence of sexual harassment is expected.

Department heads, other managers and supervisors are responsible for the on-the-job actions of their employees. Department heads shall ensure that employees, supervisors and managers are aware of the County's policy. Supervisory training and employee orientation programs shall include information about the County's sexual harassment policy.

15050 **Employee Responsibility**

15050.1 It is the responsibility of each employee to insure strict adherence to the policy.

15050.2 Some people are not aware that their behavior is offensive or potential harassment. Often, simply advising someone of the offensive nature of her/his behavior can resolve the problem. The first course of action should be to inform the harassing party that his or her behavior is unwelcome, offensive, in poor taste or highly inappropriate. If this does not resolve the matter or if an employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, the complaint procedure shall be used.

15060 **Complaint Procedure**

The County recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect, requires a determination based on all facts in the matter. Given the nature of this type of discrimination, the County also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. All County employees shall act responsibly to establish and maintain a pleasant working environment, free of all discrimination, for all. The County encourages any employee to raise questions regarding discrimination or affirmative action with the Personnel Department. Any person who believes he or she has been the subject of sexual harassment shall report the alleged act immediately to his or her supervisor, department head or the Personnel Department.

15060.1 **Notification of Complaint**

A supervisory employee receiving a complaint of sexual harassment shall immediately inform the Department Head and/or the Personnel Department. All departments will promptly notify the Personnel Department of any sexual harassment complaint received which is not resolved at the departmental level.

15060.2 **Confidentiality**

All complaints will be treated seriously and handled in a timely and confidential manner. In no event will information concerning a complaint be released by the County to third parties or to anyone within the County who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.

15060.3 **Investigation**

The Personnel Director, or designee, will have full authority to investigate all aspects of the complaint. Investigation of a complaint will normally include conferring with the parties involved and any apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.

15060.4 **Results**

If the investigation reveals that the complaint is valid, prompt attention and action designed to stop the harassment immediately and to prevent its recurrence will be taken. Disciplinary action up to and including dismissal will be taken upon a finding that a County official or employee has engaged in prohibited sexual harassment as defined herein.

15070 **Notification of Policy**

The sexual harassment policy bulletin shall be displayed on all official County and department bulletin boards. A copy of the sexual harassment policy bulletin shall be given to all new employees. Periodic training will be conducted regarding the County's policy on sexual harassment and procedures to follow if it occurs. Such training shall be mandatory and ongoing.

DEFINITIONS

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

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

Application Form: The official form designated by the Director for employment application purposes.

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

Board: The legally appointed Kings County Personnel Appeals Board.

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

Certification: The submission to an appointing authority, in accordance with procedure established in Chapter 4, of the names of eligibles from which the appointing authority shall make a selection to fill permanent or extra-help positions.

Classified Service: Includes all positions not specifically included as being in the unclassified service as determined by the Board of Supervisors.

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

Class Series: A group of classes having the same general character of work but differing as to level of difficulty and responsibility.

Class Specification: A written description of a class identifying factors and conditions which are essential characteristics of the class including the minimum qualifications for performing work in the class as well as typical duties, responsibilities and tasks.

County: County of Kings. A unit of general purposes local government established under provisions of General Law in the State of California.

DEFINITIONS

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

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

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

Director: Director of Personnel.

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

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

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

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

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

Experienced Level Class: A classification requiring experience gained either by employment in a trainee class in the same class series in Kings County or other employment outside the County service.

Extra Help Appointment: Any appointment which is temporary or seasonal in character and is not an appointment to a permanently allocated position.

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

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

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

DEFINITIONS

Pay: Salary or wage paid an employee for performing the duties of a position.

Permanent Employee: An employee who has been granted permanent status.

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

Position: A group of current duties and responsibilities requiring the full time or part time employment of one person.

Probationer: A legally appointed employee who has been certified and appointed to a permanent position, but who has not completed the probationary period.

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

Promotion: Advancement of an employee to a class allocated to a higher salary range.

Provisional Appointment: Appointment made to a permanently allocated position when no employment list exists. Individuals appointed must meet the minimum qualifications for the job classification.

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

Seniority: Regular hours of continuous employment in the County service in permanently allocated positions.

Trainee Class: A class filled by examination but with minimum qualifications requiring no specific prior work experience and in which an individual so employed is trained or gains experience to perform an the experienced level in the class series.

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

Unclassified Service: Includes all positions exempted from the classified service as defined by the Board of Supervisors.

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